

SENATE*Tuesday, June 27, 2023*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Dr. Amery Browne who is ill. And before I continue with this procedure, please permit me to revert to this item on the Order Paper at a later time in the proceedings.

SPECIAL SELECT COMMITTEE REPORT**Miscellaneous Provisions (Trial By Judge Alone) Bill, 2023
(Presentation)**

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Mr. President, I have the honour to present the following report:

Report of the Special Select Committee of the Senate appointed to consider and report on the Miscellaneous Provisions (Trial By Judge Alone) Bill, 2023, Third Session (2022/2023), Twelfth Parliament.

ANSWERS TO QUESTIONS

Mr. President: Acting Leader of Government Business.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you, Mr. President. The Government is in a position to answer all questions—all oral questions on the Order Paper.

Mr. President: Sen. Mark.

ORAL ANSWERS TO QUESTIONS**Dimanche Gras 2023 Production
(Details of)****UNREVISED**

77. Sen. Wade Mark asked the hon. Minister of Tourism, Culture and the Arts:

As regard the Dimanche Gras 2023 production, can the Minister advise as to the following:

- (i) whether the show was produced by the Deputy Chairman of the National Carnival Commission (NCC);
- (ii) if the answer to (i) is in the affirmative, was the Deputy Chairman paid any special fees for the services provided;
- (iii) if the answer to (ii) is in the affirmative, what was the quantum paid;
- (iv) what was the tendering process used to select the producer of the show;
- (v) when was the tender in respect of the production of the show advertised; and
- (vi) who comprised the Tenders Committee?

Mr. President: The Minister of Tourism, Culture and the Arts.

Hon. Senators: [*Desk thumping*]

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Mr. President. In respect of the first part of the question, in the planning and preparation in the lead up to Carnival 2023, the Board of the National Carnival Commission of Trinidad and Tobago assigned the responsibility to the Deputy Chairman to oversee and manage the execution of, among other things, the Dimanche Gras show.

With respect to part (ii) of the answer and of the question, no special fees were paid to the Deputy Chairman for the services provided and in that regard, all other parts of the question are therefore not applicable.

Mr. President: Sen. Mark.

Sen. Mark: Thank you, Mr. President. Mr. President, through you, to the hon. Minister, can the Minister indicate whether the North Central Regional Authority would have paid the Deputy Chairman, who is the CEO of the North Central Regional Health Authority, fees for conducting the affairs of the NCC for preparation for Dimanche Gras 2023? I can the hon. Minister to help us here.

Mr. President: The question does not arise, Sen. Mark. Next question.

Sen. Mark: Mr. President, may I ask, through you, to the hon. Minister whether there was any conflict of interest arising out of this individual being Deputy Chairman of the NCC and being the CEO of the North Central Regional Health Authority in executing this particular project for the NCC for free?

Mr. President: Minister.

Sen. The Hon. R. Mitchell: The answer to the question, Mr. President, is, no. The NCRHA deals with medical issues. The NCC deals with carnival.

Mr. President: Sen. Mark.

Sen. Mark: Can the Minister categorically confirm or deny whether the Deputy Chairman was not paid any fees by any government agencies for carrying out this project for the NCC for Dimanche Gras 2023? Can the Minister categorically confirm, because he was categorical, no fees were paid? I am just going a step further.

Mr. President: So, Sen. Mark, that question was asked and answered already. Next supplemental.

Sen. Mark: Mr. President, can the Minister indicate whether the NCC has any policy as it relates to code of conduct or code of ethics concerning personalities involved with the NCC where they perform two functions simultaneously and which conflict could arise? Is there a code of ethics or a code of conduct governing members of the NCC Board in carrying their duties, particularly, Mr.

President, when they are employed in other state agencies? I think this is a relevant question and I think—

Mr. President: The question does not arise, Sen. Mark. Next question on the Order Paper.

Sen. Mark: Okay.

**Closure of Bank Account at the Embassy of T&T in Belgium
(Details of)**

78. Sen. Wade Mark asked the hon. Minister of Foreign and CARICOM Affairs:

In light of the impending closure of the bank account of this country's Embassy in Belgium in May 2023, as part of the European Union's measures to mitigate money laundering risks, can the Minister advise as to the following:

- (i) whether a forensic investigation has been launched into the Embassy's financial operations;
- (ii) what are the implications, if any, of said closure on the Embassy's operations;
- (ii) whether any other bank accounts of this country's Embassies and Missions overseas have been closed or face impending closure; and
- (iv) if the answer to (iii) is in the affirmative, what measures, if any, are being taken by the Government to prevent this such action?

Mr. President: Acting Leader of Government Business.

Hon. Senators: [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):
Thank you very much, Mr. President. Trinidad and Tobago has complied with all of the requirements of the Financial Action Task Force which resulted in the

organization delisting this country in February 2020. The FATF, or F-A-T-F, is the international standard setting entity on anti-money laundering and countering the financing of terrorism.

It is therefore a false premise to state that the closure of the bank account of the Embassy of Trinidad and Tobago in Brussels was part of the EU's measure to mitigate money laundering risk. In reality, as result of new banking protocols in Belgium, many embassies and/or foreign missions have been adversely affected and many foreign missions in Belgium have been required to close their existing bank accounts and make new banking arrangements. Trinidad and Tobago is therefore not unique in its current challenges which are expected to be temporary and short term in duration.

2.40 p.m.

In particular, recognizing the banking challenges faced by foreign missions, the Federal Public Service, Foreign Affairs, Foreign Trade and Development Corporation of the Kingdom of Belgium, which is the Belgium foreign Ministry, in March 2023, informed that the law on basic banking services, which is the law of November 08, 2020, as revised on September 25, 2022, was amended to allow diplomatic and consular missions to open bank accounts to make payments under specific conditions as provided for in the Royal Decree on implementation. Because of the new banking protocols, a new legislative framework had to be established in Belgium which led to the creation of basic banking services of the Federal Public Service Economy that will designate credit institutions as a provider of banking services, basic services, to embassies. And so, therefore, there is no need for a forensic investigation into our embassy's financial operations, and no such investigation has been or will be launched as a result of this issue.

With regard to part (ii): the embassy is in a very advanced stage of

transitioning to another bank account with BNP Paribas Fortis, which has been designated to open an account with the embassy by the federal authorities in Belgium. The embassy has since fulfilled requests from the bank by completing the client legal entity documentation, provided the specimen signatures of the signatories to the account, completed customer relationship agreements of each signatory to the account, verification of identification cards and an online interview with the representative of the bank. In the interim, until all new arrangements in place with this bank, the alternative arrangements for the payment of salaries and bills have been made. It is expected that the new bank account will be opened in early July 2023.

With regard to part (iii): the bank account of the Embassy of Trinidad and Tobago in Caracas was closed by Bank of America in December 2017 due to a general de-risking exercise, removing embassies located in Caracas from their client list, following the levying of additional sanctions and financial regulations related to the Bolivian Republic of Venezuela by the United States of America, the European Union, Canada, and actions taken by the United Kingdom of Great Britain and Northern Ireland. The mission in Panama was also advised, by letter June 06, 2018 for the Bank of Nova Scotia that the agreement for maintaining its savings account would cease. The mission noted that prior to the letter from the Bank of Nova Scotia the mission was required to make consecutive transfers on behalf of the Embassy of the Republic of Trinidad and Tobago in Caracas, Venezuela, directly to the accounts of staff and service providers. The frequent transfers may have been the reason for the Bank of Nova Scotia's decision to cease the bank account.

However, it may be noted further that on the occasions of the transfers, the mission consulted the bank on the permissibility of the transfers which were

ultimately processed. The matter was fully resolved with the opening of another account at another bank in Panama in July 2019. The High Commission for Trinidad and Tobago in Ottawa, Canada, was notified on October 2022 by the Bank of Montreal of the intention to close the mission's bank account and an account was opened at another bank in February 2023. The High Commission for Trinidad and Tobago in Abuja, Nigeria, is considering changing banks due to the introduction of charges by its current service provider.

Mr. President: Minister, the time frame for answering the question has ended.

Sen. The Hon. P. Gopee-Scoon: Thank you.

Mr. President: Sen. Mark.

Sen. Mark: Thank you, Mr. President. In respect of the closure of the bank account—

Sen. The Hon. P. Gopee-Scoon: Which one?

Sen. Mark:—in Belgium, as you had indicated, the hon. Minister spoke about specific conditions imposed by the authorities in Belgium. Can the Minister share with this honourable House—Senate, what were these conditions?

Mr. President: Minister.

Sen. The Hon. P. Gopee-Scoon: What I can say—I mean, cannot speak on behalf of another sovereign state, but to the best of my knowledge my understanding is that a new legislative framework had to be established and it created this chamber of basic banking services of the Federal Public Service Economy that will designate a credit institution, as I told you, as a provider of basic banking services to embassies.

And so embassies were then given a circular note verbale from the Belgium foreign Ministry informing that the banking sector is ready to constructively reassess business relations with relevant missions, where embassies are threatened

by interruption to their banking relations. And therefore, the banks concerned were able to consider the new situation, and they were dealt with on a case-by-case basis, and at that time I believe that all diplomatic missions were invited to contact the bank with whom they had had a business relationship directly with a view to reopening their accounts. What you can see from this is clearly, from this context, is that the challenge in Brussels impacted embassies and so on, was a very general one and not one peculiar to Trinidad and Tobago.

Sen. Mark: Yes, thank you, Mr. President. Mr. President, can I ask the hon. Minister, having regard to Panama and the closure of its accounts by the Bank of Nova Scotia or Scotiabank, whatever it is called, can the Minister indicate, having settled whatever challenges that that account faced at the material time, why was the Government forced to open a savings accounts at another bank and not continue with their savings accounts at the Bank of Nova Scotia having regard to the settlement of whatever challenges that may have arisen prior to the savings account being closed? I think we need some clarification on that matter.

Sen. The Hon. P. Gopee-Scoon: Thank you. I think the Member would realize that our embassy in Panama rose to the occasion to solve the situation which occurred in Caracas, and therefore recognizing that there were—possibly recognizing that they were being interrogated for the depositing of moneys directly into accounts of persons in Caracas, they moved ahead to open an account elsewhere. And I think it is on the basis of the fact that they wanted to ensure that there was a smooth operation in banking activities in Panama, that they sought—that the decision to wisely continue the smooth operations in another bank was taken with consultation with, of course, the headquarters in Trinidad and Tobago.

I do not think anybody would have—any embassy or any authority on behalf of the embassy, or on behalf of the mission—of the Ministry in Trinidad and

Tobago would have waited until a crisis would have been on their hands to then realize that we have no bank account. So I think they would have gone ahead to ensure that there would always be the smooth running of financial operations in Panama, and also to accommodate Venezuela.

Sen. Mark: Mr. President, is the Minister aware that the United States Government, according to information reaching us, actually was engaged in investigating our embassies as it relates to the possibility of money laundering, on behalf of the regime in Caracas using our embassies both in Caracas—

Mr. President: So, Sen. Mark, you need to ask a question, so I am assuming you are asking if the Government is aware?

Sen. Mark: I am asking the hon. Minister whether—

Mr. President: Shorten it, please.

Sen. Mark:—Trinidad and Tobago was under any sort of investigation by the United States Department of Justice as it relates to the possibility of our embassies being used as conduits for money laundering on behalf of the regime in Venezuela?

Mr. President: Okay. So that question does not arise. Sen. Mark, next question, the supplemental.

Sen. Mark: Mr. President, can the Minister indicate how Trinidad and Tobago became so unfortunate to have their accounts closed, not only in Belgium, but also in Toronto, in Nigeria, and in Panama? Can the Minister offer to this honourable Senate an explanation for these coincidences resulting in several of our savings accounts being closed in very critical embassies within a short period of time? There is need for some clarification here.

Sen. The Hon. P. Gopee-Scoon: Mr. President, I believe I would have given a sufficient enough explanation with regard to all of the different circumstances.

Hon. Senators: [*Desk thumping*]

Mr. President: Next question on the Order Paper, Sen. Mark.

Sen. Mark: So I have supplemental, Sir, I think is three I asked.

Mr. President: No, you have four—Sen. Mark, there are four supplementals that have been asked. Next question on the Order Paper.

Sen. Mark: How about a forensic criminal investigation, whether we need that? All right, Mr. President, thank you. Mr. President, which one I go on to? The last one, right?

Mr. President: Seventy-nine.

Sen. Mark: Yes, thank you, Mr. President.

Carlsen Field, Chaguanas

Reason(s) for the Failure of the Praedial Larceny Unit

79. Sen. Wade Mark asked the hon. Minister of Agriculture Land and Fisheries:

Can the Minister provide the reason(s) for the failure of the Praedial Larceny Unit to provide urgent assistance to a livestock farmer whose animals were stolen from his farm located a few metres from its offices at Carlsen Field, Chaguanas?

Mr. President: Minister in the Ministry of Agriculture, Land and Fisheries.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Agriculture, Land and Fisheries (Sen. The Hon. Avinash Singh): Thank you, Mr. President. Mr. President, an enquiry into the matter revealed that the victim of Kay Street, Frederick Settlement, Caroni, did present himself to the central unit of the praedial larceny unit located at Roosevelt Avenue, Carlsen Field, to report the loss of six cows from his farm located at Hospital Road, Carlsen Field. Unfortunately, the farmer did not stay very long at the praedial larceny unit, and almost immediately left to the location and went

directly to the Chaguanas Police Station to make his report. A senior officer of the Praedial Larceny Squad would have subsequently visited the victim at his farm to ascertain some more details of the incident and confirmed that the officers of the CID, Criminal Investigations Department, are currently investigating this particular matter.

It should be noted that a meeting was held between the Livestock and Livestock Products Board and the Senior Superintendent, Central Division of the Trinidad and Tobago Police Service where it was agreed that the TTPS will directly assist with incidents of larceny of livestock until the praedial larceny unit is fully staffed and operational. Mr. President, I give the assurance that all technical assistance would be given by the Praedial Larceny Squad to the Trinidad and Tobago Police Service in these instances. Thank you.

Sen. Mark: Mr. President, can the hon. Minister indicate to this Senate whether the animals that were stolen from that farmer's compound or farm, whether they were retrieved by the Praedial Larceny Squad?

Sen. The Hon. A. Singh: Mr. President, unfortunately, I do not have that information, and as I have said in my response, the matter is currently under investigation by the CID.

Sen. Mark: Mr. President, having regard to the frequency and regularity of looting, stealing, raiding of animals by these criminals from hard-working farmers, can the Minister indicate, Mr. President, what urgent actions or measures are being taken by the Ministry to really equip the Praedial Larceny Squad, which is under-resourced and under-staffed, overworked and underpaid?

Mr. President: Minister.

Sen. The Hon. A. Singh: Thank you, Mr. President. Mr. President, I am also pleased to report that the Ministry of Agriculture, Land and Fisheries is 85 per cent

complete in its recruitment process of inspectors, sergeants and corporals, and, Mr. President, they are expected to be engaged in the coming weeks. Constables, successful candidates, will now be entering into training component which will be conducted for a duration of six weeks, and is expected to be completed by the end of August.

Mr. President, I would also go a step further and indicate that right here in this august Chamber I would have answered questions similar to this nature, and we gave the assurance that the Praedial Larceny Squad is currently reviewing its policies and operational practices. And subsequent, the hon. Minister of Agriculture, Land and Fisheries, Sen. The Hon. Kazim Hosein, went to Cabinet and got approval for an additional sum to assist the Praedial Larceny Squad in terms of equipment, machinery, vehicles and so on, which we are currently procuring at this point in time. Thank you very much, Mr. President.

1.55 p.m.

Mr. President: Sen. Mark.

Sen. Mark: Yes. Thank you, Mr. President. Mr. President, can the Minister indicate whether the Ministry has set a deadline for the completion of the training—recruitment, I should say, and training of the personnel to really strengthen this Praedial Larceny Squad? Is there a time frame for the completion of both the recruitment and training—

Mr. President: Minister.

Sen. Mark:—so that these forces could be deployed?

Sen. The Hon. A. Singh: Thank you, Mr. President. As I just said, Mr. President, it is expected that the duration of the training should last six weeks and it is expected to be completed by the end of August 2023. So in the coming weeks we are in the process of bringing on these persons. I could tell you that a lot of

persons have already been recruited and it is just now for training. So we are on top of this matter. Thank you, Mr. President.

Mr. President: Sen. Mark.

Sen. Mark: This is my final one.

Mr. President: Yes.

Sen. Mark: Mr. President, can I ask, through you, to the hon. Minister, whether he can share with this honourable Senate the current complement of staff in this particular unit? And given the recruitment and training that is currently undergoing or taking place, what will be the ultimate complement of the number of personnel that will now be responsible for managing and executing the duties of the Praedial Larceny Squad to address the challenges faced by farmers?

Mr. President: That question does not arise, Sen. Mark. That is the end of questions for oral answer.

ARRANGEMENT OF BUSINESS

Mr. President: Hon. Senators, at this point in time, permit me to revert to item 1 on the Order Paper.

SENATOR'S APPOINTMENT

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

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/Christine Kangaloo

President.

TO: MR. NDALE YOUNG

WHEREAS Senator the Honourable Dr. Amery Browne is incapable of performing his duties as a Senator by reason of illness:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, NDALE YOUNG to be a member of the Senate temporarily, with effect from 27th June, 2023 and continuing during the absence of Senator the Honourable Dr. Amery Browne by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 27th day of June, 2023.”

AFFIRMATION OF ALLEGIANCE

Senator Ndale Young took and subscribed the Affirmation of Allegiance as required by law.

**MISCELLANEOUS PROVISIONS (TRIAL BY JUDGE ALONE) BILL,
2023**

Mr. President: Acting Leader of Government Business.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Mr. President, having regard to the Report of the Special Select Committee of the Senate appointed to consider and report on the Miscellaneous Provisions (Trial by Judge Alone) Bill, 2023, Third Session (2022/2023), Twelfth Parliament, I beg to move that in the Fourth Session of the Twelfth Parliament a committee be re-established to consider and report on said Bill.

UNREVISED

Question put and agreed to.

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

[Second Day]

Order read for resuming adjourned debate on question [May 23, 2023]:

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. [Sen. J. Lutchmedial]

Question again proposed.

Mr. President: The number of speakers on the last occasion were two: Sen. Jayanti Lutchmedial, mover of the Motion, and Sen. Laurel Lezama-Lee Sing. Sen. Dr. Richards.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Paul Richards: Thank you, Mr. President, for allowing me to join this debate, moved by Sen. Lutchmedial. And if I may, with your leave, just go over the whole recital:

“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.”

Mr. President, I must say, I contemplated quite a bit before deciding to enter this debate because the way it—and I commend and thank Sen. Lutchmedial for moving this Motion because I think it is a timely discussion in these times, given what I have noticed in the last 10 or so years. And if one agrees with the Motion wholly as presented, one may be assumed to be anti-PNM or anti-government. If one rejects the Motion, one may be presumed to be pro-PNM and anti-UNC. Well, I am neither of the above.

I agree with the introductory part:

“...the Constitution of the Republic of Trinidad and Tobago....”

I agree where:

“...the Constitution provides protection to all constitutionally enshrined offices and institutions;”

Where I am at some deviance with the way the Motion is presented is that it is constrained:

“...by the actions of the Government in its engagement with constitutionally enshrined offices and institutions”—which—“have caused the public unease and concerns;”

And I really appreciate the last part, but I would also seek to widen that in my discourse which states that:

“*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.”

And I would widen that to include “all significant players in the governance structure of Trinidad and Tobago”. Because it presumes that the Government—and

while the Government does have a significant role and a pivotal role in the commitment to the principles and practice of democracy, if we constrain it to that, we are absolving many other significant entities and constitutional players in the commitment and upholding of the principles and practice of democracy in Trinidad and Tobago.

And I may go on to be so bold to say that if we do not widen it, we run the risk of leaving out some issues that have arisen in the last couple years in Trinidad and Tobago. And I think that will be a terrible oversight if we are to discuss openly and wholly the issue of commitment to the principles and practice of democracy, and also protecting enshrined institutions in Trinidad and Tobago.

So much so, I may proffer that I have heard comments in the last couple years that can be construed as attacks on the Judiciary by both the PNM and the UNC, and other political entities. I have heard comments that can be construed and are attacks in the last three iterations of the highest office-holders in Trinidad and Tobago: the presidency on President Carmona, O.R.T.T; President Paula Mae Weekes, O.R.T.T.; and present President Christine Kangaloo, O.R.T.T., and that is a constitutionally enshrined office, the highest in the land. So if we are talking about protecting institutions, we have to talk about protecting all institutions and protecting institutions from every attack, otherwise we are wasting time talking about protecting the democracy in a small sense.

I have heard in recent times, attacks on the institution—the independent institution of the Office of Commissioner of Police; strong attacks suggesting political alignment, and it is not the first time I have heard that. So if we are talking about protecting institutions, let us talk about protecting institutions in a wide sense and not cherry-pick how we want to talk about protecting institutions in

the interest of democracy. I have heard comments and situations where the Office of the DPP can be construed as being attacked. I have actually heard, and if my memory serves me correct, of suspected spyware in the Office of DPP. Is that in the interest of protecting democracy and the Office of the DPP?

I have heard attacks on the Parliament itself in Trinidad and Tobago by commentators. So if we are talking about protecting democracy and the principles, and upholding the principles of democracy, let us have the wider conversation because, as I said, I commend Sen. Lutchmedial for bringing this because I think it is a timely conversation. And these conversations I have heard and these comments, and in some instances, outright attacks, do little to uphold the principles of democracy and protect these constitutionally enshrined institutions in Trinidad and Tobago.

Mr. President, there have been issues in the past, more recently discussed in this honourable House, where both the PNM and the UNC, individually and collectively, have had incursions by some in terms of what they may perceive as issues with upholding the principles of democracy. Most recently, we had the discussion about local government election and several examples of delayed local government elections in Trinidad and Tobago—postponed, as some say. We have had the issue a delayed general election in terms of incursions on the principles of democracy in Trinidad and Tobago.

The most significant, to me, attack on the issue of an institution, an overt attack on an institution in Trinidad and Tobago was—of course, on our precious democracy is the 1990 attempted insurrection, where this very honourable House and the sitting Prime Minister was attacked by a group of terrorists—because that is what they were—holding the Prime Minister and Members of Parliament

hostage, and the attack on the police headquarters. There has been no greater attack on our democracy but that, and unfortunately, went largely unpunished. And were it not the sacrifice, the bravery, the courage and the hard work of law enforcement and the TT Defence Force, we may have been sitting here today.

Hon. Senators: [*Desk thumping*]

2.10 p.m.

Sen. Dr. P. Richards: That was upholding our democracy in Trinidad and Tobago, and the principles of democracy, and not trying to overthrow a legitimately elected government, despite your grievances.

When one thinks of upholding democracy, one thinks of threats to democracy. And democracy in a wide sense is a state governed by the whole population and/or eligible members of state who can vote when elections are due, typically through elected representatives. A democratic society upholds respect for individuals; the right of choice, in a timely manner, through elections; tolerance, respect for opinions and differences of opinions; equity and equality of treatment; valuing all sectors and/or persons equally regardless of creed, race, orientation, social class, status or disability, visible or otherwise; supporting all citizens equally to achieve their full potential.

Can we say the State of Trinidad and Tobago upholds those principles and ideals? Honestly? No matter who is in government, have we really championed that, equality of treatment to all? I would need 30 minutes or more to explore each of those. Equality, with the widening socio-economic gaps in Trinidad and Tobago, does that champion democracy; equality of treatment or the principles of democracy? And is that only the remit of the Government of the country, whoever it may be at any time? I think not. I think if we limit the issue of the championing

of democracy and the principles of democracy, and we call on the Government alone to recommit or commit to the principles of democracy, we are missing the point.

The way we treat persons with disabilities in Trinidad and Tobago alone; the inequity; the growing gaps in wealth status; the divisions in race, class; access to services and opportunities, that is not democracy if we are not really fervently exploring those ideals and putting systems in place, and policies in place, no matter who is in power to make sure that these ideals are championed, so every citizen feels they have an equal chance in Trinidad and Tobago. Every creed or race finds an equal place. That is democracy in Trinidad and Tobago, and we still have not gotten there. And, yes, the ideal of democracy is a journey but there are many in this society who feels disenfranchised on a daily basis for more many different reasons. So if we are talking about recommitting to democracy and democratic principles, we have to include all of these discussions and not limit it to the Government involvement.

Also, in terms of democracy, one of the more profound expressions of the democratic process is the issue of the ability to vote in what should be considered or what is considered free and fair elections. Mr. President, there are many who would like to dismiss the issues related to the voting process in past elections, the issues of Cambridge Analytica scenario on T&T elections. But I had the honour of attending a cybercrime seminar in Cambridge, London, in 2018, I do believe it is, and the main discussion at that time was the issue of protecting the democratic process around the world from different influences, disinformation and misinformation, et cetera. And at that time, a large part of the conversation was the impact of Russian bots on the American election.

And if we are naive enough to dismiss the suggestion about cyber influence in our own elections, we are living under a rock because it was not a documentary on Netflix, it was academics, in one of the most prestigious universities in the world, citing Trinidad and Tobago as a test point for potential interference in our democratic process. And to date, since that, we do not have cybercrime law. It falls on all of us, not just the Government, to protect our citizens' precious right to vote and the potential impact of the sort of disinformation or digital influence. And unfortunately, we are still vulnerable to that, given its spectre around the world, particularly with evolving artificial intelligence as we move toward local government election and a general election in 2025.

So if we are talking about upholding the principles of democracy and the democratic process, and all of us reaffirming our commitment to that, we cannot be absent of the discussion on cybercrime legislation and protecting the democratic process from that sort of illegal influence. Because we have seen citations and references to it happening in Trinidad and Tobago already, whether we want to think it is a documentary or it had no effect or it did not actually happen. Academics of the highest order in Cambridge cited us several times in that conference I had the honour to attend, as a flash point. So if we are talking about democracy and upholding democracy, we have to talk about that and protecting the future elections from interference.

Mr. President, one of the discussions I have seen recently in academia is the issue of how we contextualize free and fair elections in the context of the education of the citizenry. Because as we know, the more informed one is, or the more educated one is I should say, the more of a critical thinker one becomes. And I am not talking only academic education, I am talking education on the whole and the

fact that if there are large swaps of our population that are being left behind by the education system, how are they to look at what is being presented to them with a critical mind and actually make the choices that are in their best interest? I think that is important for the conversation of democracy and the processes.

Because the democracy is not a single isolated ideal, it is intertwined with every aspect of our society in Trinidad and Tobago or anywhere around the world, and we have to understand that in the context of talking about free and fair elections and an electorate that is able to make choices based on critical thinking and sifting through—I was going to say something quite unparliamentary but I have to pull it back.

Hon. Senators: [*Laughter*]

Sen. Dr. P. Richards:—sifting through fluff, fact from fiction—I think is the way to go—because that is part of democracy; the population being able to look at what is being presented and see what is coming at them on their phones, on their television screens and making decisions that are informed decisions. So when we are talking about the issue of upholding democracy and recommitting ourselves, it is not only the Government, it is all of us. It is every part of the governance structure; it is civil society; it is young children who cannot yet vote but we have to start them thinking along those lines, so they understand the importance of they being a critical part of the process when they come of age.

And finally, Mr. President, in terms of the discourse on Sen. Lutchmedial's Motion, which I think is important—because the issue of constitutionally enshrined offices and institutions cannot be engaged, and democracy, without talking about freedoms and putting freedoms in the context of where we are with criminality in Trinidad and Tobago. Because if “yuh dead, yuh cyah vote” or if you are afraid to

go out and live your life, though you work hard and you are law-abiding, your freedoms are being curtailed. So we cannot talk about upholding the principles of democracy without talking about crime and its impact on us and our freedoms generally.

If you are dead, democracy means nothing. If you are assaulted, raped, robbed, traumatized and your perpetrator is not caught and at large, you lose hope and faith in the system, you are less likely to vote because you do not think it will make a difference in your life. Because guess what? You were assaulted, raped, robbed, your family was murdered and you do not feel a sense of justice for what has happened to you and your family, so you become disillusioned with the system. And if we are talking about upholding the principles of democracy and recommitting ourselves—and I agree with Sen. Lutchmedial, the Government has possibly the most critical role to play in that, but the Government is not the only player and we cannot absolve other entities in the general governance system and the wider society from their critical roles in upholding democracy because that would be a fruitless conversation or a very limited conversation.

So, Mr. President, in closing, again, I thank Sen. Lutchmedial for bringing this Motion because I think it is important for us to have this conversation about the protection of enshrined institutions and understanding that verbal attacks, wherever they come from—because they come from all sides in many instances. And when they come from persons who reside in the Parliament, it creates an environment where the general public feels it is okay to diminish the institutions and the persons holding those offices on both sides, including the Office of the Prime Minister, including the Opposition Leader's office, including the Office of the Commissioner of Police, including the Judiciary, including the DPP's Office.

And we do not understand the gradual dissent into the abyss of hopelessness when we have those kinds of conversations that in many cases are unfounded and lead people to follow that sort of example in the wider society. It is not helping us, and it is not in the interest of upholding any principle of democracy, sacred democracy, in Trinidad and Tobago.

Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Roberts.

Hon. Senators: [*Desk thumping*]

Sen. Anil Roberts: Thank you, Mr. President. It is a pleasure to get involved in this very critical, serious Private Members' Motion. But let me first of all deal with the Independent Senator, Sen. Dr. Paul Richards, who spoke about separating fluff, fact from fiction, very passionately. But in his contribution, he spoke about spyware and taps at a DPP's Office and presented that he heard that and that might be a possibility. Let me clarify on the *Hansard* in this Senate that that came from something called "emailgate", the second worst attack on democracy in the history of Trinidad and Tobago, the first being the 1990 coup as the Independent Senator rightly said. The second worst attack on democracy was "emailgate" brought by the Member for Diego Martin West.

Sen. Lyder: Lies. Lies. Lies.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: Diego Martin West, who is now the Prime Minister of Trinidad and Tobago. It was a total sham, total falsehoods, 29 of the 31 things that he described as emails were not even emails because they did not have enough characters so to be. It could not enter any cloud, whether rain cloud, AI cloud or

anything. It was totally false, totally wrong, totally fabricated. And for an Independent Senator to come here and talk about that from a position of respectability, to pretend and give to the population somehow that there was some truth to that, in 2023, is untoward. So I put it on the record that “emailgate”, spyware in the DPP’s Office was a figment of the imagination of a Member of Parliament who should know better, and that is why we are here to debate.

Sen. Lyder: Shame. Shame. Total lies.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: This Motion is completed by saying:

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

I am not sure if I can agree with my hon. senatorial colleague, Sen. Lutchmedial, because reaffirm means that the PNM had to originally affirm democracy. The PNM started off wrong, “they stay wrong and they still wrong”. The PNM was never about democracy. From inception, the PNM was about gerrymandering, playing with boundaries, controlling the population and staying in power regardless of what happens to this country.

Back in 1961, this PNM Government, under Dr. Eric Williams—and all of them need to read their history—told the population in 35 days that they are going to have their Constitution of the independent republic of—not republic, the independent Trinidad and Tobago, that in 35 days, they are to read, disseminate, discern and get to a meeting to tell the Government what are their thoughts.

2:25 p.m.

They presented a document and then in the discussions one could remember

Ashford *Sastri* Sinanan who stood up there and they were trying to say the PNM was telling them that on your Constitution that will chart the future of your country, you are only to speak five minutes. He shouted at them and said that, "I will not be—curtail my speaking time". The honourable Ellis Clarke said that he presented the original Constitution because we were so trained to follow it. The PNM did not listen to the other voices of the masses, of the other groups. The PNM listened to themselves because the PNM is anti-democracy, the PNM is for the PNM and the PNM only, from inception. So there is no reaffirmation, they have never affirmed that they are for democracy. When one is for democracy one believes in themselves, one believes in their ability, one does not need to gerrymander. When one looks at the local government elections 2019 map, the entire thing, 89 per cent of the country is coloured in yellow. But because of the machinations of the PNM, they say, "They win" 7/7, even though they lost 15 burgesses.

So your eyes see something that appears different because of the essence and the genesis of the PNM. If you go to the PNM's work throughout, they went to Marlborough House and Dr. Williams promised Capildeo when they were arguing and it looked like independence would not come because of the boundaries in the East-West Corridor, where Capildeo said, "This is not fair, let us get an independent international organization to go through the country scientifically with the population, and create constituencies and so on, so that an election will be fair". Now, poor Capildeo, he believed a PNM leader, just like the country believed for a while emailgate, the country believed that the current Prime Minister was there to

fight corruption, the country believed that the current Prime Minister was there to fight corruption, the country believed that the current Prime Minister is for democracy. The country believed a lot of people who tell untruths, especially in the leadership of the PNM. And Capildeo, for the good of Trinidad and Tobago, just like Basdeo Panday in 2001, when he was summarily kicked out of office based on a statement and an analysis from the foreword of our Constitution on moral and spiritual values—where have you ever heard an incumbent kicked out or losing a battle when there is a tie? In a boxing match, if the scores are tied, the world champion remains the world champion, but not in Trinidad and Tobago under the PNM. There is no democracy, there is no independence and Trinidad and Tobago is where we are now because of the lack of democratic principles of the People's National Movement.

So they cannot reaffirm anything. They reaffirm that they want to win elections by any means necessary. And this is a problem. You can talk about the voter machines that came in, and ANR Robinson won his seat; won his seat by more votes than were allowed to vote. Imagine that. That is PNM. Read your history. Do not come here and tell me about, PNM is for democracy. PNM is win and hold power by any means necessary, do what you have to do, and that is why we are in a mess.

Furthermore, you would see in 2010, for example, when the PNM controlled coming through—they always wanted to control the EBC. Because that is the referee, that is the way the competition is. Now, would someone who is skilful, who is well versed, trained, disciplined want to control the referee? No. Because

you believe in yourself. But the PNM does not even believe in themselves. Because you can go at a competition in two ways: you can go at the competition knowing I am the best, and the people will know that I am the best based on my performance, my policies, on how I treat people, and therefore I go to the people with fairness, equity, democracy. Not the PNM. “Them ha tuh control everything”. They have to know that their person is in charge; that in any little deceit, in any margin, they will get a little advantage. Let me tell you from a real example, Mr. President, 2010, D’abadie/O’Meara—I did not even know where D’abadie/O’Meara was. “It was one ah dem seats dey cut out in de east”. So I had to drive up there when the People’s Partnership was formed to say, “Let me see where exactly are these boundaries.”

When I drove up there, I saw a seat so—well, it is a small seat—but on one side of the highway, PNM stronghold. Oh lord, they have built their house and so on, and you know how PNM “does do it”. And on the other side, a stronghold for the UNC and the COP, and so on. Lo and behold election called and there are 18 polling divisions, and you say that you had an independent EBC. Right? Nevermind all the seats in the East-West Corridor, “you could go so and you see ah little bit of red and dem win. Everybody else loss, right?” But let us just go with that.

Sen. Lyder: [*Laughter*]

Sen. A. Roberts: And you came there and I said, “Listen, 18 polling divisions, I am going to leave at six o’clock on the dot, stop in one in Malabar then go across to Carapo”. Now, remember, Carapo is the stronghold of the UNC in that seat. Of

course, it is a safe PNM seat and it is a Minister of Finance, sitting, Karen Nunez-Tesheira was there, and none of them thought that they could lose. Of course, because it had been set up so that no one could beat them.

Sen. Lyder: Until the “dougla” come.

Sen. A. Roberts: But there was a gentleman at the helm of the EBC who many people thought was independent, because many people—and we hear debates here that people who do not get a PNM card, they are independent. They are not really PNM but when you see how they act and you have an interaction with them, you realize how dangerous the situation is in Trinidad and Tobago at every level. So I agree with Independent Senator, Sen. Dr. Richards, that it is not only the Government. But the PNM has been in power so long that the poison that has dropped from the Balisier, poisoned into the water of our democracy, has dissipated throughout all levels, so therefore you have to find—

Sen. Lyder: It has infiltrated.

Sen. A. Roberts:—of the poisoned wells.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: And I went over to the second polling station in Carapo RC Primary School—now, this is stronghold—and I noticed, but listen, why in one box are we seeing names from R to W, but in another box they have P and O. Do you know what was the average time to vote in that one box, Mr. President? Four hours and 15 minutes. At 6:05 a.m., I called the EBC and spoke to Mr. Marceau and the agents and told them that, “What is this? Who decided to do this? Why would you do it in the whole day”—and let me just cut the story short. I did not

move from there, I have measured out the certain 300 yards or 400 yards and sat down next to a chicken coup whole day to make sure people would go and not get frustrated.

But how could that be? You know what I noticed? From R to W, in the back there, they had plenty names like Ramlogan, Ramsingh, Singh, Seunarine, Sinanan, and all of this in that box. Two people voted in O and three people voted in P, but that was a design. Who—in what science, what fairness—would put that situation in a box? The last vote in D'abadie/O'Meara, the last person in 2010 voted at 7:47 p.m. That is PNM science for you. The election was called at 9:20 p.m. and not one result from D'abadie/O'Meara had flashed through TV6's screen yet, because the voting was now starting. That is the essence of PNM's machinations to win elections without performance, without policy, without care. They just want to win by any means necessary.

Another example was 2015. One thing PNM have good—I must tell “all yuh, I in politics” and I try to mimic the PNM's political machinery. It is amazing. The PNM is not scientific with COVID, “we go dead”; the PNM is not scientific with economics, “we go buss”; the PNM is not scientific with the energy sector, “we broken”; the PNM is not scientific with US dollars, “we cyah get none”. But with getting out votes, knowing where the vote is, sending their cars, putting the street captain, and pulling numbers, and pulling out—oh Lord, “PNM good”.

Sen. Lyder: Yeah.

Sen. A. Roberts: And so, therefore, in 2015, when the EBC alerted the PNM, and the PNM only—see, this is the key. If it rains and it floods and you are alerting

everybody, then you can say it is fairness and equity. But the PNM who knows exactly how the votes are going, down to the last vote, realizes “is cut-tail coming”, the EBC suddenly calls them and said, “Aye, we go give all yuh a next hour and doh tell the UNC nothing”, and then the PNM celebrate like “dey win”. That is not a victory. That is like cheating and taking steroids to win a race. What “all yuh go” celebrate? That is called cheating.

2.35 p.m.

So that was 2015; 2020, they make it worse now.

Instead of just a general undercover PNM, they appoint the niece of a former sitting Minister and the best friend of the Minister of Education.

Sen. Lyder: Imagine that.

Sen. Mitchell: Mr. President, point of order.

Mr. President: Senator.

Sen. A. Roberts: I am talking facts. “I doh know what did he stand up for”.

Sen. Mitchell: On a point of order, 46(6). But also, this is not a substantive Motion against the EBC.

Sen. Mark: It is a substantive Motion.

Sen. Mitchell: What the Member is doing, he is using his time and his contribution to attack an independent institution.

Sen. Mark: [*Inaudible*]

Hon. Senators: [*Interruption*]

Mr. President: Okay. Have a—Members, Sen. Mark. So there is a point of order raised, 46(6), which is imputing improper motives, that I will uphold. Be very careful, Sen. Roberts, in relation to that. In relation to the other comments that are

attached to that particular Standing Order, just be mindful as to how far out you go.

Sen. A. Roberts: Yes.

Mr. President: The Motion speaks to the independent institutions and democracy of such.

Sen. A. Roberts: Correct.

Mr. President: So just be careful of the boundary lines. Continue.

Sen. A. Roberts: Yes. Have no fear. Right?

[Sen. Mark stands]

Sen. Mark: *[Inaudible]*

Mr. President: Sen. Mark, do you have a point of order to raise?

Sen. A. Roberts: Sen. Mark, it is all right.

Mr. President: Have a seat everyone.

Sen. A. Roberts: Sen. Mark, it is okay. I could "handle he".

Sen. Mark: Mr. President, the Member said it was not a substantive Motion. Mr. President, I am putting it to you, this is a substantive Motion and you have approved it.

Sen. Mitchell: *[Inaudible]*

Sen. Mark: No, Mr. President, this is a substantive Motion. Right? It is a substantive Motion.

Mr. President: Have a seat. So I have spoken to the point of order raised and the comments attached therefore to it. Sen. Roberts, continue.

Sen. A. Roberts: Thank you. Thank you. Thank you, Mr. President. And I have a lot to go. It is not on the EBC. It is on the PNM. That is what I am dealing with, the PNM's appointment. Let me put it this way, if Kamla Persad-Bissessar, as Prime Minister, had appointed Anil Roberts' niece as the head of the EBC, "it

woulda have riot". If Kamla Persad-Bissessar—

Mr. President: So, again—again, Sen. Roberts, that is the line that you are going down that speaks to the imputation of improper motives. So that particular line in relation to dealing with that institution, the appointments thereof—

Hon. Senator: [*Interruption*]

Sen. Roberts: Excuse me?

Mr. President:—just be extremely careful.

Sen. Mark: [*Inaudible*]

Mr. President: Sen. Mark, I have spoken and I have ruled. Sen. Roberts, continue.

Sen. A. Roberts: Mr. President, I move on. Point made. That is why “dey jumpy”, because they need that. The point is they need that to win. They cannot have it independent. They cannot have it normal, because “dey not good. Dey just not good”.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: If we want to look at quickly, 2021, the PNM Government executive is instructing an independent, as the Minister jumps up to say—an independent institution is not to take instructions from the Executive in a country that is practising separation of powers. But right here before our eyes, the PNM Government instructed the EBC how to “divide up” Tobago, how to divide the seats, where to divide it and where the three are going.

Sen. Mitchell: [*Inaudible*]

Sen. A. Roberts: That is wrong.

Mr. President: Have a seat, have a seat, have a seat. Have a seat. Thank you. Point of order?

Sen. Mitchell: 46(6), please.

Sen. Mark: But 46(6) is irrelevant.

Sen. Mitchell: The EBC delivers an order to the Parliament.

Sen. Mark: [*Inaudible*]

Sen. Mitchell: The EBC—[*Inaudible*]

Mr. President: Members! Sen. Mark and Minister of Tourism, Culture and the Arts. Minister of Tourism, Culture and the Arts, have a seat, please. Sen. Mark, again, I am not going to say this again. I am on my legs. There is a point of order raised. You do not shout across the floor. Again, Sen. Roberts, be careful about the statements that you are making. Continue.

Sen. A. Roberts: Thank you. Mr. President, the *Hansard* will show. The normal process would be for the EBC to come and lay a report and then we move from there. That is not what we debated downstairs and here. It was an instruction from the Executive. But I move on, because I have a lot to get through and “dey trying tuh delay meh and I doh have enough time”.

Cheaters are essentially cowards. Cheaters deplore merit. Because coveting control is a characteristic of a coward. You could see criminals are cowards, for example, Mr. President, as you could see recently in Trinidad and Tobago, as the entire population is afraid to go out.

A young boy from St. Mary's College, the second best college in the north to Fatima College—

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

Sen. Lyder: Yes. Well said.

Mr. President:—was waiting for a taxi, okay? But this young man, a great young man, knowing and studying, taking care of his mother and so on, the criminal

cowards used him as a shield. Because cowards are criminals. Cheaters are cowards. And cheaters are criminals. So the PNM passionately pursues control.

Hon. Senator: *[Interruption]*

Sen. Lyder: “He eh call nobody name”.

Sen. Gopee-Scoon: Point of order, 46—

Sen. A. Roberts: “Leave she, nah”.

Sen. Gopee-Scoon: No. Pardon me?

Mr. President: No, no, no. Just be careful about the words that slip out. Just be careful. You do not say the words “leave she, nah”. Remember this is an echoed Chamber, so things will come forward. Just be mindful of where we are. Point of order?

Sen. Gopee-Scoon: 46(6), I am having great difficulty in tying this into the debate. I think he is going too far.

Mr. President: Okay. So I have ruled on that. That is imputing improper motives, Minister. Standing Order 46(1) is relevance. Again, Senator, as I have indicated, just be mindful of the boundary lines. Continue.

Sen. A. Roberts: Thank you. Mr. President, in the words of the great Bob Marley, “Who the cap fit, let them wear it.”

Hon. Senators: *[Desk thumping]*

Sen. A. Roberts: The PNM passionately pursues control. Therefore, the PNM is a cowardly organization, whether it is the EBC or the Central Bank Governor; the Police Service Commission; the Commissioner of Police; the DPP; the BIR/Inland Revenue, now to be TTRA; Permanent Secretaries; the Parliament; the Senate; the President; the media, the Media Association; the Law Association and silk; the Judiciary; the THA; the Integrity Commission; procurement and the procurement

regulator; Service Commissions; RSS; IMPACS and CARICOM aviation assets; and even our sacred right to vote, this wicked, oppressive, dictatorial, heartless PNM wants control and wants control of everything. Cowards seek control. Show me a coward and I will show you a cheat. Show me a cheat and I will show you a thief. Show me a thief and I will show you the PNM. And if the cap fits, let them wear it.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: A coward tries to control debate through excessive use of Standing Orders. Cowards needs to turn a—

Mr. President: Senator, have a seat, have a seat, have a seat.

Sen. Mitchell: 46(6)

Mr. President: Again, Senator, that is out of line. That statement will not pass. Move on.

Sen. A. Roberts: Thank you, Mr. President. They seem jumpy. They seem offended. “Like thing fall in dey garden”. Unfortunately, they will not see the oppressive control. This PNM will not see it, because they are part of it. Some of them in the PNM are victims of the oppressive dictatorial controller. “Dey say UNC bad, UNC unpatriotic, UNC evil. But any shake off UNC have, dey run and grab and hug up de UNC”.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: “Dey hug up de UNC so much dey doh even know is PNM dey join. Dey feel is People's Partnership. Dey gone to sign up for PNM and say de Partnership real good”. That is what PNM is, “ah total waste ah time”. And that is what is going to happen.

Hon. Senators: [*Interruption*]

Mr. President: Members, Members, Members, it has gotten so loud that I cannot even hear Sen. Roberts, which is rare. So, again, allow Sen. Roberts to make his contribution and just temper the level of noise. Continue.

Sen. A. Roberts: Thank you. Thank you for the support, colleagues, but leave me, let me talk. Let the President hear my contribution. You see, the PNM over there, they would not feel the dictatorship, the decisions that they take one by one.

“Dey come” like a mother who takes care of a child every day, whole day. “Dey doh know dey child get taller. Is where you eh see de child fuh three weeks and uncle say, ohh goood, yuh growing girl, then de mudda” will realize that the child has grown. These PNM Members here, one decision at a time. One attack on one independent institution. It is drip by drip and our democracy is fading away. They do not even know. They may really truly believe that they are not part and parcel of an oppressive, tyrannical, dictatorial regime. They may actually believe that. Because a lot of the times “dey doh even know wha going on in Cabinet. Dey happy fuh de boss man tuh tell dem good morning. Let dem tell yuh de truth”. This PNM over there are eroding our rights, liberties, and freedom, and democracy one decision at a time period.

It reminds me of when I was in UWI primary school, we had a teacher called Ms. Grandison with the greatest handwriting and penmanship on the chalkboard. And what she would do, she was write a passage and she would tell us, young students, to write it down quickly. And as we are writing, she is rubbing off. And we had to write faster and faster or else it will all be gone and we would not have completed the passage. That is what is taking place with some of these—

Sen. Lyder: Teacher—[*Inaudible*]

Sen. A. Roberts: Like teacher—[*Inaudible*] That is what the PNM is doing. They

are eroding our independent institutions one by one, by injecting bias and control within them. For example, right now in our midst, without getting into details, we see them pushing ahead with the Trinidad and Tobago Revenue Authority, and suddenly we have questions being asked of all sorts of people who should know better—people who should know better about apparent bias, conflict of interest.

Everything gets blurred under the PNM; things that are simple, that are clear, that any normal, reasonable human being would find fair. Sometimes we accuse—we are now calling them attacks, if someone points out that their brother is on a board and they cannot adjudicate on the matter. These are simple things that a society should understand: propriety, decorum. Conflict of interest is very simple. But, you see, if you believe in democracy, if you believe in the merit of your position, you do not need someone to be on your side. If you need someone to be on your side, if you need bias, it means your position is not worthwhile, you are not correct, you are not righteous. It means you are playing a dangerous game.

We are now seeing that the PNM poison infects the entire bloodstream of our nation's vital organs, one drop at a time, where husbands and wives are saying that there is no connection; where lawyers are getting silk and saying that is no problem, I can still be independent, I could still decide. That may be true, but the benchmark for apparent bias is not your ability to remain professional, but the bias itself that a reasonable, informed person will say, that if you have received something that will benefit you in your life going forward, that it is not on for you to be independent.

Across the board in Trinidad and Tobago, the PNM has been slowly whittling down these principles and therefore our institutions that were designed to be independent and act as checks and balances to a runaway horse, such as now,

the PNM, in its worst version in history, under this Prime Minister, our democracy is lost. And if we do not take it back now, starting from August 14th, our country could be in dire straits.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: The Central Bank Governor: we see this executive having to pay taxpayers' money for the firing of a Central Bank Governor, an independent institution, but the PNM Government did not want that person there because a person and a government and a team that plans to do the right thing does not mind an independent-minded person. Because if you are doing it right, you will stand strong and stand firm, and your policies would go through.

The whole idea and concept of a Central Bank Governor is that it acts as a counterbalance to the fiscal policy of the Executive. The Central Bank Governor is supposed to be in charge wholly and solely of monetary policy. But after a licking that the PNM got in 2019, in the local government election, where they lost 16 burgesses and they lost a corporation to come up 7/7 and the whole map was yellow, all of a sudden they decided, "Ay, we have tuh change from cotton \$100 bills to polymer, and granny, tanty ha tuh line up in hot sun across Trinidad and Tobago with dey hundred dollars". And you know what? The Central Bank Governor, whose job it is to secure, expand or contract the money supply, did not stand and make his own decision. The Central Bank Governor who was put there by the PNM, replacing another one, who they now have to pay off, he said, and I quote:

The national security issues brought about by the Government means that we must do this.

That is not his place, was not his place, was not his job. He was espousing the

policy of the Executive, fiscal policy, national security policy, when his job and his job alone is to deal with the money supply. That is when Balisier poison gets into independent institutions.

2.50 p.m.

So while citizens were suffering and having to rush to go to put themselves at risk of bandits robbing them with their cotton notes, the Central Bank Governor just did what the people who appointed him told him to do, and that is not good for the country. That is another independent institution interfered with.

Recently, we saw the PNM attacking the DPP's Office, we saw this PNM sit down and we came to the—

Sen. Lyder: “Nobody name eh call”.

Sen. Gopee-Scoon: Standing Order 47. I believe the matter is sub judice I am not sure whether—

Sen. Roberts: What matter?

Sen. Gopee-Scoon:—he is still on it. But I am speaking of the matter of the Central Bank Governor, which I believe is under appeal.

Sen. A. Roberts: You believe?

Sen. Mark: [*Inaudible*]

Mr. President: Okay. So, again, you stand by your words in relation to—well, you are moving on from the point of the Central—okay. Continue.

Sen. A. Roberts: I am glad that I can offer the Minister of Trade and Industry some exercise today, because in the flood, 18 minutes of rain, she will not be able to go to the gym. Because all of our children are in traffic—

Mr. President: There is no need to get into that, just move on in your contribution.

Sen. A. Roberts: We see now that this PNM Government wants to usurp the authority of the independent DPP. The country has become aware of an indemnity signed by a sitting Attorney General, a member of the Executive—

Sen. Lyder: What?

Sen. A. Roberts:—with a witness in a criminal matter. That is not on—that is a— goes against the Constitution. That creeps into the sole purview of the DPP. That is what this PNM does. This PNM does not allow this DPP or any institution to function. And when they do not do their bidding, they are then brought before—

Sen. Lyder: Ostracized.

Sen. Roberts:—the PNM press conference and ostracized and attacked from a power pulpit of bullying. That is not good for democracy. So when I hear about “attacks” by the Independent Senator, Sen. Dr. Paul Richards, I hope that he is stating that the hon. Prime Minister and Member for Diego Martin West is the greatest proponent of attacks on independent institutions in this country.

Sen. Lyder: Verbally

Hon. Senators: [*Desk thumping*]

Mr. President: Have a seat. Have a seat. Have a seat. So, Sen. Roberts, I have cautioned throughout the length and breadth of your contribution in relation to those lines of imputation of improper motives. Again, this will be the final warning on that. Please be extremely careful as you wrap, as you have a few more minutes left, in terms of imputation of improper motives like the one that you just did. Continue.

Sen. A. Roberts: Thank you, Mr. President. I was not really imputing, I was stating, because it is a fact. But it is all right. I will move on. When you hear about procurement, and procurement legislation that was brought here,

procurement legislation and the Office of the Procurement Regulation, the man, for example, served a five-year term. The PNM is so afraid of independence and oversight that they let it lag and the man's contract is up and now they are searching to put their own procurement regulator to regulate the contracts that that they will give out. And that is why the PNM is afraid of independent people. Because if you are going to procure properly, if you are going to advertise, if you are going to tender, and the best man, woman or child wins the contract, you would not be afraid of an independent procurement regulator. You would not need to hand-pick people to put them in positions.

When we look at the interlocking directorships, under Kamla Persad-Bissessar SC as Prime Minister—which many people would not like to state, but it is a fact—there was one person for one board. Nobody was allowed to be on more than one board. There was one chairmanship for one human being. Nobody was allowed to be a chairman of more than one board. No spouses and no brothers or sisters, no family members of Cabinet Ministers were allowed to be on boards. In this PNM, you have one man, Noel Garcia, building house, hospital, Central Block, airport, community centre, fire station, police station, sports stadium, and every house in Trinidad and Tobago, and they say that is good corporate governance, that is great for democracy. I say that is corruption. That is a web—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—of corruption which does not auger well for corporate governance and for the value of money. And this PNM can sit there and try to claim, and talk, and sing songs, “vote for the red”. But when you look at them you see the road map from 1956 to 2023, one that is antidemocratic, tyrannical, dictatory and oppressive.

We have Ingrid Lashley on nine boards. You have—we could keep going

Sen. Mitchell: Mr.—

Mr. President: There is a point of order.

Sen. Mitchell: A point of clarification. The Senator is abusing his parliamentary privilege by calling people from the outside—

Hon. Senators: [*Interruption*]

Sen. Mitchell:—citizens—

Mr. President: Please allow me to hear the point of order in silence.

Sen. Mitchell:—citizens of Trinidad and Tobago. He is abusing his parliamentary privilege. Things he would not say outside, he is saying inside. He is accusing people of corruption. Mr. President, I would invoke 53(1).

Sen. Mark: [*Inaudible*]

Sen. Lyder: [*Inaudible*]

Mr. President: Sen. Mark, Sen. Mark, Sen. Lyder. The precedence, Sen. Roberts, when it comes to calling the names of citizens in the Chamber and making what the average person would deem to be accusations thereof, the precedence is that we try to stay away from that as much as possible, given the right of reply, that they are not here to reply and as such, ethically, it is not the greatest thing to do. So I would ask you to please, as you wrap up, refrain from that. You have five more minutes.

Sen. A. Roberts: Thank you, Mr. President. Let me just correct the record of the hon. Minister of Tourism, Culture and the Arts. Anything I say here, I say on Douglar Politics open out there, because it is the truth, the whole truth, and nothing but the truth.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: I “doh have tuh”—I do not receive 30,000 from NLCB to bad talk people and then have to apologize to them. Understand that. So everything I say here is absolute fact. Ingrid Lashley is on nine PNM boards. Newman George is on seven PNM boards. Noel Garcia “spend out” every cent that “them PNM”, they have no intelligent engineers or nobody who could build nothing, except Noel Garcia. So I “doh” need any protection in here. I am not the emailgate man who comes downstairs to lie on people.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: “I does talk de truth”. So the Minister of Tourism, Culture and the Arts could sit there and relax and hopefully he will get back San Fernando East at some point in time.

Sen. Lyder: Yeah, yeah.

Sen. A. Roberts: Cowards need—

Sen. Lyder: “Nah he better dan de”—[*Inaudible*]

Sen. A. Roberts: Cowards need to control the minds through emotions. Issues of race are emotive. Cowards play the race card for political gain. The PNM’s only card is a bad card of race.

Sen. Lyder: Oh Lord.

Sen. A. Roberts: The PNM are cowards. They control every institution but the only thing the PNM cannot control is the people’s finger, and be it local government election or general election, the licking will come.

Hon. Senators: [*Desk thumping*]

Sen. Lyder: Yes.

Sen. A. Roberts: Better than KFC finger-licking. So bring it. They pretend they excited about an election; an election that this UNC had to go to court to fight them

to call. Now, they pretending they have election fever and they excited, “de UNC shake off doh even know what is PNM and Partnership. De next one doh know if he is ah economist or ah banker”. Good luck to them because the one thing that will ensure democracy is the people of Trinidad and Tobago who will vote you out come August 14th.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: Thank you, Mr. President.

Mr. President: Sen. Hislop.

Hon. Senators: [*Desk thumping*]

Sen. Laurence Hislop: Thank you, Mr. President, for the opportunity to contribute on this Motion. You know, I sat there and I was, at this point in time, to be embarrassed to be sitting in this Chamber—

Sen. Lezama-Lee Sing: Yeah, boy.

Sen. L. Hislop:—because of the contribution—

Hon. Senators: [*Interruption*]

Sen. L. Hislop:—because of the contribution—

Mr. President: One second, Sen. Hislop. So this is the final time that I am going to say it. Sen. Hislop is making his contribution, please allow him to do so. I would like to hear what is he is saying. Continue, Sen. Hislop.

Sen. L. Hislop: Thank you, Mr. President—a contribution that was full of personal attacks, full of—

Sen. Lezama-Lee Sing: Hate.

Sen. L. Hislop: There are some words I know may be unparliamentary, Mr. President, but vitriol, dripping venom—

Sen. Lezama-Lee Sing: Bitterness.

Sen. L. Hislop:—coming out of my colleague on the other side. When we could stoop to the level in this House where we want to overtly and covertly attack independent—we talking about preserving democracy. And we have a unique system in our parliamentary system where we have a line of Independent Senators, that I believe should have the opportunity to or be allowed to express themselves without having to worry about colleagues in this House overtly attacking them.

Sen. Lezama-Lee Sing: Openly.

Sen. L. Hislop: And in some instances, openly attacking.

Sen. Lezama-Lee Sing: Openly attacked two today.

Sen. L. Hislop: Why do we have to stoop to that level? Mr. President, I am as a Tobagonian man said, I am aghast, flabbergasted by what I just heard—

Sen. Lezama-Lee Sing: Disgusted.

Sen. L. Hislop:—today. If this is what we call debating—

Sen. Lezama-Lee Sing: Throw them out.

Sen. L. Hislop:—then we are missing the mark completely.

Sen. Lezama-Lee Sing: Put them out.

Sen. L. Hislop: You know, Sen. Roberts, Mr. President spoke about, the PNM are losers. If it is one institution that can speak to a winning record, it is the People's National Movement, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: You attack the EBC or the EBC is fair only when the UNC wins. That is what we are promoting here today. That the only time the EBC seems to be fair is when the UNC wins an election. But whenever the PNM wins, the EBC is not fair, “yuh crying foul”. Mr. President, Sen. Roberts, who is a coach, should understand that when you lose, “accept yuh loss, dust yuh bottom, go back and

train, and come back”.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Do not say that the umpire and the referee cheated, and they moved the finishing line. Do not say that, just accept your loss. Just accept your loss. Because 2013, “yuh geh beat”; 20—what?

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: 2015, “licks share” again; 2020, more licks—

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

Sen. L. Hislop: And then August 14th, “licks” again.

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

Sen. L. Hislop: You see, that is the difference between the People's National Movement and the United National Congress. When we lose which is what elections—elections have results.

Sen. Lutchmedial: [*Inaudible*]

Sen. Mitchell: Oh, could you be quiet?

Sen. Lezama-Lee Sing: Nobody want to hear her. Waste.

Sen. L. Hislop: When the people decided that they want to try and experiment, as they have done time and—a couple times, we accept our losses, as we did in Tobago; we accept our losses, we dust our bottoms, and we come back. We come back. And nine out of 10 times when we have accepted our losses, and regrouped and come back, what happens? We win because the people recognized that the experiment that they tried, Mr. President—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—is not working. And the people in Tobago are recognizing that now, you know. Just saying, just saying. One hundred and forty-one local

government candidates. How much has the UNC been able to scrape together, Mr. President? Only 110. That is all they could scrape together.

Sen. Lezama-Lee Sing: “All ah dem file yesterday”.

Sen. L. Hislop: And you want to call yourself a national party? The only true national party in this country is the People's National Movement.

Hon. Senators: [*Desk thumping*]

Sen. Mitchell: Point well made. Point well made.

Sen. L. Hislop: We attack the EBC and Sen. Roberts said that the PNM appointed the niece of a former Minister as the Chairman of the EBC.

Sen. Lezama Lee-Sing: And she is not.

Hon. Senators: [*Interruption*]

Sen. L. Hislop: And the—Mr. President, the Constitution clearly states that:

“The Chairman and other members of the Commission shall be appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition.”

3.05 p.m.

Mr. President, I sat very quietly listening to Sen. Roberts' diatribe. Am I allowed to use that?

Sen. Lezama-Lee Sing: Your ears were assaulted.

Hon. Senators: [*Crosstalk*]

Sen. L. Hislop: I did not say anything, I did not interject and now I am being attacked for my constitutional right which is to speak. I speak—

Hon. Senators: [*Crosstalk*]

Sen. Lezama-Lee Sing: Suppressors of democracy over there, watch them.

Mr. President: Okay. All right. So, as much as the debate in and of itself has taken on a more passionate temperature, let us get this Chamber back to a certain level of decorum. Sen. Hislop, continue.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Thank you, Mr. President. We—people recognize good when they see good, right? And so those who are running from the ship as it sinks—from the ship—the UNC ship as it sinks—

Sen. Lezama-Lee Sing: Pirate ship.

Sen. L. Hislop: —recognize good and if—and that is the beauty about the People's National Movement. We accept Members, you know; we accept Members. We do have a challenge accepting Members, Mr. President, because we—

Hon. Senators: [*Crosstalk*]

Sen. Lezama-Lee Sing: They hurting, they hurting.

Sen. Mitchell: [*Inaudible*]—funeral last night.

Sen. L. Hislop: Yes. And you all could continue to talk on the other side, that is what you do. But the UNC continues, Mr. President, to seek to create an image of Trinidad and Tobago that is less than desirable. And again, I make the point, whenever they are in Opposition, Trinidad is the worst place to live. But whenever they get the opportunity to be in government, it is the best place to be. “Ah doh understand it”. They seek to create an image of Trinidad and Tobago that is not what it is. I live in a democratic country, you know.

Sen. Mitchell: Sorest losers.

Sen. L. Hislop: I live in a democratic society, and the UNC continues to behave, as my colleague just said, as sore losers. And for me—that is difficult for me to accept. What is the purpose of this Motion? You know, I heard Sen. Dr. Richards

agree to the Motion and in some regard, there may be some good things about the Motion. But—

Sen. Lezama-Lee Sing: Not from them.

Sen. L. Hislop: —whenever you—the contributions, Mr. President, leave a lot to be desired so far from the Opposition, because they use a couple of phrases that seem to create this image. What are some of the words that Sen. Lutchmedial used? “Democracy is under attack”.

Sen. Lezama-Lee Sing: By them.

Sen. L. Hislop: “We have a dictatorship”.

Sen. Lezama-Lee Sing: Under Kams.

Sen. L. Hislop: “We have tyranny”. That are some of the words.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Those are some of the words.

Hon. Senators: [*Crosstalk*]

Sen. L. Hislop: And truth be told, Mr. President, I live in a place where I can still freely speak, freely vote.

Sen. Roberts: “Because yuh is ah PNM”.

Sen. Lyder: Behind—[*Inaudible*]

Sen. L. Hislop: Well, if—well, Mr. President, if that is the case, if it is because I am a PNM I could vote, then—

Sen. Lezama-Lee Sing: Great is the PNM.

Sen. L. Hislop:—why are we having an election on August 14th?

Sen. Roberts: “Yuh feel at ease”.

Sen. Lezama-Lee Sing: Great is the PNM.

Sen. L. Hislop: Why—you see—

Sen. Lezama-Lee Sing: Then great is the PNM.

Sen. L. Hislop:—it feels as if—

Sen. Lezama-Lee Sing: Hear me good.

Sen. L. Hislop: —this Motion was debated sometime before. Because when we debated parliamentary autonomy, the same phrases kept coming over and over again, Mr. President: “separation of powers”, “attack on democracy.” And the narrative coming from the Opposition is getting weak, is getting old, is getting—it is redundant, it is vexing, it is vacuous, it is just irresponsible. That is what is coming from the Opposition, these words. And it is all about seeking to “buss ah mute mark”, no pun intended, and seeking to create some level of hysteria in the country.

Hon. Senator: Poor Wade Mark.

Sen. L. Hislop: And, you know, it would be a sad day in this country if the United National Congress is ever returned—

Sen. Lezama-Lee Sing: It would never happen.

Sen. L. Hislop: —to the halls of power. Sad day.

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

Sen. L. Hislop: I looked at some of the lines used, Mr. President, from the mover of the Motion, and I just want to state a couple of things; that when I was doing just a quick research for this debate, because there is not much to deal with, there are 14 points that was brought out about what is democracy. Because the last whereas says:

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

And if I were to go through the 14 areas of what is considered a democratic society, I believe I still live in a democratic nation. I still—I believe that we stand on the shoulders of our former leaders. And we sat here today and Sen. Roberts berated the work of Dr. Williams, the founding father of this nation—

Sen. Roberts: What?

Sen. Lezama-Lee Sing: And he was a PNM, you know.

Sen. L. Hislop:—a man—and on top of that he even went as far, Mr. President, as to insinuate that a President that was installed by the United National Congress had an issue with democracy. The man was installed—ANR Robinson, a proud Tobagonian, was installed by the United National Congress, and he said, Mr. President, that he cannot allow the United National Congress to continue governing Trinidad and Tobago. Not the PNM, you know, but the President who they voted for, who they nominated Mr. President. Not the PNM. He said he—Mr. Robinson said on moral and spiritual values.

Sen. Lezama-Lee Sing: And they have none.

Sen. L. Hislop: That is what he said. It is not the PNM. The PNM did not say that.

Sen. Roberts: [*Inaudible*]

Sen. L. Hislop: And that is what we get coming from the Opposition, constant name-calling.

Sen. Roberts: And spiritual values.

Sen. Lezama-Lee Sing: Ask Lou Ann Laurie.

Sen. Roberts: “Eh”?

Sen. Lezama-Lee Sing: Ask Lou Ann and then come back.

Sen. L. Hislop: You see, one of the points, Mr. President, is—

Sen. Roberts: [*Inaudible*]

Sen. Lezama-Lee Sing: Ask them.

Hon. Senators: [*Crosstalk*]

Sen. L. Hislop:—one of the points, Mr. President, and the first one I want to touch on is—

Sen. Roberts: Les Coteaux.

Sen. L. Hislop:—participation of citizens. And when we speak to democracy, democracy allows a voice in charting the course or allows the people a voice in charting the course of their government and their future. Every year as—or every five years, or whenever the Prime Minister at the time allows it, or calls it, we have our general elections. It is only under the UNC that you went right down to three additional months in order to hold on to power by any means necessary. You talked about any means necessary, three months—

Sen. Lezama-Lee Sing: They would do that.

Sen. L. Hislop: —by any means necessary—

Sen. Lezama-Lee Sing: They would do that.

Sen. L. Hislop: —by any means necessary, you holding on to power. And then after that, what happened? “Licks”. You get additional time, you get extra time and you still lose the football match, “licks”.

Sen. Lezama-Lee Sing: Like that.

Hon. Senators: [*Crosstalk*]

Sen. L. Hislop: The people are allowed, Mr. President, to chart their course. What we have in Trinidad and Tobago is representational politics which allows citizens to select representatives and these representatives are allowed to speak for them, but after the election the participation does not stop there. I know we always look at elections as the only time the people can speak. But in this country you are

allowed to get on a radio station, “talk wa yuh feel”, call the Prime Minister what you want, make your own talk show on Facebook, call it whatever you want to, “whatever” politics—

Sen. Lezama-Lee Sing: Waste man show.

Sen. Roberts: Oh yuh like it, say it nah?

Sen. L. Hislop: Nah. Nah.

Hon. Senators: [*Crosstalk and laughter*]

Sen. Lezama-Lee Sing: Waste man show.

Sen. L. Hislop: Nah, nah.

Hon. Senators: [*Crosstalk*]

Sen. L. Hislop: You understand? Call it whatever you want.

Sen. Roberts: 6.30 p.m.

Sen. L. Hislop: And say what you want, call people all “kinda name”, stand up on social media, call the President all kinds of names. That is what you allow. Incite certain levels of—

Sen. Roberts: Because it is true.

Sen. L. Hislop: That is what happens in this country. Why? Because this country is a democratic society. But when we talk about equality, Mr. President—

Sen. Roberts: The truth.

Sen. L. Hislop: —all are treated equally. My vote is the same—is of the same value as Sen. Lyder's.

Sen. Lezama-Lee Sing: Nah, yours have more value.

Sen. Lyder: [*Inaudible*]

Sen. L. Hislop: The same vote—the same value one all of us starts at one. It does not matter your status, how much is in your bank account, you start at one and you

stay at one. That is how they count it. Each Member of Parliament has what? One vote, you know. And we want to talk about dictatorship?

Sen. Lezama-Lee Sing: Nah, boy.

Sen. L. Hislop: All of us have access to the voting booth. Every single one of us, every citizen in this country, Mr. President, has access to a voting booth. And every vote, Mr. President, counts; every vote. If you come Tobago, Sen. Lyder, you would vote for me. I know that.

Sen. Lezama-Lee Sing: He will, he will.

Sen. L. Hislop: There is also accountability—

Sen. Lezama-Lee Sing: [*Inaudible*]—“doh study he”.

Sen. L. Hislop:—there is also accountability, Mr. President, because all the politicians who are elected must understand that they are accountable to the people who elected them.

Sen. Lezama-Lee Sing: “Dey doh know dat”.

Sen. L. Hislop: And I do not know about those opposite, you know, Mr. President, especially those—not those opposite, Members on the Opposition Bench. I recognize how significant holding my position—I may not be an elected Member of Parliament. But even as a selected Member of Parliament, when I stand here, I recognize that I speak for people. And sometimes I wonder who the Members of the Opposition speak for? Because I do not know who Sen. Roberts spoke for this evening—

Sen. Lezama-Lee Sing: Himself.

Sen. L. Hislop:—with that kind of behaviour.

Sen. Mitchell: [*Inaudible*]

Sen. L. Hislop: But I recognize that I speak for people—

Sen. Lyder: And speak for the PNM.

Sen. L. Hislop:—and I represent people even though they may not have—and whether you want to believe it or not, Sen. Lyder, people voted for me in Tobago, so I still represent people who voted for me. The system worked. I did not win but people voted for me. And I could tell you, based on the system that we are in, I may have been one of the first persons to reach out to the now Assemblyman who I lost against. Because I recognize that in this system, even when you lose, you are still important to people.

Sen. Lezama-Lee Sing: To people. Absolutely.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: Well, it could be in the wrong party because—[*Inaudible*]

Sen. L. Hislop: You see, the parliamentary system, I am in the best party—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: —that you could ever find in the Caribbean.

Sen. Lezama-Lee Sing: Oh yes.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: The reality is class is class all the time. And the 14th August, again, class is class.

Sen. Roberts: What is your number? I would call you.

Sen. L. Hislop: I do not know what “go happen” to the UNC after that loss on August 14th.

Sen. Roberts: What is your cell number? I will call you.

Sen. L. Hislop: I do not know.

Sen. Roberts: [*Laughter*]

Sen. L. Hislop: You know, one thing I love about Trinidad and Tobago, Mr. President, in the democratic system is political tolerance. “And we does have to exercise plenty of that in this Chamber”.

Hon. Senator: Yes, it is true.

Sen. L. Hislop: Political tolerance, Mr. President. Because I believe in a different place, that is not as cultured as this Chamber is, some good blows would pass in this Chamber if we did not have political tolerance—

Sen. Roberts: If Rowley was in—[*Inaudible*]

Sen. L. Hislop:—because people say things, people throw all kinds of comments across the floor.

3.20 p.m.

A couple of years ago, a particular MP got up and said what she wanted about the then Opposition Leader—said what she wanted; political tolerance. You see, even though it is majority rule, it does not prevent the minority from having a voice. And even though we may not have—our desire may not have been to come here for Private Members' Day—because what we know what “we coming and deal with”, Mr. President—we came, because the People's National Movement, this Government, understands, appreciates and recognizes the democratic process of our country. So even though we may not want to hear what the Opposition has to say some of the times, we come here, because we recognize we come here on behalf of the people.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Another beauty about Trinidad and Tobago is the multiparty

systems. Anybody—and I say this because a gentleman said it was “he and his dog and ah bullhorn and he brother below ah street light” that started his party. So anybody and “dey dog” could start a party basically in Trinidad and Tobago. That is the reality of a multiparty system. One day you could be the head of an independent institution and the next day you become a politician by forming your own party. And then you get up on a platform and bash the Government that you operated under as an “independent” head of on organization.

Sen. Lezama-Lee Sing: Or you could be a judge.

Sen. L. Hislop: Or you could be a judge, and the next day be a politician, because that is the system by which we operate in this democratic nation, not a—in this democratic nation.

We are not—in some countries, the minute you open your mouth, you are arrested. Nobody sees you or hears from you again. You are not allowed to speak. In some countries, Sen. Robert would have been in jail a long time ago.

Sen. Roberts: What! “A-a”! For what?

Sen. L. Hislop: Simply because of his mouth, Mr. President.

Sen. Roberts: “Yuh afraid that mouth eh boy”.

Sen. L. Hislop: But where do we reside? We reside in Trinidad and Tobago where we stand on the tenets of our Constitution that allows us the right to speak.

In this democracy—

Sen. Roberts: [*Inaudible*]

Sen. L. Hislop: Mr. President, could I have some protection, please? Sen. Roberts is a bit noisy.

Sen. Roberts: [*Inaudible*]

Mr. President: Sen. Roberts. Sen. Roberts. Continue, Sen. Hislop.

Sen. L. Hislop: Thank you, Mr. President. In our democracy, when an Opposition party wins, there is a seamless transition of power. We “doh” fight—well, some people, when the results come down, “how dey doh like it”, the first place they go is to the High Court. But this Government, this People's National Movement, takes its losses in stride, because that is what the governance system of our country allows. We stand on the tenets of the Constitution that protects the right of every citizen.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: No matter where you come from, no matter your status, that is what we stand on, what some may call a “Bill of Rights”. And that feeds into human rights: the right to associate, freedom of speech, the right to join a political party. That is what this country, that is what this Government has accepted, has worked within from since Trinidad and Tobago became an independent nation.

And I know why people have a problem with the PNM, you know, because the PNM has proven time and time again, no matter how much they hate, no matter how much they try to get rid of it—and as Sen. Roberts says, he likes the PNM.

Sen. Roberts: “Ah what”?

Sen. L. Hislop: Yeah, you did. If we so undemocratic—

Sen. Roberts: Excuse me?

Sen. Mitchell: He was a PNM, you know.

Hon. Senators: [*Crosstalk*]

Sen. L. Hislop: If we so undemocratic—

Hon. Senators: [*Crosstalk*]

[*Mr. President stands*]

Sen. L. Hislop: —why do you all—

Sen. Mitchell: “We throw” him out. He was a PMN. “We throw” him out.

Sen. Roberts: [*Inaudible*]

Sen. L. Hislop: If—

Mr. President: All right. All right. Okay.

Hon. Senators: [*Crosstalk*]

Sen. Mitchell: “We throw” him out. Expelled him.

Sen. L. Hislop: Thank you, Mr. President. If we are so undemocratic, why do you admire our machinery?

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Why do you admire—why do you want to be like the PNM if we are so undemocratic? Those were his words.

Sen. Lezama Lee-Sing: He wants to come back.

Sen. L. Hislop: And if you choose to come back, Mr. President—if Sen. Roberts chooses to come back—

Sen. Roberts: Choose to what?

Sen. Lezama Lee-Sing: “We not” taking him back.

Sen. Roberts: Standing Order 46(1), imputing improper motives.

Hon. Senators: [*Laughter*]

Hon. Senator: 46(6)

Sen. Roberts: 46(6), Mr. President. "I is not Obika", you know.

Mr. President: So, like I said, this particular debate is engendering some passion. But that being said, we are in the Senate of the Republic of Trinidad and Tobago, and decorum is a must. Sen. Hislop.

Sen. L. Hislop: Thank you, Mr. President. The truth—the truth hurts, boy. If—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: I will not withdraw, Mr. President. Do I have to withdraw? Did I say anything improper? No, I did not.

Sen. Lezama Lee-Sing: No, continue, eh. Continue.

Sen. L. Hislop: If Sen. Roberts chooses to come back to the PNM, we "doh"—

Sen. Roberts: Never!

Sen. Lezama Lee-Sing: We "doh" want him.

Sen. Mitchell: We "doh" want him.

Sen. L. Hislop: But this country operates where every citizen has freedom of expression, freedom of association, freedom of assembly, and all of those tenets are the cornerstone of our democracy.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: And so when you ask for:

“...the Government to reaffirm...”

That is it?

“...to reaffirm its commitment to the principles and practice of democracy in Trinidad and Tobago...”

We have always stood by the principles and practice of democracy in Trinidad and

Tobago.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: We have always done so. Because if we did not, when you look at—even if you want to raise the issue of the local government ruling by the Privy Council, the Legislature did what it felt it was needed to do. The Executive did what it needed to do. When the court said that we had to do something, what did the Government do? The Government accepted the ruling of the court and did what it is supposed to do, which is all part of the democratic process, when we talk about separation of powers. We did what we were supposed to do.

And a couple of things before I close, Mr. President. You know, the last three things are significant to me—the last four things. Free and fair elections, every single time.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: You could talk from now till the cows come home, and feel that boundaries have been gerrymandered. You could say what you want. The EBC continues to do yeoman service, exemplary work in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: PNM!

Sen. Lezama Lee-Sing: It stands as one of the best in the Commonwealth.

Sen. L. Hislop: And whether—you see—and my colleague just said to me, it stands as a shining light, one of the best in the Commonwealth.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Other countries, other election entities come to the EBC.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: But you call for observers. We have run elections in this country to a standard, and the EBC—

Hon. Senators: [*Interruption*]

Sen. L. Hislop: No, we, the country of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: The country of Trinidad and Tobago has been able to manage its own elections effectively, transfer of power, no violence, no fighting. “De only people who does fight when dey lose is de UNC”. From independence to now, that is what we do. That is how we operate as a country.

Well, this one the Opposition knows all too well, because they like that, courthouse. Because what we have in this country is a judicial system that is robust, that has stood the test of time, that is independent. And, you see, that is the thing about our colleagues opposite, whenever the rulings of the court come against them, “we tampering with de Judiciary”. But whenever the rulings come in favour of them, the Judiciary is independent. And that is how the Opposition operates. And for the Opposition the best thing since sliced bread in Trinidad and Tobago is the Privy Council. If the ruling—

Hon. Senators: [*Desk thumping*]

Sen. Roberts: No Balisier—[*Inaudible*] No Balisier—[*Inaudible*]

Sen. L. Hislop: If the ruling goes for them in the Privy Council, then the Privy Council—”we cyah move from de Privy Council”. But if the ruling goes against them in the Privy Council, we have a problem with the Privy Council. Mr.

President, they cannot make up their mind. This country—I am proud to be a citizen of Trinidad and Tobago, you know.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: Under the what?

Sen. L. Hislop: Under the People's National Movement.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: Under the 600 murders. Under no jobs, no—[*Inaudible*]

Sen. L. Hislop: And if it is one thing that this party, Mr. President, and this—

Sen. Roberts: Ten thousand children failed. Ten thousand children failed.

Sen. Lezama Lee-Sing: “What he responsible for”? LifeSport. LifeSport and—
 [*Inaudible*]

Sen. L. Hislop: Mr. President, how much time do I have?

Mr. President: You end at 3.59.

Sen. L. Hislop: Mr. President, if it is one thing that, as I have said before, is that the People's National Movement—and I am dealing with the four last points—is that one of the tenets that make up a good democratic system is the acceptance of election results, and we have seen it. How many elections has the PNM won?

Sen. Lezama Lee-Sing: All.

Hon. Senators: [*Laughter*]

Sen. L. Hislop: We have gotten rid of 71 parties in this country—gotten rid of them. “Dey still on de EBC list, you know, but yuh doh even see dem for elections anymore”—71. And who has remained consistent as a bastion of democracy in the country?

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: The People's National Movement. Mr. President, 141—I am so proud every time we have an election, that if it is one thing the PNM could do is that we would put up two winning candidates in Tobago. Ask the United National Congress when last they put a candidate in Tobago.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Their own Chairman said, “We do not need to contest Tobago, because we have Duke and the PDP.”

Sen. Lezama Lee-Sing: That is insulting to the people of Tobago.

Sen. L. Hislop: That is what they do. They cannot put up all the candidates in Diego Martin, they find a proxy.

Sen. Lezama Lee-Sing: “Dey doh have”. Two of them were supposed to run.

Sen. L. Hislop: They have to find proxies.

Sen. Roberts: Spell “proxy”.

Sen. L. Hislop: None in Port of Spain, because they have a proxy in the PDP in Port of Spain.

Sen. Lezama Lee-Sing: Because they have no supporters.

Sen. L. Hislop: And you want to talk about democracy and representing all the people? When you want to talk about democracy and representing all the people, talk about the PNM. Talk about the PNM, 41 constituencies. Even if they may be Opposition strongholds, we still find a candidate and still get significant votes. Mr. President, 141 candidates for local government under the red, under the Balisier, under the People's National Movement—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—even if the corporation is considered a stronghold of the Opposition, because we recognize that our representation in this democratic system is for all the people.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: And we, Mr. President, will continue to stand—will continue to stand strong for democracy. We will continue. We will not—

Sen. Lutchmedial: [*Inaudible*]

Hon. Senators: [*Interruption*]

Sen. L. Hislop: Mr. President, we will not be distracted.

Hon. Senators: [*Desk thumping*]

Hon. Senators: [*Interruption*]

Mr. President: Senator, have a seat. Is there a running conversation going on while the Senator is trying to contribute? Because I know that is not happening. Sen. Hislop.

Sen. L. Hislop: Thank you, Mr. President. I know how my friends are feeling it, but we will not be distracted.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: We will continue to stand up for every single citizen of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Because why?

Sen. Roberts: Brent Thomas.

Sen. L. Hislop: Because we know how this country was formed. We were at the start of this country, and we will be here until God says there is no longer a Trinidad and Tobago. But we will continue—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—to stand strong as the People's National Movement. We will continue to defend democracy. We will continue to do the work of the people because we are the Government of the Republic of Trinidad and Tobago. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Roberts: Oh Lord, oh God, oh God!—[*Inaudible*]

3.35 p.m.

Sen. Wade Mark: Thank you, thank you, Mr. President. Mr. President, I am very happy to speak on this Private Members' Motion piloted by my colleague, Sen. Jayanti Lutchmedial. Mr. President, I think it was Winston Churchill who once remarked that it has been said that:

“...democracy is the worst form of government except for all those other forms that have been tried from time to time.”

Mankind, so far, has not been able to get another model that has been accepted by the vast majority of humanity. But democracy, as a form of government, has to be safeguarded, it has to be defended, it has to be promoted and preserved for it to sustain itself and for it to grow, flourish and expand. And that is why, Mr. President, the great philosophers of the 18th, 17th Centuries came up with concepts,

precepts and terms to try to preserve this form of government known as democracy and therefore, the concept, as the recital states very early in this Motion—that concept of the separation of powers which is enshrined and entrenched in our Republican Constitution.

It is noteworthy that when our Republican Constitution was promulgated in this Parliament back then, we did not have an Opposition seated in the Parliament. The PNM won the 1971 elections in a no-vote campaign at that time, and two persons crossed the floor, Horace Charles and a fella called Lloyd Richardson. They came from the PNM, but they crossed the floor to form, Mr. President, the Opposition. And we came with a Republican Constitution, and that the Constitution was fashioned and shaped, harnessed and honed in order to perpetuate “PNM-ism”. That is why the country is in such a mess today and that is why people have been calling for meaningful constitutional reforms. Because the Constitution that we have inherited from the PNM in '76 was never a Constitution approved by the masses.

The Wooding Commission report was rejected by Eric Williams. He said it was a dagger aimed at the heart of PNM. So they rejected the Wooding Commission report and Eric Williams formulated his own report and we have a Constitution that we abide by today that, as I said, is not reflecting the dreams and hopes and aspirations of our people in Trinidad and Tobago, Mr. President. So, yes, we have a democratic and sovereign state. And this sovereign state, Mr. President, is ruled or is founded on the rule of law, and this is expressed in the preamble to our Constitution.

And there are three branches, three organs of the State. But, Mr. President, there is fine line governing these three branches of state, and the drafters and

framers of our Constitution would have expected that anyone who becomes Prime Minister would seek to promote, expand, observe the very letter and spirit of our Constitution. It is the first time, in living memory, that our Constitution and all its independent institutions seem to be under some degree of assault, some degree of compromise, Mr. President. And there is an attempt—whether we want to recognize it or not, Mr. President, the reality is staring us nakedly in the face. It is said that democracy does not and will not disappear in one fell swoop, but small degrees; small degrees. And before you know it, Mr. President, your constitutionally entrenched rights and freedoms are eroded, are subverted, are compromised, and this what we in Trinidad and Tobago have been witnessing gradually, incrementally over the last few years in Trinidad and Tobago.

Mr. President, it has become so naked and brazen that we could have our Prime Minister going to a PNM sports day in Toco and telling the world, Mr. President, that by 2024 his Government will abolish all the Service Commissions in Trinidad and Tobago.

3.45 p.m.

Hon. Senator: [*Inaudible*]

Sen. W. Mark: No. This is here in black and white. Do you want me to quote it? I will quote it for the record.

Hon. Senators: Quote it.

Sen. W. Mark: Mr. President, I am being told by my honourable friend, that is not so. Mr. President, I have a copy of the *Newsday*, Monday, May 01, 2023, on page 7. The headline—and no disrespect—the headline, Mr. President, “Rowley proposes end to service commissions”. That is the headline. And if I may just be permitted to quote the first paragraph or sentence in this *Newsday* article, it says

and I quote:

“Next year, the Prime Minister will bring to Parliament, legislation that will end the lives of service commissions and replace them with a single tribunal that will hear the complaints of public servants.”

Sen. Lyder: Headed by Noel Garcia.

Sen. W. Mark: This is a serious matter. If we are not careful, Mr. President, before we know it, we will end up in chains and handcuffs in this country. It happened in Grenada under Forbes Burnham. It happened Gairy in Grenada, Mr. President. And, Mr. President—

Hon. Senators: [*Crosstalk*]

Sen. W. Mark: Mr. President, I want to say that even Dr. Eric Williams who they worship on that side—

Mr. Roberts: Only that side.

Sen. W. Mark:—the reality is, he promoted this concept and retained the Service Commissions both in the '56, '61 Constitution, before we became an independent country. He introduced it in '62, in the Constitution of '62. He retained the Privy Council in the '62 Constitution and even when we did not have an official Opposition, Eric Williams retained the Privy Council. He retained all the Service Commissions because he understood the importance of keeping the politicians away from public officers, be they teachers, be they police officers, be they firefighters, be they prison officers, be they civil servants. There is a buffer, Mr. President, between those public servants and the politicians. But both the former Prime Minister, Patrick Augustus Manning, and the current Prime Minister, they have almost a penchant, I do not know it is a hatred for Service Commissions. And you know why, Mr. President? My colleague, Sen. Anil Roberts made the

point, the PNM is a party machinery whose leadership is only concerned with domination and control.

Sen. Roberts: Correct.

Sen. W. Mark: They are about domination and control. So they do not mind, Mr. President, if our institutions are destroyed. They “doh” care if they are undermined. Once they can control those institutions, they are happy. They are happy.

Sen. Lyder: Yep.

Sen. W. Mark: So, Mr. President, here it is we have four independent institutions, that is Service Commissions I am talking about, and let me identify them. Mr. President, if the Prime Minister, I cannot in—I cannot understand if the Prime Minister was under the influence of alcohol.

Sen. Gopee-Scoon: Absolutely not.

Sen. W. Mark: I do not know if he was inebriated.

Hon. Senators: [*Crosstalk*]

Sen. W. Mark: I do not know if he was on that.

Hon. Senators: [*Crosstalk*]

Sen. W. Mark: Mr. President, I do not know. But, Mr. President, I know he drinks. He loves to drink.

Sen. Lyder: “He fall down in de panyard”.

Sen. W. Mark: So, Mr. President, when I saw—

Hon. Senators: [*Crosstalk*]

Sen. W. Mark: Mr. President, when I saw that a Prime Minister in 2023—

Hon. Senators: [*Crosstalk*]

Sen. W. Mark: When I saw a Prime Minister, and I read in 2023, on May the 1st—

Hon. Senators: [*Crosstalk*]

Sen. W. Mark:—colleagues—on May the 1st, I read this, Mr. President, I cannot understand why would our Prime Minister signal to the world that by 2024, he wants to abolish the Judicial and Legal Service Commission that appoints judges and magistrates and in our country?

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Why would a Prime Minister want to abolish the Judicial and Legal Service Commission? And, Mr. President, he says he is going to replace it with a tribunal. But who will appoint the tribunal? It will be the Prime Minister and his Cabinet. When people say, Mr. President, that they are concerned about where our country is heading, this is the kind of evidence that you have before you.

So we have the Judicial and Legal Service Commission. We have the Teaching Service Commission. We have the Public Service Commission and, of course, Mr. President, we have the Police Service Commission. So the Prime Minister says he wants to abolish all four and establish a tribunal.

Mr. President, you know, the king—one of the reasons why they use to guillotine kings—

Sen. Lyder: Who, Bokassa?

Sen. W. Mark:—in the 19th Century, in the 16th Century, in the 17th Century, they wanted to arrogate onto themselves—

Sen. Roberts: Correct.

Mr. President:—total power. So Louis the XIV of France said, I am the State and the State is me.

Sen. Roberts: That is what Rowley trying.

Sen. W. Mark: And you what that meant, Mr. President? Legislative, judicial

and executive all in one, and he became the State. Well, he lost his head. The masses revolted—

Sen. Lyder: The guillotine in “he tail”.

Sen. W. Mark: And, Mr. President, I am saying, that when we hear a Prime Minister telling Trinidad and Tobago that come next year he is bringing legislation to abolish the Judicial and Legal Service Commission—

Sen. Nakhid: Imagine that.

Sen. W. Mark:—so who will appoint our judges? Who will appoint our magistrates? Mr. President, what the Prime Minister is saying, he wants total absolute power and control, so he can control judges, he can control magistrates so decisions will be in their favour.

Sen. Gopee-Scoon: Point of order.

Sen. W. Mark: And the reasons for—

Mr. President: Sen. Mark, there is a point of order.

Sen. Gopee-Scoon: Point of order 46(6).

Mr. President: Which is the point of order, 46(6) or 46(8)?

Hon. Senators: [*Laughter*]

Sen. Gopee-Scoon: Both. Both, Mr. President.

Mr. President: So, Sen. Mark, again, just be careful about the inferences that you are making. Continue.

Sen. W. Mark: Thank you, Mr. President. So, Mr. President, when we talk about—in this particular Private Members' Motion, if you go to recital that states:

Hon. Senators: [*Crosstalk*]

Sen. W. Mark:

“*And whereas actions of the Government...*”

—and we are talking about the Executive arm, organ of the State. Mr. President:

“...whereas the actions of the Government in its engagement with constitutionally enshrined offices and institutions have caused public unease and concerns...”

Mr. President, it is along the lines that I have just outlined, the Government's engagement with constitutionally entrenched institutions is cause for public unease and concerns, Mr. President.

Mr. President, I, like my friend from Tobago—

Hon. Senator: Sen. Hislop.

Sen. W. Mark:—he was aghast.

Sen. Roberts: Good word.

Sen. W. Mark: I too am aghast, Mr. President.

Sen. Roberts: “You mustn't have gas because they take the subsidy—[*Inaudible*]

Sen. W. Mark: I cast no aspersions on any institutions or any heads of institutions.

Mr. Roberts: I do.

Sen. W. Mark: Mr. President, however, when you have the concept of the separation of powers principle being compromised or being threatened with subversion, you must take note. And therefore, Trinidad and Tobago was aghast when we read in the newspaper, I think it was about two Thursdays ago, it was in the *Express*, and it read—

Mr. President: Date?

Sen. W. Mark: Well, this is what I am missing here, but the date is the 18th. I have it here. It is a *Newsday* article, the 18th of June, 2023, and hear what is the headline, Mr. President:

CJ, Prime Minister's team met to address Judiciary's plans.

Sen. Lutchmedial: Imagine that. What a thing.

Sen. W. Mark: Mr. President, when this was published in the *Newsday*—

Sen. Roberts: They did not believe it.

Sen. W. Mark:—I could not understand why a Prime Minister would want to summon a Chief Justice and members of what the Chief Justice described as members of his executive management team to the Diplomatic Centre.

Sen. Lutchmedial: Imagine that.

Mr. Roberts: Shame.

Sen. W. Mark: Not at the Hall of Justice, you know. At the Diplomatic Centre.

Mr. Roberts: Wow.

Sen. W. Mark: Why would a Prime Minister, conscious of the separation of powers principle, would want to summon a Chief Justice to the Diplomatic Centre, to discuss what, Mr. President?

Sen. Lyder: “How he summon the Commissioner”.

Sen. W. Mark: The administration of justice in Trinidad and Tobago.

Sen. Lutchmedial: To remind him he did not invoke section 137.

Sen. W. Mark: What does the Prime Minister have to do with—

Sen. Lutchmedial: To remind him he did not invoke section 137.

Sen. W. Mark: What the Prime Minister interest is in the administration of justice that he could not allow his Attorney General, who is the go-between the Judiciary and the Executive, Mr. President—why he did not allow the Attorney General to meet with the Chief Justice? But the Prime Minister took it upon himself, with what they call senior Cabinet members, to summon the Chief Justice to the Diplomatic Centre and up to now the Prime Minister has not produced—

Sen. Lyder: How he summon the Commissioner of Police.

Sen. Gopee-Scoon: Point of order, 46(8).

Hon. Senators: [*Interruption*]

Mr. President: Sen. Mark, please allow the point of order.

Sen. Roberts: “Like de Minister now get de blue book”.

Mr. President: Okay. So, Sen. Mark, 46(8) speaks to the Office of the President, members of the Judiciary, the Supreme Court in relation to a debate. The particular line that you are going down is—

Sen. Mark: [*Inaudible*]

Mr. President:—hold on, it is not quite there yet, so I will allow it to continue but be mindful of that Standing Order. And if it does cross, then obviously you would be called upon to bring it in.

4.00 p.m.

Sen. W. Mark: Yeah, Mr. President, I will not cross the line, I am just dealing with the facts. I am not dealing with the conduct of the Chief Justice. If I want to deal with the conduct of the Chief Justice, I will file a substantive Motion on the conduct of the Chief. I am not dealing with that. I am dealing with a public statement that is in the papers.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: That is what I am dealing with. I am not criticizing. I am a Member of Parliament. I enjoy freedom of speech.

Sen. Lutchmedial: Even that they want to take.

Sen. W. Mark: And, Mr. President, I do not take instructions from—I take no instructions from the Minister of Trade and Industry.

Hon. Senators: None!

Sen. Lyder: None of us take instructions.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: When I was fighting for democracy, where was this lady?

Sen. Gopee-Singh: Pardon you? Who is “this lady”?

Sen. W. Mark: I do not know.

Sen. Roberts: The hon. Minister.

Sen. W. Mark: So let me face the President, please.

Mr. President: So, all right.

Sen. W. Mark: The best speaker in the—[*Inaudible*]

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

Hon. Senators: [*Laughter*]

Sen. W. Mark: Yes, Sir.

Mr. President: Continue.

Sen. W. Mark: So, Mr. President, as I said, all I am saying is that there are red flags that are being erected, there are signals that are being given in Trinidad and Tobago. Mr. President, the Chinese have a saying, “Those who can see before others are brilliant, and those who can know before others are geniuses”. We do not have to wait for a dictatorship to arise and we end up in jail, we lose our rights, we lose our freedoms. Mr. President, we must stop a dictatorship from—
[*Inaudible*]

Hon. Senators: [*Desk thumping*]

Sen. W. Mark:—Trinidad and Tobago. And that is why we have to expose all the shenanigans—

Sen. Nakhid: Machinations.

Sen. W. Mark: —machinations, manoeuvres, and that is why this Motion is here

today. And we are calling on the PNM, Mr. President, to reaffirm, as my friend said, your commitment to democracy. Right? Reaffirm. So, Mr. President, these are very difficult times that we are living in and we have to be very careful. We have to be very careful.

Mr. President, so here it is we are told in this article that discussions were held around the subject of the administration of justice. I saw where Israel Khan, the President of the Criminal Bar Association—

Sen. Roberts: Almost the President of the country.

Sen. W. Mark:—he condemned this meeting. You know what it reminds me of, Mr. President, and we vehemently attacked and condemned that action? It was back, I think, in 2008, if I am not mistaken, when the former Prime Minister, who has passed on, Patrick Manning—

Sen. John: The honourable.

Sen. W. Mark:—the honourable, may his soul rest in peace, he summoned, as how this Prime Minister summoned—but the only difference it was not the Chief Justice, it was the Commissioner of Police—a fella called Everald Snaggs. And that is a function—when you are appointed as a Commissioner of Police by the Police Service Commission, it is the Chairman or the Permanent Secretary in Ministry of National Security that is supposed to give you your envelope of appointment. This time, for the first time, the Prime Minister of Trinidad and Tobago, at the time, called Mr. Snaggs to Whitehall to give him his letter of appointment. Those were signs of a creeping dictatorship where they wanted the police to believe that I, the Prime Minister, appointed you and therefore you have to be loyal to me and not the Constitution. That is what was the perception that was given to the public in this country.

Mr. President, our institutions are being weakened. They are the guard rails of our democracy, and they are being weakened daily by the constant bombardment unleashed on those institutions by a Government that is committed to almost like an accumulation, I should say, and a concentration of power. That is what this is about. It is about power, it is about control.

Mr. President, the last bastion, the last bulwark of our democracy is our independent Judiciary. And when you begin to see signs of disturbance emerging in our Judiciary, Mr. President, we have to be concerned. I remember—my honourable friend is here, Sen. Anthony Vieira SC. I remember when we were debating a matter in this Chamber on what Sen. Vieira SC considered to be our misconduct at the selection—the impeachment Motion, you recall, and we were all shocked when Sen. Vieira SC put on the *Hansard* record that people were so disgusted with our behaviour, that judges in the Supreme Court—

Sen. Lutchmedial: Court of Appeal.

Sen. W. Mark:—and Court of Appeal called him and castigated the hon. Jayanti and the Opposition. And I said, you know, I wonder if Sen. Vieira SC knows what he is doing, what he is saying. So, Mr. President, what message was that sending to you? It is telling us that—I cast no aspersions; no aspersions. All I am saying, Mr. President, think—let us think, if two judges were to call me from the Court of Appeal or Supreme Court and said, listen, we are very concerned about the behaviour of the Independent Senators, and I come in this House and I tell you, Mr. President, two senior or two High Court judges called me and said they were very disgusted with the PNM conduct or the—Mr. President, you would be aghast. You will want to know what the—what is going on here? In other words, I want do not even want to go where I want to go, Mr. President. I “doh” want to go

there. But it is worrying. It is troubling. It disturbing when you have judges who have to sit in matters that come before them from Members who are defending UNC matters, and they are telling a fellow—

Mr. President: Sen. Mark, this point in time, I would have to invoke Standing Order 46(8) and ask that you do not go down that line and move on to another point.

Sen. W. Mark: So, Mr. President, these are very dangerous times. These are very dangerous times that we are living in. And that is why, Mr. President, we have told Trinidad and Tobago that as long as the UNC is alive, as long as the UNC is well, we will never ever agree to the abolition of the Privy Council.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: We will never ever agree to the abolition and the removal of the Privy Council and have it replaced with a CCJ. We will never do that. So we said that to the Attorney General, we said it to the Prime Minister, do not bring no legislation ever to this Parliament to abolish the Privy Council. You will not get the support of the United National Congress.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Do not bring it. Do not bring it.

Sen. Mitchell: “Is all yuh bring the CCJ here”.

Sen. W. Mark: We will not support any legislation to abolish the Privy Council.

Hon. Senators: [*Interruption*]

Sen. W. Mark: Mr. President, you know, we are talking about executive incursions. Mr. President, go to our recital. The recital is clear, Mr. President. We are talking about:

“...action...”—taken by—“...the Government...engagement with

constitutionally enshrined offices and institutions...”

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

Sen. W. Mark: That is what we are talking about. So, Mr. President, Trinidad and Tobago must wake up. The people must wake up and smell the coffee. They must wake up and understand, Mr. President, that there is an attempt, there is a gradual policy movement on the part of this Government to transform Trinidad and Tobago into an authoritarian, totalitarian, autocratic state. That is what the people must wake up to. And that is why, Mr. President, it is so important for the people to come out in their numbers on August 14th.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: This election that is about to take place has nothing to do with local government reform—it has nothing to do. It has to do with this Motion that we are debating here. It has to deal, Mr. President, with the attempt by the PNM to destroy, undermine, poison, subvert, breach, abridge all our independent institutions. That is what it is about. And that is why, Mr. President, we have brought this Motion to the Parliament, and we want to get the Government's commitment. We want the Government to support its commitment to democracy. If the Government votes against this Motion—if this Government votes against this Motion to reaffirm our commitment as a Senate and as a Government to our democracy, Mr. President, if they do that, the country would bless them, because they will go to their graves after that. They will go. So they have no choice—they have no choice but to vote for this Motion.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: I look forward, in closing, to the contribution of the Attorney General. I want to hear what the Attorney General has to say on the Government

reaffirming his commitment to the sustenance, preservation and promotion of our democracy, its principles, its norms, its values, and the principle of the separation of powers. We are looking forward to that, Mr. President.

So I know my time is up. I want to say, in closing, Mr. President, that we in the UNC will die for democracy. We are the defenders of democracy. Without the UNC, the PNM would have ride—ridden roughshod over Trinidad and Tobago. We are standing in the gap protecting our democracy. And that is why my friend, Hislop—Sen. Hislop, that is—talked about, “we always going to court”. But we will use the court every moment, every opportunity to defend democracy and defend the rights of the people in this country.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Mr. President, we will use every means at our disposal, legally, Mr. President, lawfully, to defend our democracy. We will fight the PNM in the Parliament, we will fight them outside of the Parliament.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: We will fight them in the courts, we will fight them everywhere. Everywhere we will fight the PNM.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Mr. President, justice will prevail. It was Martin Luther King, in closing, who said:

“...the arc of the moral universe is long, but it bends toward justice.”

Hon. Senators: [*Desk thumping*]

Sen. W. Mark:

“...it bends toward justice.”

Mr. President, I want to thank you. We are freedom fighters, we are liberators, we

are emancipators, and we stand for our people's democracy and progress. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

4.15 p.m.

Mr. President: Minister of Public Administration.

Hon. Senators: [*Desk thumping*]

The Minister of Public Administration (Sen. The Hon. Allyson West): Thank you, Mr. President. Before I start with the substance of my contribution, I would just like to respond to one of the issues raised by Sen. Mark and I will deal with his other non-issues during the course of my discourse. Sen. Mark said to this House and to the Republic of the Trinidad and Tobago that they are fighting for meaningful constitutional reform but they are not able to get it. I want to ask Sen. Mark, why did they not seek this or bring about this meaningful constitutional reform when they had a substantial majority in the House during the, not 60 months, but the 63 months that they were in office during the period 2010—2015?

Hon. Senator: Answer that.

Sen. The Hon. A. West: Why did we not have the constitutional reform then? Is it that you were too busy emptying the coffers of FCB—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West:—of NGC?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: Too busy whittling away the significant credit that we had in the Central Bank of \$12 billion and all the other mischief and shenanigans that were performed during the period 2010—2015? Where was the constitutional reform during that period?

Hon. Senator: Answer. Too busy thieving.

Sen. The Hon. A. West: Constitutional reform you are asking for, but every time the PNM brings a Bill that requires special majority because of the Constitution, the UNC absolutely and categorically refuses to support it, even in respect of those Bills that are being returned that were introduced by the UNC. So tell me what you are really talking about when you talk about constitutional reform? It is all just words—[*Inaudible*]*—*Mr. President.

So, Mr. President, what I proposed to deal with this afternoon is that recital in this spurious Motion that says:

“...the actions of the Government in its engagement with constitutionally enshrined offices and institutions have caused public unease and concerns;”

Mr. President, what are those dazedly acts of which are accused in respect of those constitutionally enshrined offices and institutions? It has been said that we have attacked the DPP. How have we attack the DPP? The DPP has said to the nation, in response of various questions thrown at him, that he does not have the resources he needs to do the work that needs to be done. And the party in Government has said in response, “You wanted accommodation, we provide you with accommodation. We have rented this accommodation for last four years, it has remained empty”. We have spent \$40 million or \$30 million on rental cost, we have spent over \$20 million in refurbishment of the office, and still the DPP is saying that he does not have the accommodation to hire the staff that he needs.

The Government, of course, is required to respond to this because the country is concerned. The country is saying, “We are concerned about the administration of justice, we are concerned that criminals are not being prosecuted quickly enough, we are concerned that they are getting back on the streets, what is

the Government doing?" As part of the responses that the Government has to explain who is actually responsible for taking matters before the court and what the Government is doing to support the actions of that office. That is all the Government has done. The Government has not attacked the Office of the DPP.

The Chief Justice is also attacked because he jumped into the fray when statements were made that there is little that the DPP can do in respect of getting resources, because the Chief Justice, as head of the Judiciary and Legal Service Commissions, is the person responsible for filling out those offices. So why is the Chief Justice, in essence, saying to me, the DPP, that I should ensure that there are judges in all the criminal courts? The Chief Justice says, "You haven't told me that you have an urgent need for staff on the one hand and you have not provided me with the reports on the staff. You have not provided me with the request for promotions so that I can fill out these more senior positions". That is the response of the Chief Justice and supported by the line Minister responsible for the area of the administration of justice.

What is the attack on the Office of the DPP, on the person of the DPP? There is no attack. We are explaining to the population the issues that impact the administration of justice. There is no attack on the office. There is no attack on the officer. From time to time, members of the public—I think they are fed up now because it has been so long—have been asking us what is happening with the Clico matter. We had a commission of enquiry. We spent tons of money on that. The Government has reported that it spent billions of dollars more, post the enquiry to do further investigation. Not yet, not one prosecution has been commenced in respect of that matter. The Government has to respond when the population, which put this Government in office, asked the question, what is

happening, so we are responding. And what is our response: the only person who can properly bring prosecution matters is the DPP. We have given him the resources and we are waiting. That is all we can do. What is the attack on the DPP and his office?

The mover of the Motion and others on that side have complained that we are attacking the Service Commissions. Sen. Mark is one of those who complained that we are attacking the Service Commissions. He says that Dr. Eric Williams was the one who promoted the Service Commissions and he is in full support, so why we are seeking to remove the Service Commissions now. The PM did say—the hon. Prime Minister Keith Rowley did say that we need to address the issue of the Service Commissions and we needed to address it now, but he is not the first person who has raised that issue. That was raised in this place three years ago almost by the hon. Independent Sen. Vieira SC, who brought the Motion to say that there is a need to look at constitutional reform in respect of the Service Commissions. And, of course, those on the Opposition Bench will say, “But Sen. Vieira SC is a PNM stooge”, all because—

Hon. Senator: Correct.

Sen. The Hon. A. West:—he does not agree with the views of the Opposition. Apparently anybody who does not agree with the views of the Opposition is a PNM stooge.

So the issue of constitutional reform is not an idea that is unique to the Government, it is not an idea that is unique to the Prime Minister. I do not know how the UNC saw their responsibility when they were in office, but this Government sees that part of its responsibility is ensuring that all state institutions operate properly, that everything works the way it should it work. So when on a

daily basis we hear members of the public complaining that the public service is not operating the way it should, we look around to see what is the cause of that and what can we do about that. So we are doing several things. We are digitalizing the public service, we are looking at reprocessing of processes, we are looking at the staff structure, we are forming special purpose companies. We are doing tons of things to make the public service more efficient, but we cannot ignore the fact that responsibility for the public service, this giant organization, is spread among three entities, and an important element of the control of the public service falls under the Service Commissions.

So if the public service is not working, we have to see what impact the existence of operation of the Service Commissions has on that. And so in doing that we may decide, yes, that it is time to do away with that form of control and put something else in place. That is a debate that we had across the floor in this place. It is a very valid issue. It is a matter that as Prime Minister, the hon. Keith Rowley, had every entitlement and the responsibility to talk about and address.

So do not say we are attacking the Service Commissions because we say, maybe it was fine in 2062 when we became an independent nation,—maybe it was still fine in 1962 rather, and in 1976 when we became a Republic. But perhaps in 2023, it is not the right configuration for us as we seek to become an advanced modern, efficient, effective society. What is wrong—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West:—with the Prime Minister saying that we need to revisit that? That is not an attack on the institution. It is an attempt to get us into the 21st Century in the way that the Trinidad and Tobago citizens deserve. What Sen. Mark and his colleagues seem to ignore is the fact that societies have to evolve.

They have to revisit and reconsider their institutions to determine is this the best fit at this time for what we want to achieve. We are talking evolution. We are not talking destruction.

And then, we have been accused of attacking the Judiciary. Once again, we raised the issues that concern the citizens in respect of the operation of the Judiciary and the slow pace of justice. So we talked about the slow pace of justice. We talked about the apparent revolving doors for criminals who commit a crime, get arrested, get bail, go back out and commit another crime. We talked about the ease of getting bail. How is that an attack on the Judiciary? We are dealing with issues in society that need to be fixed. We have not attack the institution, we have not attack the members of the Judiciary. We are looking at issues.

So these attacked, Mr. President, are not on institutions. They are comments shared with the public regarding the Government's concerns about various matters of public interest where persons expressed growing concerns over the speed of justice in Trinidad and Tobago, the rising rate of crime, and why we seem to be making no headway in the fight against crime. Should the Government not express its concerns about the part that various arms of the State and various office-holders play and indicate what we are doing and what we want those institutions and officeholders to do to improve the state of affairs? That is the nature of the Government's contribution to this conversation.

So when the public complains about inefficiencies in the public service, is the Government not allowed, I should say not required, not only to indicate what we are doing to address those issues, but also to point to the challenges and limitations faced by the Government in arriving at workable solutions? Not the least of those being the obstacles to reform on enshrined institutions and offices.

That is not an attack on those offices and institutions. Saying that there is a need to address the structure and function of the Service Commissions is not an attack on the commission, but an acknowledgement that a problem exists and there is a need to resolve that problem.

Hon. Senators: [*Desk thumping*]

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

Sen. The Hon. A. West: Questioning the operations of those offices does not constitute interference. The UNC apparently thinks that the Government's role is to provide funding and necessary resources to the institution, and then step back and let them do their work. Anything else they view as interference. I am not in agreement with that. We would be failing in our responsibility to the people we represent, and that means all the people of Trinidad and Tobago.

While the Constitution, which embodies and enshrines the separation of powers, requires that we do not interfere in the execution of the powers of those offices and institutions, we must be expected and have the authority to cast an eye over their operations to ensure that they are performing optimally and in accordance with the spirit of the law by which they were created.

4.30 p.m.

So this is the approach of the PNM. Sen. Mark went to town on the fact that the Prime Minister summoned the Chief Justice to the Diplomatic Centre and that is an attack on the democracy. Well, to start with, Sen. Mark's mark is misrepresenting the facts as usual—

Sen. Mitchell: A serial misleader.

Sen. The Hon. A. West:—because there was no meeting at the Diplomatic Centre. The Chief Justice has been requesting a meeting with the Prime Minister for quite

some time. Because as responsible heads of the various arms of the State, they recognize that it is necessary for them to cooperate for us to get where we want to get to. So a meeting was held two weeks ago, it was held on neutral ground at a location arranged by the Judiciary, it was not a summons, and we spent the day discussing a slew of issues that impact the Judiciary, the Government's concerns and vice versa, and came up with solutions and several ways forward for us to improve on the delivery of justice and other matters that were raised. That is an approach that I would encourage. That to me shows that my Prime Minister respects the fact that a head of—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West:—one of the arms of the State, performing an important function, that needs collaboration for us to get where we need to get. He is not seeking to control the Judiciary, he is not seeking to belittle the power in the Judiciary. He is seeking to ensure that Trinidad and Tobago, as a nation, moves forward in a stronger, better way.

Sen. Mitchell: Sen. Mark is allergic to the truth.

Sen. The Hon. A. West: [*Laughter*] So that is governance PNM style.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: Let us compare that to the UNC approach. The UNC has pilloried every office-holder in this country.

Sen. Mitchell: Every one of them.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: They attacked the Chief Justice, they attacked the President, not to mention the numerous and unrelenting attacks against our hon. Prime Minister. So let us look at a few of those attacks by the UNC.

In the *Daily Express* of the 9th of March, 2019, Ria Taitt reported that on a Motion in the House was brought by MP Roodal Moonilal calling on the Prime Minister to take action against the Chief Justice to trigger 137 of the Constitution to impeach the Chief Justice. Then—and, of course, that went on for ages and ages; attack, attack, attack. The Chief Justice had no rest during that period. In 2023, March 21st, *Guardian*, Gail Alexander wrote an article captioned:

“Kamla slams CJ for attack on DPP”.

Again, I dealt with the issue of the Chief Justice responding to comments that the Judicial and Legal Service Commission, which he leads, was not providing the DPP with the resources that they required to do their job. And the Chief Justice responded to that by saying that he was not aware of the urgent need and he has not been provided with the documentation by the DPP to allow him to do what he needs to do. So the Leader of the Opposition, Mrs. Kamla Persad-Bissessar says:

The “Chief Justice...recent statement against...”—DPP—“...Roger Gaspard was presumptuous and totally out of place...”

Sen. Roberts: Correct.

Sen. The Hon. A. West: She accused the Chief Justice:

“...of ganging up with the Prime Minister and Attorney General against Gaspard.”

Sen. Roberts: Correct.

Sen. The Hon. A. West:

“I condemn in the strongest possible terms that thuggish, gangster-like attacks on DPP Gaspard - the highest offices in the land, they’re operating like thugs and gangsters!’...”

Sen. Roberts: Correct.

Sen. Mitchell: Shame.

Sen. Roberts: Correct.

Sen. The Hon. A. West:

“...I’m so distressed to see...the high office of the...”—CJ—“...jumping into the gayelle.””

This is what was said by the Leader of the Opposition.

Sen. Roberts: True.

Sen. Mitchell: Shame.

Sen. Roberts: True.

Sen. The Hon. A. West: Then, listen to this, she goes on to say that:

“...she’d never called out...”—the—“...Chief Justice...”

Apparently ignoring the fact that in 2021, she threatened to bring a Motion for his impeachment—she never called him out. But then said:

“...Archie’s statement...was presumptuous and totally out of place...”

‘...Rowley...’”

She goes on to say:

“...has sworn in his puppet President today...”

—which is when the honourable, well-respected—

Sen. Roberts: Correct.

Sen. Mitchell: Shame.

Sen. Roberts: Honourable—[*Inaudible*]

Mr. Vice-President: Sen. Roberts.

Sen. Roberts: [*Inaudible*]

Mr. Vice-President: Sen. Roberts.

Sen. Roberts: I did not say nothing, Sir.

Mr. Vice-President: 51(1)(f), your volume of your crosstalk is disturbing.

Sen. Roberts: Okay. Thank you.

Sen. The Hon. A. West: Thank you, Mr. Vice-President. So on the day when the honourable, well-respected, President Christine Carla Kanglaloo was sworn in—

Hon. Senators: [*Desk thumping*]

Sen. Roberts: Yes, the puppet.

Sen. The Hon. A. West:—the Leader of the Opposition said:

“...Rowley has sworn in his puppet President today...”—the very—“... institution he wants...”—to—“...control...”

Sen. Roberts: Correct.

Sen. The Hon. A. West:

“...when Gaspard talked of staff shortage, ‘Rowley got his ‘next puppet’ to talk.”

Sen. Roberts: True.

Sen. The Hon. A. West: This is what she said in her forum.

Sen. Mitchell: She is hardly sober, you know.

Sen. The Hon. A. West: [*Laughter*] So that, Mr. President, is an attack, in my view, on an institution and on office-holders, not what the PNM has done. These are attacks, these are the statements that threaten to undermine our democracy—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West:—and those are the kinds of approaches that we need to be wary of. So when the UNC brings a Motion talking about seeking to protect our democracy, they need to look internally first.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: But he is compromised.

Sen. The Hon. A. West: And they did not stop there, they went after the EBC.

Sen. Mitchell: Yes.

Sen. The Hon. A. West: On a news item on TV6 on the 2nd of December, 2021, the Opposition said that they are calling on the EBC to withdraw its plans to execute a pilot project at polling stations in Tobago for Monday's THA election. One, they really have no place in Tobago's election business because they have not been able to put a candidate up in Tobago for decades.

Sen. Mitchell: Not a national party. Yes, true.

Sen. The Hon. A. West: Not a national party. So "yuh really have no place in Tobago politics. Stay out ah dey business".

Sen. Roberts: "Wa!" [*Laughter*] It is not Trinidad and Tobago?

Sen. The Hon. A. West: Then they threatened in 2017 to sue the EBC for the appointment of the Chief Election Officer—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West:—claiming, incorrectly, years after not having withdrawn from that incorrect position, that the Chief Election Officer was related to a then PNM government officer.

Sen. Roberts: True.

Sen. The Hon. A. West: Not true—

Sen. Roberts: Gadsby-Dolly.

Sen. The Hon. A. West:—denied by both parties but still they persist.

Sen. Roberts: I will send you the picture. Gadsby-Dolly's best friend. Best friend of SAGHS.

Mr. Vice-President: Senator Allyson, Senator.

Sen. Roberts: "Yuh coming at me again". [*Laughter*]

Mr. Vice-President: As much as you would like to contribute, your time has passed for that. Keep your volume to a certain level please and allow her to complete her sentences.

Sen. Roberts: [*Inaudible*]

Sen. The Hon. A. West: So because the UNC is concerned about the fact that it keeps losing elections and cannot accept the blame for losing elections, they want to blame the EBC.

Sen. Mitchell: Yes. Sore losers.

Sen. The Hon. A. West: But I would like to remind the UNC that the only election that had been stolen in Trinidad and Tobago is the UNC internal election—

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

Sen. The Hon. A. West:—as confirmed by Vasant Bharath, Ramona Ramdial, Fuad Khan, Devant Maharaj—

Sen. Mitchell: Big names, boy. “Ohhh”.

Sen. The Hon. A. West:—none of whom are PNM Members, I will point out.

Sen. Roberts: And Obika.

Sen. Mitchell: All the ballot cards by the river.

Sen. Roberts: [*Inaudible*]

Sen. The Hon. A. West: So the EBC, as my colleagues would have said in the past, is a well-respected body, not only in Trinidad and Tobago, but around the Commonwealth. They are constantly called to cast an eye on other people's elections because of the reputation that they hold. So please stop casting aspersions and trying to destroy our sound, working independent institutions.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: And again, they did not end there. They went after the

President.

Hon. Senator: Yes. This one I want to hear.

Sen. The Hon. A. West: On the 15th of October, 2022, the Leader of the Opposition in a media conference threatened to take what she called historical steps to file a Motion in Parliament to have the House of Representatives investigate and potentially remove the President, Paula-Mae Weekes. The Motion alleged interference in the selection process by the police. So an allegation that came from the UNC, that was unsubstantiated and not proven, they pilloried the respected President to no end. She was called names on social media, she was attacked personally and all our honourable President was doing was doing her job. That is all she was doing, doing her job. They brought a Motion in effect to the Electoral College to achieve their objective and they got a sound licking because nobody in the country, other than the small group of UNC defectors, were of the view that the President had done anything wrong.

Sen. Roberts: Wow.

Sen. The Hon. A. West: So, then when what did they do? They threatened to sue the Speaker of the House because she had brought what they called illegal guidelines in respect of the impeachment Motion. The Leader of the Opposition again said, "We will be taking action. I serve notice of the unilateral illegal guidelines used by the Speaker". What did the Speaker do? The Speaker read the rules, determined how the process should go and operated the process in that manner. What was wrong with the approach of the Speaker that she had to be pilloried in public?

Sen. Roberts: It is unfair, it is undemocratic.

Sen. Mitchell: Sore losers.

Sen. Roberts: [*Inaudible*]

Sen. The Hon. A. West: So the President, the EBC, the Speaker, the Judiciary, the Chief Justice, all of them under constant attack from the Opposition, not from the Government of Trinidad and Tobago, but from the Opposition. And probably one of the most dastardly attacks in the history of Trinidad and Tobago was the attack by the UNC on the Members of the Independent Bench in the Senate.

Sen. Mitchell: Oh, yes, yes, yes. It was shameful. It was shameful.

Sen. The Hon. A. West: Completely disgusting and shameful. And why is that? Merely because the Independent Bench, operating independently like they are required to do, did not support the spurious Motion brought by the Opposition. That is the reason for the attack.

Sen. Mitchell: And petulance.

Sen. The Hon. A. West: And one needs to be reminded of what was said. Gail Alexander article:

“Speaking at last night’s UNC forum, Persad-Bissessar said the tradition was not to criticise Independent senators but added that those days were over.

‘You stepped out of your crease to do battle for the PNM in the political gayelle...so check yourself! We on your case and we shall expose who you are!’

She added, ‘One of the most disgraceful things about the vote was watching how the so-called Independent Senators capitulated to the PNM’s will, as opposed to standing up for the people. These Senators are handpicked by the President, so how can they be expected to vote to investigate her?’”

4:45 p.m.

And finally:

“She asserted, ‘This notion of ‘Independent Senators’ has, over the last 50 years, bred the nasty idea that a portion of the population is somehow superior, and they look down on others calling them tribal, base, disrespectful, and disgraceful. It’s an attractive concept for some, who will always mimic their views in order to be seen a part of the elite class.’”

Sen. Mitchell: What is the title of that article?

Sen. The Hon. A. West: This article is titled:

“Kamla attacks Independent Senators”.

Sen. Mitchell: Oh no.

Sen. The Hon.A. West: Completely reprehensible.

Hon. Senators: Shame.

Sen. The Hon. A. West: One of the important aspects of this Senate is the group of independent citizens who are engaged to bring a non-political view on the discussions and debates in the Senate.

Sen. Mitchell: Called to national service.

Sen. The Hon. A. West: We have people called to national service. We know they get a pittance with the national service that they perform, but they come, they work hard, they give their views. I have observed the Independent Senators over the years, they vote with the PNM on some occasions, they vote against the PNM on some occasions.

Hon. Senator: Regrettably.

Sen. The Hon. A. West: And every time they vote with the PNM, they get pillared, because anybody who disagrees with the UNC is a PNM.

Sen. Mitchell: That is Kamla style.

Sen. The Hon. A. West: That is an attack on democracy. And it amazes me that the Opposition Members do not see the irony of bringing a vote in one sitting, one Private Members' Day sitting, to deal with the autonomy of the Parliament, and on the next day bringing in a vote that deals with issues that demonstrate how they attack the very independence of the institutions that they are purporting to seek to protect. That is irony at its height.

Sen. Mitchell: Confused, you know.

Sen. The Hon. A. West: Irony at its height.

Sen. Mitchell: They are confused.

Sen. The Hon. A. West: So that the UNC Members, Mr. President, need to understand and appreciate, and accept the fact that people disagree with them does not mean they are PNM, it just means they are thinking.

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

Hon. Senator: That was a good one. That was a good one.

Sen. Mitchell: [*Laughter*]

Hon. Senator: Good job, good job.

Sen. The Hon. A. West: And I would encourage the UNC, when it has issues with certain positions, to stop attacking individuals.

Sen. Mitchell: Yes.

Sen. The Hon. A. West: You need to comment on issues—

Sen. Mitchell: Yes.

Sen. The Hon. A. West:—and not attack the individuals.

Sen. Mitchell: Yes.

Sen. The Hon. A. West: I remember talking to some of my colleagues on the Independent Bench after that severe attack, they were traumatized. And what the UNC is doing, by their continued attacks against individuals, is discouraging our nationals from putting themselves up for public service. And what that would do is whittle down the quality of service that we get from these people. So I urge you—I urge you to stop attacking people. Deal with issues.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: It was Eleanor Roosevelt who said:

“Great minds discuss ideas; average minds discuss events; small minds discuss people.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: I urge you to choose what size mind you want to have. Mr. President, it is obvious from considering those few examples of attacks, that the UNC's approach is to seek to destroy what they cannot control.

Sen. Mitchell: Yes. That is true.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: And if they are not in government, they are happy to destroy the entire country.

Hon. Senators: [*Desk thumping*]

Sen. Mitchell: Yes. And rule the ashes. Yes, burn it down and rule the ashes.

Sen. The Hon. A. West: I do not know what they are purporting—I do not know what they are purporting to come back into government to govern, because they are seeking to destroy Trinidad and Tobago. They went to the Australians, they said to the Australians, we are involved in some collusion over the acquisitions of the boats. They went to the US to say we are in collusion over what is happening in Venezuela. We keep attacking our country and our institutions in an effort to say that if it is not mine, it is not good, it is not worthy of saving, it is not worthy of promoting. We have to change that approach. So, Mr. Vice-President, what I will say to the UNC is that—

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

Sen. The Hon. A. West: Thank you, Mr. Vice-President. What I will say to the UNC is that this Motion is a valid Motion, but they need to find the mirror and look in the mirror.

Sen. Mitchell: “Ohhh”.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: And seek to determine who in fact is seeking to destroy the democracy of Trinidad and Tobago.

Sen. Lezama Lee-Sing: Only the UNC.

Sen. The Hon. A. West: Only the UNC.

Sen. Mitchell: The reflection, they will be aghast.

Sen. The Hon. A. West: Mr. Vice-President, the Government on this side honours Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: We honour our institutions. We respect its office-holders and all we seek to do when we raise issues is to try to find ways to improve on the operation of what happens in the State of Trinidad and Tobago. We will continue to do that and which is why I trust that the people are looking on so that they will not make the mistake that they made in 2010, and put in a government that has no regard for Trinidad and Tobago. I thank you, Mr. Vice-President.

Sen. Mitchell: Yes. Well done, well done.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Nakhid.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: Let us get some proof into this debate.

Sen. David Nakhid: Mr. Vice-President, in the name of the God, the most gracious, the most merciful. Mr. Vice-President, I would like to go straight into it where Sen. West left off, as she exits the Chamber. I would like to let her know when she has made that very spurious remark, that we were busy emptying coffers, I would like to let her know, no, what we were doing, we were busy building 106 schools.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: We were busy increasing GATE funding.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: We were busy keeping the murder rate down.

Hon. Senators: [*Desk thumping*]

Sen. Lutchmedial: Settling 100 and something wage negotiations.

Sen. D. Nakhid: While the PNM are now setting records, as far as crime and murder is concerned, we were busy providing funding for athletes—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—\$13 million for the football league, \$7 million for the second division in that league because most of the athletes who participate come from those areas that are most impoverished, ironically represented by that side, the PNM.

Sen. Roberts: Hmm. Shame.

Sen. D. Nakhid: We had summer camps—they said we were emptying coffers. We had summer camps for 21,000—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—under the Minister of Sports, Anil Roberts; 21,000 students who, when the summertime comes, are left idle. What did they do? They closed down the summer camps. At the most vulnerable time and vulnerable ages of our young men and women, when they should be busy, they closed down those camps. They are trying to revive them, graduating 200 and 300, while we graduated thousands under Kamla Persad-Bissessar.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Imagine, Mr. Vice-President, the impact that has on those areas, where we had mentorship programmes, when we had talent identification officers. We had all of these things here, yet they closed them down. Why? It is not their friends and financiers. That is the poor people of the East-West Corridor, the rural areas, they have no concern for them. So they could come here and talk—

Sen. Lyder: “Dey wicked”.

Sen. Roberts: “Dey evil”.

Sen. D. Nakhid:—because that is their idea of democracy. Democracy, for them, is to be in the interest of their friends and financiers—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—while democracy—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—for the UNC is to be equitable throughout the entire country.

Hon. Senators: Yes.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: Shame is “de” PNM.

Sen. D. Nakhid: We were building aquatic centres, improving recreation grounds, putting up lights all over the country—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—while this Government is known for allowing these grounds to be rundown, dilapidated, so they could come and build, and thief “ah” money. That is what this PNM Government is known for.

Hon. Senators: [*Desk thumping*]

Sen. Lyder: “Stand up on ah Standing Order for that, nah”.

Sen. D. Nakhid: The hon. Sen. West talked about being concerned about issues.

Sen. Roberts: He is responding.

Sen. Lyder: Yes.

Sen. Roberts: Yes.

Sen. Lyder: You respond, my brother, respond. Do not be afraid.

Sen. D. Nakhid: But she was not only fundamentally flawed, as Sen. Hislop was himself, and I will get to him after—

Sen. Roberts: Where is he?

Sen. D. Nakhid:—but their own executive head, the Prime Minister himself, criticized the DPP. It was recorded widely throughout the newspapers on sensitive matters of security.

4.55 p.m.

The DPP spoke about it publicly, and even the Chief Justice—and this is why we talk about the interference in institutions. And this Government, they have this real misunderstanding, they have this shallow, superficial view of what a democracy is. They will tell you, yes, well we have these institutions. But people make up these institutions, Mr. Vice-President. And if the people in those institutions are compromised, then the institution is compromised.

Hon. Members: [*Desk thumping*].

Sen. D. Nakhid: They do not even understand that. We do not attack the President, Paula-Mae Weekes, because we want to attack her. Section 123(4), Mr. Vice-President, was breached. The Constitution was undermined. That is why the Prime Minister himself admitted— I have the article. He said: It was me, I interfered in that merit list, breaching where it was supposed to go.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: They cannot come here and preach to us. They can never do that. Everything about them is a fabrication; “emailgate”—everything about them—“emailgate”, their achievements. They can never come here and tell us

about achievements.

Do you know what the people on the ground term any manifesto from them? “Is like ah will, testimony, ah will. If you ever hear dem talk about government reform, local government reform, is we will do dis and we will do dat and we will do dat and and we will do dat”.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Absolutely—absolutely no deliverables. Nothing they can tell us they have done in eight years. And they come to tell us that we do not know about democracy? They have not the faintest idea of what democracy means. It is not the vagaries and the cosmetics of a democracy. It is like saying, you know, we have a fully functioning healthcare system. We have to wait a year or two to get an appointment or an operation done. People in beds, and so on. “Dey cyah tell me about healthcare. My mudda was an ah nurse for 50 years”. I have seen this healthcare—so-called healthcare under the PNM Government. It is horrendous. But they will tell you, “No, we have free healthcare system”. They have nothing. They have given us nothing.

All they have done is put a shell of institutions in place and try to control those selfsame institutions for their own interest. They have to stop it. At least be real with us in this Motion. Admit that you have done nothing to help the democracy of this country. Admit that you have interfered and crossed the lines of our independent institutions, and you have actually taken us back years. These eight years of Keith Christopher Rowley have taken us back, Mr. Vice-President, into an era, into a place that we do not want to be. I do not want to reach to Eric Williams and people before him.

Sen. Lyder: You do not need to.

Sen. D. Nakhid: I do not need to. The present Prime Minister suffices for everything that means dictatorial, tyrannical government. And it is time they stop with that.

Sen. Gopee-Scoon: Mr. Vice-President, point of order, 46(4).

Mr. Vice-President: Sen. Nakhid—

Sen. Mark: [*Inaudible*]

Mr. Vice-President: Yes, it is. Sen. Nakhid, as you proceed through your contribution, I would just ask you to tone your commentary down and take the passion down a little bit, because it is getting a little too extraneous. Continue.

Sen. D. Nakhid: I am sorry. I am sorry. But at the risk of possibly being thrown out of this Chamber, my passion is for the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: My passion is to advocate for democracy. And if the goodly Senator believes that I cannot speak about someone that they referenced, that they praise so highly, I am giving incontrovertible evidence that that same person that heads their executive—that the leader of that party—is probably the most dictatorial Prime Minister we have seen in the history of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: So that is where my passion is.

Sen. Mitchell: As I am passionate for the Standing Orders, 46(6), please.

Sen. Mark: What does that have to do it?

Sen. Mitchell: “How you mean? How you mean?”

Sen. Mark: Dictatorial—[*Inaudible*]

Mr. Vice-President: Senators, Senators, Senators, your point of order has been raised. Sen. Nakhid, during your contribution, kindly keep your language as it is

supposed to be in the Chamber. That is all I say. Continue.

Sen. D. Nakhid: I am begging your guidance, Mr. Vice-President, what language exactly was inappropriate? The dictatorial or tyrannical part?

Sen. Lyder: They are both irrelevant.

Mr. Vice-President: Senator.

Sen. D. Nakhid: Yes?

Mr. Vice-President: Continue.

Sen. D. Nakhid: Okay. Thank you. So the goodly Sen. West—and, you know, I do not like to speak about somebody who is not in the room, but I have to say she expressed her deep anxiety at the trauma suffered by the Independent Senators.

You know, Mr. Vice-President, trauma is not knowing where your next meal is coming from. Trauma is not knowing if your son will reach home after training. Trauma is not knowing whether your daughter, on her way home from netball practice, will be raped and/or killed and end up in Aripo. That is trauma. And if anybody, independent or not, wants to enter in the political gayelle, expect some trauma from the United National Congress.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And I echo the words—I echo the words of our Opposition Leader and soon-to-be Prime Minister, if they cannot stay out of the political gayelle, expect trauma from us; expect trauma.

Mr. Vice-President, I go now to, what I felt was a sad contribution from Sen. Hislop. And I term it “sad”, because obviously of the Senator from Tobago had some potential, which would never be realized on that side. You know, his utterances were so vague, superficial, ambiguous, lacking substance.

Sen. Roberts: Go easy on him. Go easy on him.

Sen. D. Nakhid: Go easy on him? You, know, to say that democracy—having free speech on the radio is a sign of democracy; having a free social media is a sign of democracy, it really betrays a fundamental understanding of what democracy entails. And it is not about each vote, of each person having the same value, that is true. But if you put that vote within the context of how they get to that box, how they get to that place to vote, that is where we can examine what is true democracy.

Because if you gerrymander things, if you influence institutions, then that vote loses its value significantly, because you have gerrymandered things in order for you to have an advantage. And that is what our Senators, that is what this side, that is what we are saying. So it is not about each person “going and have ah vote” and every vote has the same value, it is not about that. It is not about that, Mr. Vice-President. And I think—I do not want to say the Senator does not have—well, I think he is a smart—well, he should be a smart guy, but I think he is arguing a point that he would be the loser in that one.

Sen. Mark: He is in the wrong company.

Sen. D. Nakhid: The wrong company. Again, to the point, Mr. Vice-President, none of us here are necessarily attacking people. They want to give that impression that we are attacking citizens. We are not. Stating that a person, whether we call a name or not, Ingrid Lashley or not, is on nine boards, that is a fact. That is a fact. That is truth. And let me tell you, the Senators, they did not go into detail of what that affects. Let me tell you what that affects.

First of all, there is definite financial interests. Maybe there are decisions to be made that you will not make in the interest of institutions because you are benefiting on so many boards. And we can bring that up to Paria. You saw what

happened in the case of Paria. When people are placed on several boards and they are interlocked and they have definite interest with the Government, they tend to lose their objectivity and their independence, and that is what we are talking about. So it is a very dangerous road that this Government has traversed to the detriment of this country. But we are here.

And, you know, they talk about the Opposition, we are here to oppose. Well yeah, we are here to oppose anything that is undemocratic, wrong, inequitable. We are here for that. And I know they might be a bit bothered by it, but they have to deal with it because they have done nothing to advance the interest of this country. Again, I repeat in all of their submissions, they did not tell us one time where we were wrong in bringing this Motion. And I repeat, as so many have said, this is the most timely Motion, the most au courant Motion. It has even a touch of serendipity to it. What could reflect better the zeitgeist our present politics? This Motion encapsulates everything about the zeitgeist of our politics right now.

Hon. Senator: [*Inaudible*]

Sen. D. Nakhid: Several languages can be spoken here; several.

And speaking about—and it is very important that I make this point, Mr. Vice-President, that too often this Government, this PNM Government, they distract and deflect from what is the stark reality; what is the truth. So they would come here and try to portray to the public, you know, that really and truly they are protecting our citizens from criticisms. And I cannot make the point strongly enough, the United National Congress has no interest in attacking people/citizens who are on the right path. We are interested in protecting our institutions. And they fail to understand that our institutions—and I will come back to—and their standing and their status are determined by who inhabits that office.

And I go back, Mr. Vice-President, to the Office of the Commissioner of Police, who is also an independent office. I wrote—and we mentioned it here—personally to the Commissioner of Police eight times, to the DPP eight times, and I received no response until a brilliant woman called Kamla Persad-Bissessar, Senior Counsel, said to me, “Well, I should copy this to a certain office”, which I did. And eventually we finally received a letter. I did, received a letter from former Commissioner of Police, Mc Donald Jacobs, indicating that the Prime Minister was under investigation by the Anti-Corruption Investigations Bureau. And I made that statement here, that is on the *Hansard*. I made that statement here. Subsequently, that Commissioner of Police was fired, summarily dismissed.

So we know that his appointment—and this is important to know, because Sen. West brought it up, she mentioned it, that we attacked President Paula-Mae Weekes. We did not attack her—and I was at the forefront of that attack. We did not attack her. We attacked her actions. This Government does not realize—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—we attacked her—what she did, what she did, what Paul-Mae Weekes did was attack the Constitution. What Prime Minister Keith Rowley, by his own admission admitted, he attacked the Constitution. He said, “It was me. I intercepted that merit list”. You all talk about aghast and amazed? We are aghast and amazed—

Sen. Lyder: The whole country is aghast.

Sen. D. Nakhid:—that Keith Christopher Rowley “not turning over ah bucket” somewhere in remand yard or something. You cannot tell me—

Sen. Gopee-Scoon: Mr. Vice-President, point of order, 46(4).

Mr. Vice-President: Sen. Nakhid, with due respect for the holder of the office,

with due respect for the office, tone your language down.

Sen. Roberts: “Rowley doh respect nobody”.

Sen. Mark: He should be in jail.

5.10 p.m.

Mr. Vice-President: Sen. Mark, Sen. Mark, Sen. Mark, Sen. Mark.

Sen. Mark: Yes, Sir, you agree with me?

Mr. Vice-President: No, I do not. Sen. Mark, Sen. Nakhid, for the officer of the Office of the Prime Minister, we have to be more respectful, and we have to have a level of decorum in the House. If it is that you wish to make a point, there are many other ways to make that point. Continue.

Sen. D. Nakhid: Thank you. Guided, Mr. Vice-President. But the point of that is exactly—you made my point for me. I was not attacking the Office of the Prime Minister, I was attacking the person who inhabits that office.

Sen. Roberts: Yes.

Sen. Lyder: Yes.

Sen. D. Nakhid: He himself admitted—

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

Sen. Gopee-Scoon: Point of order, 46(4).

Mr. Vice-President: Sen. Nakhid, the Standing Order was raised, I cautioned you against it, and I asked you that whilst you continue your contribution, regardless of the office-holder or the office, it begs better language than what you are saying. Continue.

Sen. D. Nakhid: No, I will not use any bucket language anymore. All I said is that the Prime Minister himself—

Mr. Vice-President: Sen. Nakhid, you have made your point, kindly proceed with

your contribution and stay away from that, please.

Sen. D. Nakhid: Thank you, Mr. Vice-President. So, Mr. Vice-President, it is no secret that the public/citizens are uneasy, extreme uneasy, discomfort with the manner in which this Government and all their leaders of this Government. I will not single out anyone who has interacted with these independent officers. I will forget the semantics. I will give you a concrete example, couple Senators alluded to it, but I will give you concrete examples.

The EBC presided over a general election in August 2020, spanned the length and breadth of Trinidad and Tobago. Several months later, in their own postmortem, their own postmortem of those 2020 elections, the EBC announced—

Sen. Gopee-Scoon: Point of order, 53(1)(b).

Mr. Vice-President: Sen. Nakhid, the Standing Order that has been raised is about—alludes to tedious repetition. The EBC has been raised—

Sen. D. Nakhid: Nobody went into detail like I am.

Mr. Vice-President: Proceed then.

Sen. D. Nakhid: Thank you. Nice try.

Sen. Lyder: “Dey jumpy on dat side boy”.

Sen. Lutchmedial: Not one. There are so many—it has many examples.

Sen. D. Nakhid: Nice try.

Sen. Lyder: Jumpy on that side.

Sen. D. Nakhid: Several months later—and nobody mentioned this, Mr. Vice-President.

Sen. Lyder: Truth hurts.

Sen. D. Nakhid: Nobody mentioned this. In their own postmortem, the EBC announced that, particularly in Tobago, there was no need to redraw boundaries;

that the 12 seats in Tobago were sufficient for purpose. Their own words.

Sen. Lyder: Yeah, that is the report. It is a report came out, not so?

Sen. Lutchmedial: Yes, yes.

Sen. Roberts: Correct.

Sen. Lyder: Yes.

Sen. D. Nakhid: Subsequently, when this Government, for want of a better word, was surprised by a 6/6 result in the THA elections, the country was then privy to see, not a democracy, but an autocracy in motion. The head of that Government went on national television—we all saw it, Mr. Vice-President—and he spoke about the need to redraw those boundaries. So it was not about, it came out of their own. They announced months before. That needs to be made clear to the public, Mr. Vice-President. We are here debating that substantive Motion, why we believe that this Government does not affirm our democracy in Trinidad and Tobago. They have to accept it. It is there in black and white. The EBC said they were satisfied with what they have seen.

Sen. Lyder: It is a report, yeah.

Sen. D. Nakhid: The Prime Minister expressed his dissatisfaction with the boundaries and then, lo and behold, new boundaries drawn up.

Sen. Roberts: Hmm. Shame.

Sen. D. Nakhid: Seats went from 12 to 15. Well, the best laid plans of my Sunday—

Sen. Roberts: “And dey still geh licks”.

Sen. Lyder: Well, boy.

Sen. D. Nakhid:—sometimes go awry.

Sen. Lyder: “Not just licks inno, real dread licks”.

Sen. D. Nakhid: And no need to remind anybody here about Walter Scott and his famous quote:

“Oh, what a tangled web...when first we practice...”

Sen. Lutchmedial: To deceive.

Sen. Lyder: To deceive.

Sen. D. Nakhid: Well, all right.

Hon. Senator: You have a chorus there, boy.

Sen. Lyder: Yes, man.

Sen. Roberts: Unity.

Sen. Lyder: A unified chorus.

Sen. Lutchmedial: Amen.

Hon. Senators: [*Desk thumping*]

Sen. Lyder: “Yuh cyah buy this six. Yuh cannot buy dis six”.

Hon. Senators: [*Desk thumping*]

Sen. Lyder: This six not for sale.

Sen. Lutchmedial: “We doh only sing Lootala inno”. We sing “plenty things”.

Sen. D. Nakhid: And let me tell you what—

Sen. Lyder: “We eh taking no million on HDC house”.

Sen. D. Nakhid:—this PNM Government—Mr. Vice-President, there is precedent for their actions, anti-democratic as we see it, as is our right as an Opposition to see it. And we spoke about it, how in 1995 with the Speaker, Occah Seepaul, a state of emergency called when they could not have their way. No one can tell us that that was anything but anti-democratic.

[MR. PRESIDENT *in the Chair*]

Sen. Roberts: “Kazim bring dah boy fuh yuh”.

Sen. Lyder: “Kazim sweet inno”.

Hon. Senators: *[Interruption]*

Sen. D. Nakhid: Mr. President, welcome back. Do you know that almost every instance that we are seeing now taking place in our independent institution, we can find a precedent with this PNM Government? I will give another parallel; somebody mentioned it about the Chief Justice previously, Sat Sharma, and his dealings with this Government where 137 was triggered to hound them out of office.

Sen. Roberts: Shame.

Sen. Lutchmedial: Shame.

Sen. Lyder: Shameful.

Sen. Roberts: PNM again.

Sen. Lyder: There we go.

Sen. Roberts: Oh Lord, look—*[Inaudible]*

Sen. Mitchell: Mr. President—

Mr. President: There is a point of order. Take a seat, Sen. Nakhid.

Sen. Mitchell: Yeah, please, 46(1). The Motion refers to this Government but they keep going back in time to previous governments.

Hon. Senators: *[Interruption]*

Mr. President: So there is absolutely no need to shout at the Member raising the point of order. The point of order, which is 46(1), which speaks to relevance, from what I have heard thus far, it is within the boundaries of what the Motion is asking for, so I will allow you to continue, Sen. Nakhid.

Hon. Senators: *[Desk thumping]*

Sen. D. Nakhid: And I thank you most kindly, Mr. President. There was quite a

bit of a mistake made by Sen. West when she talked about the hon. Kamla Persad-Bissessar SC was the one who called them out as far as Chief Justice Sharma was concerned in triggering section 137. It was not only the Opposition, it was also the Law Association who called them out.

Sen. Roberts: Exactly. Preach.

Sen. D. Nakhid: And we have to say, Mr. President, when we have an independent institution questioning the Government, not the Opposition, they must pay attention to that as well. It shows how little respect, how little regard they give to our independent institutions, that any independent institution who attacks them, not in a malicious way, but shows their deficiencies, they immediately shut down. We just had a recent example with a journalist, Urvashi Tiwari-Roopnarine, who spoke about crime, when the head of their Government went to town on her; went to town on her. Then they want to tell us that we attack independent—no, we do not, Mr. President. What we do, we criticize the actions of those people that inhabit that office. And I repeat that again. We did not say anything. We felt that the journalist was on point. She spoke about crime in the most moving and passionate of manners.

Crime right now, as we all know, has us hiding in our beds like cowards in our houses, burglarproof to the hilt.

Sen. Lutchmedial: “Unless yuh bed getting flood out.”

Sen. Lyder: And “yuh” unarmed.

Sen. D. Nakhid: We are not afforded the security details that many of them have. We are worried about our sons and daughters. And what did they do? A young St. Mary's boy, the best school that this country and this Caribbean has ever seen—

Sen. Lyder: Second best.

Sen. D. Nakhid:—st. Mary's College, a young former student killed; killed, used as a shield. She spoke with passion, Urvashi. She spoke with love. She spoke with care, and what happened? The head of the Government attacked her in the most vile manner.

Hon. Senators: [*Desk thumping*]

Hon. Senators: Shame.

Sen. D. Nakhid: Attacked her.

Mr. President: So, again, you have been cautioned before. Just be careful about the language that you are using going forward.

Sen. D. Nakhid: I will just say he attacked her. That is good? Okay.

Mr. President: So when you say that what you are doing is essentially, to the average person, they can misconstrue what is being said. So rephrase.

Sen. D. Nakhid: Verbally criticized her in the most unparliamentary manner; a manner unbecoming of a Prime Minister.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: She did not want to go on the red couch. You see, that is what "does happen".

Sen. D. Nakhid: So, Mr. President, I have shown where several institutions, not only with precedence, but contemporaneously has been attacked by this Government. Not only they have infiltrated those independent institutions, the EBC, President's Office, Commissioner of Police—but it is not that. That should not be an abstract concept, Mr. President. It should not be because I like to bring it down to the ground. How does that affect the people on the ground? When we have that lack of checks and balances, it gives them unfettered access to exactly what we see now from this Government, which is basically no governance.

This Government is always on the reactionary footing; always. Never that they come with anything—

Sen. Roberts: Nothing.

Sen. Lutchmedial: Nothing.

Sen. D. Nakhid:—proactive. Never that they come and say, not we will, but we have done this.

Sen. Roberts: Carnival Cruise Line “wuk”.

Sen. D. Nakhid: Always is a reactionary footing; defensive. And you know when you put people on the defensive, you get exactly that; no production, no productivity, and most importantly for the people of Trinidad and Tobago most importantly for the people of Trinidad and Tobago, no results.

This is the Government with the least results of any government in the history of Trinidad and Tobago, and that is a direct result of how they have infiltrated our independent institutions. Even the Fourth Estate is not free of criticism. The Judiciary is not free of criticism. I have shown all of this.

So, in conclusion, Mr. President—

Sen. Roberts: “Nah, man. Keep talking, man. Talk. Yuh talking good”.

Sen. D. Nakhid: And please, Mr. President, do not fall off your Chair with this one. I, Sen. David Nakhid, would like to congratulate Keith Christopher Rowley for his assessment that I saw on his Facebook page.

Sen. Roberts: What is that?

Sen. Lyder: Which one is “dat”?

Mr. President: Just remember that we refer to Members by their title, so it would be the hon. Prime Minister.

Sen. D. Nakhid: Hon. Prime Minister. Yeah. Let me pull this up. It was an

assessment, Mr. President, that went viral—

Sen. Lyder: On his Facebook page?

Sen. D. Nakhid: On his Facebook page.

Sen. Lyder: Okay.

Sen. D. Nakhid: It went viral, Sen. Roberts.

Sen. Lyder: So is not a fake email then?

Sen. D. Nakhid: As a matter of fact, Mr. President, most people actually thought that the assessment was of his tenure in the last eight years.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And I would like to paraphrase.

Today I saw and I am seeing the worst government in the history of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:

The amateurish, demoralizing, embarrassment that our Government portrays has to stop.

Sen. Lyder: “Wa”?

Sen. D. Nakhid:

Governance—

Mr. President: Right. So, Senator, as much as I understand what you are trying to do, this is the problem. So you began by ascribing words to a Member of a particular Chamber and indicated that you are paraphrasing. Is it that those words were actually stated, as you are paraphrasing now, by the individual or not? Because if it is not what the person has said, well then, you cannot do that.

Sen. D. Nakhid: Well then—guided, guided. So the hon. Prime Minister—hon.

Prime Minister?

Hon. Senators: *[Interruption]*

Sen. D. Nakhid:—was talking about our West Indies cricket team, which because of the poor governance that they have seen lately, not to mention the lack of talent, have reached the depths of West Indies cricket. Of course, if they had a famous midfielder like Randall Mitchell, they might do better—the Minister.

Sen. Lyder: “Ah, boy, you get big up there.

Hon. Senators: *[Interruption]*

5.25 p.m.

Sen. D. Nakhid: “Ah surprise yuh know dat”. And listen, I quote—

Hon. Senator: Silly mid-ons.

Sen. Lutchmedial: “We have big cricket in San Fernando this evening, all yuh coulda rel come”.

Hon. Senator: Silly mid-ons.

Sen. D. Nakhid: —and he said—

Sen. Lutchmedial: Silly mid-on or mid-off.

Sen. D. Nakhid:

“Today I saw the worst cricket match ever played by a West Indies team.

This amateurish demoralizing embarrassment has to stop.”

Wonderful words; wonderful, wonderful, Sen. Mark.

“Playing for West Indies requires a desire to fight, to believe, to win. To saunter to defeat is unacceptable.”

Wonderful, Sen. Roberts.

Sen. Lyder: Going good so far.

Sen. D. Nakhid: Big coach, big coach. “He know about dat”.

Sen. Lyder: Going good so far.

Sen. D. Nakhid:

“Playing for West Indies must be a treasured privilege...”

Sen. Roberts: Wow

Sen. D. Nakhid:

“...available only to the best that are prepared to show character in defence of our legacy and our pride.

Those to whom these truths mean nothing must not be allowed out in West Indies colours.”

So now, Mr. Vice-President—Mr. President, sorry, I would like to say in closing, these are my words for this Government and for the speaker of these words—

Sen. Roberts: Or the Prime Minister.

Sen. D. Nakhid:—today, in Trinidad and Tobago, we see the worst Government that this country has ever seen.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: This amateurish, demoralizing, embarrassment of a government—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—who works against our democracy has to stop. Governance of a country requires a desire to fight for the people, to believe in democracy and to serve the people.

Sen. Roberts: We do not see this.

Sen. D. Nakhid: To saunter through to incompetence and amateurism is unacceptable. Governing this great country of Trinidad and Tobago must be a

treasured privilege available only to the best, and that is the United National Congress.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Because we are prepared to show the character in defence of our legacy of this country and our pride.

Sen. Roberts: Yes, my brother.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And listen to this, Mr. President, to those whom the truth means nothing—I repeat, to those whom the truth means nothing must not be allowed to have any chance to govern this country. August 14th, we will change the Government of this country.

Hon. Senator: Yes.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Thank you, Mr. President.

Mr. President: Minister in the Office of the Attorney General and Ministry of Legal Affairs.

Hon. Senators: [*Desk thumping*]

The Minister in the Office of the Attorney General and Ministry of Legal Affairs (Sen. The Hon. Renuka Sagramsingh-Sooklal): Mr. President, I thank you most sincerely for the opportunity to contribute to this debate. You know, Mr. President, this debate is—this is the second day of this debate and I am very much low down in the batting order. A lot has been said, Mr. President, but I want to begin with a statement made by the hon. Senator, Sen. Roberts. You know, Sen. Roberts said the PNM has been in power so long in his contribution and what I will say to the hon. Senator, and more so to the Opposition Leader, if she is paying

attention to this debate, the PNM will not only be in power—the PNM has not only been in power so long, but you see with senatorial contributions and Senators like the six that sit opposite, Mr. President; you see like the 101 that they scrape up—the pick-up side—

Sen. The Hon. R. Sagrarsingh-Sooklal: —they scrape up to represent the UNC at the local election—

Hon. Senators: [*Interruption*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—once that continues, Mr. President—

Mr. President: Okay. So what is going to happen until the end of today's proceedings is that there will be total silence when a Member is making their contribution. I have spoken to this from the time we have started, now I am just going to act. Continue, Senator.

Sen. The Hon. R. Sagrarsingh-Sooklal: As I was saying, Mr. President, once that type of representation continues, the PNM will not only be in power long, the PNM will always be in power.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal: And I will tell you why I say that, Mr. President. You know, just two days ago—a day ago, my father sent me TikTok, eh. And in that TikTok—he sent it about seven o'clock in the morning, I think it is “Trini Bakannal” or something like that, and in the TikTok they refer to me as the “female Anil Roberts”—Sen. Roberts. And it was, of course, because of the—probably because of how loudly I speak. But, you know, I said to myself as a young Senator—because 40 is relatively young. As a young and a new Senator, with the hope of representing the people of this country, I said to myself, I am

unapologetically loud, “but yuh know when ah loud, ah doh want it to be ole noise ah making”. When I am loud—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—I want it to be something of substance, something that could build a nation, something that could build institutions—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—not just come here and rant and rave, like, for example, Sen. Nakhid's flip-flopped and failed contribution. No, when I raised my voice in this Senate, when I—as a matter of fact, when I was compared to Sen. Roberts, I took that—I said, “Whattt” and I took that as a compliment—

Sen. The Hon. R. Sagrarsingh-Sooklal:—because the Senator speaks loudly. And I will tell you why I took it as a compliment.

Sen. Lyder: [*Inaudible*]

Mr. President: Sen. Lyder, please exit this Chamber now?

Sen. Lyder: Yes, okay. August 14th.

[*Sen. Lyder exits Chamber*]

Mr. President: Continue, Senator.

Sen. The Hon. R. Sagrarsingh-Sooklal: Thank you, Mr. President. And, you know, just to say that, Mr. President, you know, all of us who sit in this Senate, we have a responsibility, Mr. President, to not just the political parties that we serve, but we have an equal responsibility more so to the young people looking on at what is being delivered and what is being said in this Senate. And for that very said reason—that is why I brought up the issue with the TikTok and I said to myself, you know, I have a lot to learn and I have very far—probably I have far to go in this politics thing. But one thing I will always do, and I want to reiterate that

point, when I come to this Senate and I make a contribution, it must always be a contribution that will uplift this country and uplift—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—this Parliament in one way or the other.

Mr. President, that being said, I want to go to probably the—apart from the contributions made by the Members of the Government Bench, I want to address certain statements made by probably—well, by the only sober contribution, other than the Government's contribution made to this debate, and those were some statements, Mr. President, that were made by Sen. Dr. Richards. You know, the Independent Senator, Sen. Dr. Richards, I have to agree with the hon. Senator when he spoke about the coup as being really one of the first major attacks of democracy in Trinidad and Tobago, because I totally agree with the Senator. But the Senator also went on to say, he said that:

Principles of democracy is something every single citizen ought to commit to it is not just the Government's responsibility.

And I fully support and I fully endorse that statement and that contribution made by the hon. Senator.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal: And that is probably why I started off from the point of speaking about what value do we bring as Senators when we come to this Senate and we make a contribution. I myself “does get on bad” on the political hustings, you know, Mr. President. And once or twice, I probably stepped out a line even in this honourable Senate, and it is not something I am proud of because I constantly remind myself—even when I step out of line, I remind myself

of why we were appointed to serve. I remind myself of who we are representing and who is looking—not just who we are representing, but who is looking on at us, reminding myself I have a 15 and a 16-year-old looking on at what their mother is doing in this Senate. And because of that, Mr. President, I make reference to the contribution made by hon. Sen. Dr. Richards, and it is against that backdrop that I would attempt to put some—to make my contribution.

You know, Sen. Mark—I want to make reference to Sen. Mark's contribution because Sen. Mark, to my mind, he is probably the only Opposition Senator who rarely fights and who really tries to bring something of—something with a little bit of difference—something a little different in his contributions to the Senate, eh. And in Sen. Mark's contribution, Sen. Mark spoke about the Service Commissions and, of course, he spoke about the Judiciary. But in pure Sen. Mark style, of course, the record is inaccurate—what he would have placed on the record is inaccurate and in responding to Sen. Mark, those are the two major areas that my contribution will focus on in looking at Sen. Lutchmedial's Motion that she has brought to the Senate.

Now, before I get into the issue of the Service Commissions as raised by Sen. Mark, and points that he placed on the record as it relates to the Judiciary, I believe, at this late stage, even though it is late in the afternoon, I want to go back to what is the Motion, Mr. President, at least to be true to my words when I started off by talking about what value do we bring in our contributions. I want to go back to what is the Motion that we are all here to debate, that we are taking precious Parliamentary time to debate. And, of course, it reads recitals:

“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;”

As it relates to that first recital, I do agree with this particular recital, Mr. President, because this is, in essence, what the separation of powers stands for.

Mr. President, the second recital says:

“*And whereas* the constitution provides protection to all constitutionally enshrined officers and institutions;”

The second part of this recital, Mr. President, I am also in agreement with and that has always been the position of the PNM Government.

When it comes to the third part—the third recital, Mr. President:

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

This is the part of the Motion that I absolutely reject. And I will say that because, Mr. President, many Members on this Government Bench have already placed, for the benefit of the listening public and for the benefit of the record, examples upon examples that show this Government's continuous appreciation and support, Mr. President, for the concept of the separation of powers, and more so as it relates to upholding a democratic society.

Mr. President, the final part of the Motion that we are asked to debate says:

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

And I will also say, I cannot agree with this final part of the Motion, and I will say I will tell you why, Mr. President. I will say this because this Government has

never waived in its responsibility of reaffirming, as it says, our commitment. We have never waived or we have never turned our backs from our commitment to the principles and the practice of democracy in Trinidad and Tobago. So there is absolutely no need for us to reaffirm our commitment because, Mr. President, our commitment has always been there from time immemorial. And it is against this backdrop, Mr. President, by rereading what we are here to debate, I will begin my very brief contribution because, as I said before, a lot has already been said, by Members of the Government Bench in particular, as it relates to our Government's position on this Motion.

5.40 p.m.

I will immediately jump into the point made by Sen. Mark on Service Commissions, and I want to springboard off of submissions made by the hon. Minister, Sen. West. Of course, the Minister would have gone into clearing the record about the Prime Minister's position as it relates to Service Commissions and, of course, would have already placed on the record that the intention of our Government is to review the workings of Service Commissions. It is against this backdrop I want to use some examples for the benefit of the sober, thinking, prudent Trinbagonian who is listening to this debate, to understand why if our Government, even through our Prime Minister, makes a statement that we want to review the operationalization or the working processes of Service Commissions, it is not because we want to trample or we want to step over our lines or we want to usurp the separation of power theory. It is certainly not that. It is certainly because we have recognized, as a responsible Government, that there may be need,

and there is a need for us to review the way in which Service Commissions operate. This is the first area that I want to focus on.

You know, Mr. President, leading up prior to this debate, I know probably for an hour and a half in a press conference that the Opposition usually holds, they went to town and, of course, commented on the comments that the Prime Minister made about the Public Service Commission.

You know, this Motion is a Motion that was brought by an attorney-at-law, who is supposed to be the Opposition's bright lawyer, and I would have hoped that in her explanation, the Senator's explanation or piloting of this Motion, that she would have really parked this Motion as close as possible to the law, rather than just bacchanal and confusion and cantankerous mudslinging and trying to decimate characters of persons who—albeit they say yes, I understand people is who occupy offices, but I would have hoped that the Senator, who is supposed to be an attorney-at-law, when she brought a Motion that is so legal and so law sensitive, would have parked this Motion as close as possible to the law. That having not happened by the mover of the Motion, in looking at the issue of Service Commissions, I will park my contribution as close as possible to the Constitution and to the law as it relates to the operations of Service Commissions.

You know, Mr. President, sections 120 to 129 of the Constitution provides for Service Commissions in all its aspects. Now, Sen. Mark spoke, as I would have alluded to earlier, that the hon. Prime Minister proposes to abolish Service Commissions and replace it with a tribunal—with the primary purpose of functioning in a more effective—with a tribunal, sorry. Of course, Sen. West

would have reiterated and made the point that the Prime Minister's position, or the Government's position remains that there is need for us to review Service Commissions.

Mr. President, I want to place on the record that the need to review Service Commissions is certainly not a new concept at all. And certainly if it is our Government's intention to do so, this is not in any way our attempt to pay no attention to the separation of powers. By virtue of part VIII, for example, of the Public Service Commission Regulations—because as I said I am trying to keep this, my contribution, park it as close as possible to the law.

Mr. President, in part VIII of the Public Service Commission Regulations, and section 121 particularly of the Constitution, the Public Service Commission has disciplinary jurisdiction over public officers, for example, in the service, in the civil service, prison service, fire service. This position was later amended to include even the teaching service. So this is one aspect that is under review of the way in which Service Commissions operate, and I am looking at particularly the Public Service Commission Regulations, part 8 of it and, of course, section 121 of the Constitution.

Now, in this particular part VIII—because I want to give an example, for the benefit of the listening public to understand some of the issues that are live, some of the issues that exist in the Service Commissions that require a responsible government to be able to review the operations of the Service Commissions. And certainly it is not because we have total disregard for the separation of powers, but it is because as a responsible Government we recognize some of the deficiencies

that exist within the system.

And one of the examples I am going to look at, for the benefit of the listening public and, of course, to bring some kind of law back into this debate, is that part 8 of the Public Service Commission Regulations that speaks about the whole disciplinary processes.

Now, in that particular part VIII of the law, what it says is that—so, for example, let us say there is a complaint against an officer, whether it is a teacher, whether it is a police officer, that part VIII governs the whole investigative process. The investigative process, for example, for the benefit of the listening public, Mr. President, it entails a Permanent Secretary or the head of department, they receive a report, or allegation of misconduct, the PS or head of department then has to inform the Director of Personnel Administration for its information while simultaneously informing the accused officer of the allegation.

Now, what happens thereafter, according to the current structure of the public service is what we need to look at. The Permanent Secretary or the head of department, by virtue of the law and the structure set out in the law, is then expected to appoint an investigating officer, for example, to take statements for parties involved and to compile and submit a report to the commission for its consideration and the laying of disciplinary charges if appropriate. Once disciplinary charges are deemed to be necessary, a disciplinary tribunal to hear the evidence and embark upon a fact-finding mission then comes into play, and this is in accordance to the law, and that is in accordance to the current structure that exists.

Mr. President, if we look closer at this example that I am alluding to, thereafter the tribunal prepares and submit a report for consideration of the commission, which then determines the matter and imposes a penalty, as it considers fit in the circumstances. So that in a nutshell is the process. Why am I missing raising the issue?

This whole entire disciplinary process—I served as a teacher once in a previous incarnation, and I was a teacher at a time when there were two teachers who were on disciplinary charges; one that I know was receiving a full salary while their matter was being investigated and went on to do a PhD; went on to do a PhD, and I left teaching and that matter had not been adjudicated upon. That matter had not been dealt with.

There was another matter with another teacher, where allegations were brought by parents against him. And because of, again, the onerous process, the process—again, parking it to the law—what exists in the current process, what the law currently entails in the Service Commissions for disciplining officers, what we would have had—again, that same exact teacher, I left teaching, he was home on full pay leave from the teaching service, and that matter had not been adjudicated upon. There was no conclusion to that matter. And that is just two examples of what I know of in my experience as a teacher in a previous incarnation.

The reason why I am raising this issue, it is matters in issues like this that a responsible government realizes that issues like this will only cripple the operations of our Service Commissions; it will only cripple. But, you see, the Opposition, they walked out during my contribution because this is not bacchanal

and confusion. This is where we are setting the record straight—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—and we are letting the people of Trinidad and Tobago understand that when we say as a Government we want to review the law, we want to have a conversation—for example, Minister West spoke about the conversation that took place between the Chief Justice and the Prime Minister of this country. That is not because we are colluding or we have a plan. You see, what the UNC does is that they constantly judge us by their standards.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: And that is why they will always believe the PNM is corrupt, and they will always believe there is a “back ah yard” or a “under de table” arrangement, because that is how they operated their affairs. But for the benefit of the listening public, even if conversations, as Minister West would have alluded to, one of the examples I would have pulled from relative to what happens in the Service Commission currently; just in one example in looking at disciplinary charges, one would understand—I trust and I believe that the reasonable, sober, prudent, thinking citizen of Trinidad and Tobago will reject the UNC's propaganda and bacchanal—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—and would understand that we will always be the right choice of governance in this country.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Because when we come to this Parliament and we make contributions in this Parliament, it is always with the intention and the interest of uplifting our society, and uplifting the people of Trinidad and Tobago, and making life better for every single citizen.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Now coming back to this example, Mr. President—and again, it is for the record, because Sen. Mark, of course, would have gone to town about the Service Commissions and Service Commissions. I need the people of Trinidad and Tobago to understand, again, what are some of the deficiencies that exist.

Coming back to this whole investigative process, the investigative process, as I would have alluded to, is a lengthy process. While appropriate for more serious type offences, it proved not to efficiently appropriate for less serious offences. So even within the disciplinary process in the Service Commissions, you may have a not so serious offence still being stuck in the system for months on end, sometimes years.

As a result, what we would have had—again, parking my contribution as close as possible to the law—there was a Legal Notice 60 of 1999, dated 16 April, 1999, where the Public Service Commission delegated duties to the PS and heads of department to hear and determine allegations of misconduct which are relatively minor in nature. This is where we saw by this particular Order the creation in the public service of what is known as a “one-man tribunal”.

Now, later on, the Legal Notice identifies—now, this particular Legal Notice

which I alluded to that created this one-man tribunal in the Service Commissions for, of course, investigating allegations and so on made against officers, that same Legal Notice that I alluded to, it identifies various offences and identifies the related regulations for transparency purposes. That particular Legal Notice goes through in detail the steps that have to be taken. And if I count—one, two, three, four, five, six, seven, eight, nine, 10, 11, 12—there are about 12 steps that that Legal Notice speaks to and alludes to, that has processes that may have to take place before you could discipline one officer, and for serious allegations as well.

Just to place on the record, Mr. President, and, of course, just for the benefit of the public, these are some of the processes that I would have taken from that Legal Notice that relate to the steps, for example, in disciplining officers. One:

The PS or head of department refers the allegation to a senior officer in the department of the accused officer.

Step two:

The senior officer considers the information submitted to determine whether or not it is sufficient to constitute an act or acts of misconduct. A further investigation may even be necessary.

Number three:

If the information is sufficient, the senior officer formulates the charges and notifies the accused officer through the office of the PS or head of department.

Then it goes on:

The PS or head of department then notifies the accused officer of the date,

time and place.

This is long before he even comes up before a one-man tribunal, eh, Mr, President.

Then it goes on to say another step:

The PS or head of department either conducts the hearing or appoints a person so qualified;

Another step is:

The accused officer is then given an opportunity to be heard;

Then another step is that:

Witnesses are called to substantiate the allegations and the accused officer is also given an opportunity to call witnesses to testify on his behalf.

I know this is long and onerous, but I have to read it into the record for the people of Trinidad and Tobago to understand this is the process that speaks to, or these are the processes that the law in its current incarnation speaks to, when you have to discipline one rogue officer, whether it is a teacher, whether it is a police, whether it is who or whether it is what.

If it is as a Government we recognize that systems like this would only cripple our society and it will only prevent us from being able to effectively efficiently deal with officers, or to deal with those who are causing our public service to fall down flat on the ground, then how can we be accused? If as a responsible Government, we recognize the need, and we recognize it is necessary for us to intervene and review the structure, to bring improvement to the structure, then how is it—I ask the simple question to, not the Opposition, but to the ordinary, sober, prudent, thinking Trinbagonian, how is it then that we can be

accused of not appreciating the separation of powers?

5.55p.m.

How is it then as a responsible—how is it can we be accused of not wanting the best for Trinidad and Tobago, Mr. President? Because we have recognized these are the deficiencies, and hence the reason we will continue to advocate and we will continue to have conversations with the people that we have to talk to—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—and have those conversations whenever it comes up because we recognize that is how we can bring substantive changes. That is how we can bring an overall change to our society. And that is why, Mr. President, when Sen. Mark raised the issue of Service Commissions, I took to time to pull out from that particular Order, Mr. President, again and for the benefit of the public, that whole part VIII in the Public Service Commission Regulations, and I would have spoken to that Legal Notice No. 60 of 1999 that speaks to the whole disciplinary process to just deal with one rogue officer regardless of which commission they fall under. I took the time to read it into the record for the public to truly understand, this is the reality of what, as a Government, we have to deal with.

So when we have conversations, when our hon. Prime Minister says that he wants to review the Public Service Commission, it is not that he is a dictator. As a matter of fact, it is because he is the father of this nation, and I will call him that. And it is because he truly wants the best for the people of Trinidad and Tobago, and it is because he wants to best for this country. And I “doh care, who vex loss, who vex loss”, respectfully, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal: “Who vex loss”.

Mr. President, and I if may also—you know we always—

Hon. Senators: [*Crosstalk*]

Sen. The Hon. R. Sagrarsingh-Sooklal: As a developing nation, we always talk about what is happening in the world and what happens in other countries. You know, Mr. President, in Canada—Canada is a developed society and Canada is one of those jurisdictions, Mr. President, that there was an entire overhaul of the their service commissions as well. And there are many other jurisdictions that I can call, but I have the case study of Canada in particular. And this was done by their hon. Prime Minister where in a 2000 report of the Auditor General of Canada, it described the:

“...framework of human resource management in the ‘core’ public service...”—sector of Canada as—“...unduly complex...outdated...cumbersome, costly and outmoded.”

And Canada, at that point in time, decided that it was absolutely necessary for them to review their public service arrangements and structure. Canada did it. And if we are to—and there are many other nations that have done it. So as a matter of fact, I want to applaud the Minister of Public Administration, I want to applaud the hon. Prime Minister, I want to applaud the Members of this Cabinet—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—for recognizing the necessity for us to review the Service Commissions. And, Mr. President, mind you, the example I have placed on the record is but just one example of some of the issues that currently exist in the Service Commissions. And it is simply for the benefit of listening public, the benefit of Trinidad and Tobago to understand that once this

Government embarks upon reviewing or—because we have started looking at Service Commissions, it is certainly not because we have disrespected or we do not have appreciation for the separation of powers, but it is simply that is government PNM style, Mr. President. We recognize that something has to be done and we will do it. We will do it once we—and we will make the time to do it, Mr. President.

You know, on that same point of Service Commissions, Mr. President, you know, I recall reading—just to place into the record, I remember reading a newspaper article entitled, “TSC to the Education Ministry:”—it says—“Move fast on delinquent teachers”. The Teaching Service Commission then Chairman, Hyacinth Guy, complains of the length of time it takes to investigate and discipline delinquent teachers which far exceeded the stipulated time frame for investigations. And I myself would have, you know, made reference to my own personal examples and experiences when I was a teacher previously of what I saw happened in the service. So, Mr. President, that is just my—that is one of the contributions that I wanted to make as it relates to the issue of Service Commissions as raised by Sen. Mark.

Of course, well, Sen. Mark's intention was to make the public feel, “Oh God, we want to mash up Service Commissions and the PNM is a dictator government”, and whatever. I am hoping, as I said before, just as I began, I am hoping that the members of the listening public will understand that there are significant deficiencies that exist and as a responsible Government, we will continue to review the Service Commissions with the intention of, you know, making it think more effective and more efficient and, of course, that will only redound, Mr. President, to benefit of citizens of Trinidad and Tobago.

Mr. President, you can tell me how much time till full time? How much more time—

Mr. President: Your time ends at 6.08.

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

Mr. President, another point that I want to deal with very briefly, of course, is on the point of the Judiciary. Mr. President, you know, much has been said, especially by the Opposition, that suggests, you know, the world of negative things about this Government and our interaction with the Judiciary. Luckily, the Judiciary is also part of—falls—I mean, it is an independent arm, but from the Office of Attorney General and Ministry of Legal Affairs, we have played a significant role in what I will call empowering the Judiciary with the necessary resources to carry out its duties efficiently. And this—I believe it recognizes that the Government of Trinidad and Tobago has been proactive in bolstering the Judiciary's capacity to fulfil its role by strategically increasing, for example, the number of judges, masters of courts and, of course, improving the overall infrastructure of the judicial system.

Mr. President, you know, on that point of the Judiciary, I want to also just briefly read into the record that this Government, we stand committed to democracy, we stand committed to the separation of powers. Mr. President, section 99 of the Constitution, which provides to the Supreme Court of Judicature Act of Trinidad and Tobago; of course which speaks to the High Court of Justice and the Court of Appeal and so on, this, of course, is very dear the Government's heart.

Mr. President, if I may also remind, at least for the benefit of the listening public, put on the record some of the things that our Government has done, as I

would have said before, in being proactive on bolstering the Judiciary's capacity to ensure is that it fulfils its role. There are many initiatives that took place, even prior to my entrance into the Office of the Attorney General and Ministry of Legal Affairs under a previous Attorney General, and of course which continues under a current Attorney General, but albeit under a PNM Government, Mr. President.

There have been so many initiatives taken by the Government that, you know, shows our support for the Judiciary, which is contrary to what the Opposition has attempted to do in this Motion. And this is not us overstepping our boundaries, but simply as a responsible Executive creating an enabling environment for the Judiciary, so that the Judiciary can do its work and perform its function in accordance to its constitutional roles and functions. And, you know, some of those, Mr. President, just to remind—I mean, oftentimes when the Attorney General comes here and speaks about our achievements at the Office of the Attorney General and Ministry of Legal Affairs, I know reference is made to these, but I believe it was necessary for me to remind the listening public of what the Government continues to do, especially through the Office of the Attorney General and Ministry of Legal Affairs, to create that enabling environment for the Judiciary, an independent arm, to be able to perform its functions. And a few examples, we have seen improvements were made in the Judiciary of Trinidad and Tobago through dedicated resources to increase courtrooms which facilitated, of course during the COVID time, virtual access and well, we have physical access. Through this legislative amendment, we saw an increase in the number of High Court judges from 36 to 64.

6.05 p.m.

We have Court of Appeal judges from 12 to 15; an increase of masters with the

responsibility for case management, Mr. President, from two to 29.

Mr. President, other proactive measures the Government has taken, there have been improvements in court technology through mass digitization and the creation of specialized courts to improve efficiency and streamlining of matters. At the onset of 2022 financial year, Mr. President, the Judiciary had approval for the employment of 1,782 staff members on contract, of which 1,281 were filled, Mr. President.

Mr. President, and of course, there is a plethora of work that we have done as a Government, we have embarked upon as a Government, Mr. President, in creating that enabling environment, in bolstering processes within the Judiciary, Mr. President, to allow them to have the best—to allow them, Mr. President, to of course, be able to perform their duties and their responsibilities. And we remain as a Government committed to the administration of justice, Mr. President, also another constitutional mechanism that is protected by law and also respected by this Government, Mr. President.

So all that being said, Mr. President, I want to end by simply making reference to an article dated May 11, 2017, and it is an article in which the hon. Prime Minister said:

“Gov’t will not interfere in judiciary activities”.

And this was article by Alina Doodnath. The:

“Prime Minister Dr. Keith Rowley...”—stated—“there will be no interference by the Government in the activities of the Judiciary as the separation of powers must be maintained.”

What we do as a responsible Government though is, as I would have alluded to, Mr. President, we are proactive in bolstering in the Judiciary's capacity and, of

course, giving them—creating an enabling environment where the Judiciary has the resources that are required so that they can then perform their independent constitutional roles and functions. We have seen that, that has been the modus operandi of this Government if we look at all of the other independent institutions, Mr. President.

I will not get into the issue of the Office of the Director of Public Prosecutions because I know what the Opposition's position is. But what I can say for the record, and also working with the current Attorney General and can attest to his effort, his continuous effort in opening his arms to working with the Office of the Director of Public Prosecutions, a position of which I am very proud of and I am proud to work with the AG in that regard, we remain committed to the Office of the Attorney General and Ministry of Legal Affairs, as we remain committed to all of the other independent institutions. Mr. President, with those few words. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Acting Leader of Government Business.

ADJOURNMENT

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):
Thank you very much, Mr. President. I beg to move that this Senate do now adjourn to a date to be fixed. However, I do want to give Members notice that we are quite likely to sit this Friday at—this is June 30, 2023, at 1.30 p.m., when the Bill that we are likely to discuss is an Act to amend the Administration of Justice (Indictable Proceedings) Act, 2011, which is on the agenda for debate in the House tomorrow. And once passed, we are likely to come on Friday at 1.30 p.m. Thank you.

Adjournment

2023.06.27

Sen. Mark: Mr. President, I just want to put on record that there is an annulment Motion on the Order Paper which must be debated before we terminate our proceedings before recess. So I want to serve notice on the Leader of Government Business that we will need to have a conversation behind the Chair, so that—

Sen. Mitchell: That should have been debated today.**Sen. Mark:** No. No. No.

Sen. Mitchell: Yes.

Sen. Mark: No. We will be debating that on Friday.

Sen. Mitchell: No.

Sen. Mark: So what I am suggesting, Mr. President, is that we have some conversation to address this matter behind the Chair.

Mr. President: Leader of Government Business.

Sen. The Hon. P. Gopee-Scoon: Let me put it before this honourable place that there is no such intention to debate that on Friday coming. The Government has its agenda. That is a matter for Private Members' Day and on Friday will not be Private Members' Day.

Sen. Mark: Mr. President—

Mr. President: No. Sen, Mark. So we have had a conversation regarding it. The answer has been given by the Leader of Government Business. If you wish to raise it, you can do so behind the Chair or you can do so in another proceeding. But as for now, the question has been put for the Motion on the Adjournment and move forward with the procedure.

Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters on the Motion for the adjournment. Sen. Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

Age of Criminal Responsibility

(Need to Raise)

UNREVISED

Sen. Hazel Thompson-Ahye: Thank you, Madam President—Mr. President, sorry. The need to raise the age of criminal responsibility. I was at my office in Nassau minding my business when the phone rang. “I am calling you from the Netherlands”, he said, “My name is Donald Cipriani. I am a PhD student. My thesis is on the age of criminal responsibility. Yours was the only name I could find who has written on the age of criminal responsibility in the Caribbean. Can you send me the age of criminal responsibility in Caribbean countries?” he asked. I complied.

In gratitude, I received his published thesis, “Children’s Rights and the Minimum Age of Criminal Responsibility: A Global Perspective”. The preface states:

“This study presents a worldwide analysis of minimum ages of criminal responsibility...as it relates to international children’s rights.”

My name appears in footnote 153 but I felt ashamed to see Trinidad and Tobago, named by Dr. Cipriani, among the countries with the lowest age of criminal responsibility.

What is this age of criminal responsibility you may ask? It is the age below which it can be conclusively presumed that a child is incapable of committing a crime and therefore cannot be charged or prosecuted, even if there is cogent evidence that the child did the criminal act. It is an irrebuttable presumption, so no evidence can be brought to show that the child committed a crime. He is *doli incapax*.

There is a further presumption of innocence in a child who is between the age of criminal responsibility and 14 years. It is rebuttable so the prosecution can bring evidence to show that the child knew that what he was doing was seriously wrong. This rule was abolished in England by the Crime and Disorder Act, 1998,

after a High Court judge presumed it was a power he had and purported to abolish it in the case of *C (a Minor) v the DDP* in 1994. But it was not a power he had and the House of Lords in *C v DDP*, 1996, 1 Appeals Court scolded him saying that was a matter for the Parliament.

Their lordships held that:

- a) There is a presumption that a child between those ages is *doli incapax*;
- b) This presumption can only be rebutted by clear evidence, positive evidence, that the child knew that his act was seriously wrong as opposed to mere naughtiness or childish mischief at the time when he did it;
- c) Mere proof of the doing of the act charge, however horrifying or obviously wrong that act might have been, cannot establish the requisite guilty knowledge and rebut the presumption;
- d) Interviews with the child are capable of providing the necessary insight into the mental function of the child from which inferences might be drawn to rebut the presumption;
- e) The conduct of the child before or after the act might go to prove his guilty mind; and
- f) The older the child was at the relevant time and the more obviously wrong the act, the easier it will generally be to prove guilty knowledge. Any presumption of incapacity of children to commit crime ceases upon them attaining the age of 14 years when a child is, presumed by law, capable of distinguishing good from evil.

The Bahamas' Child Protection Act has expressly abolished the rebuttal presumption, but it remains part of our law though honoured more in the breach than the observance. And Guyana has gone even further and extended it to age 18.

Article 40(3)(a) of the United Nations Convention on the Rights of the

Child, the CRC, obliges states to establish an age of criminal responsibility. The CRC does not specify an age but the United Nations Standard Minimum Rules (Beijing Rules) provides that:

“...the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity.”

Do you know the age of criminal responsibility in our country? In 2001, I was on radio 104.1 where talk makes sense. The interviewer was golden voice, Garfield King. I was complaining that our age of criminal responsibility at age seven was disgracefully low. A well-known criminal lawyer who was present bellowed at me, “You wrong. It is 12 years of age”. I asked for his authority. He had none. So if you do not know, “doh” feel ashamed, you are in good company—lots of company.

Juvenile justice, preferably child justice law, is not taught at law school. It is optional in the law faculty, so ignorance about child justice law, which has been described as a bastard child in the justice system, abounds. There is a great need for training in child justice, yet the DPP’s request to have two of his officers trained at a total cost of \$7,000 in 2014 was denied. This training might have saved the State paying millions of dollars in cases involving breaches of child justice legal principles.

Trinidad and Tobago has never enacted an age of criminal responsibility. When we enacted our children law—Children Act in 1925, the English common law’s position was seven years, the age of reason, so it became our common law. England amended its Children and Young Persons Act in 1933, raising the age of criminal responsibility to eight years. We did not jump and follow suit.

In 1963, England further increased its age to age 10. Again, we did nothing. We have amended old laws, enacted new laws on sexual consent; selling alcohol

and cigarettes to minors; the age of majority; the law on child marriage, which I was so elated to speak on at the criminal law conference in India in March, but we have not increased our age of criminal responsibility from age seven.

Trinidad and Tobago ratified the CRC in '91. In 1996, our first report of the indictment committee on the rights of the child, the committee stated, legislation—to the committee, we stated, “Legislation raising the age of criminal responsibility to either 10 or 12 was being considered 27 years ago.” In concluding observation, our report, the committee expressed concern with our low age of criminal responsibility.

In 1999, I lead a team to study juvenile justice in the Caribbean, included was former Attorney General of St. Lucia; present principal of UWI, St. Augustine; human rights activist, Victor Cuffy, deceased; other legal luminaries. It was the blind leading the blind and we had to learn fast. I then coordinated a regional symposium on juvenile justice in the Caribbean, funded by UNICEF, Caribbean Area Office; UN Drug Control Programme; and Penal Reform International. We produced a number of resolutions called “Caribbean 2000 Consensus on Juvenile Justice”. We sent these to all Caricom Attorneys General for implementation. One of the resolutions was that:

In all states within the Caribbean, legislation be enacted to the effect that the age of criminal responsibility shall not be less than 12 years of age.

The committee, in concluding observation of our third report in 2006, again, expressed concern about our low age of criminal responsibility and, again, recommend that we raise the age of criminal responsibility to an internationally accepted standard.

In 2007, the committee issued general comment number 10:

Children rights in juvenile justice who guide state parties to establish an

administration of juvenile justice in accordance with the CRC.

It recommended age 12 as an absolute minimum age of criminal responsibility. It was a source of great pride that we in the Caribbean had made that recommendation, seven years ahead of the international body; 12 years was then the age. In St. Lucia, Dominica, Jamaica, and Belize, the model child justice Act for the eastern Caribbean set age 12 as the minimum age. Antigua and Barbuda, Anguilla, Grenada, St. Vincent and the Grenadines, St. Christopher and Nevis have enacted new child justice laws with that age.

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

Sen. H. Thompson-Ahye: Barbados seeks to increase its age to 12. Like cheese, we stand alone. Thank you, Mr. President. The committee replaced general comment number 10 with general comment 24 in 2019. It explained it had been influenced by findings in neuroscience that children's brains at age 12 to 13 were far from developed, they lacked the maturity to understand the impact of their decision and were prone to risk taking. It found that age **12** was too low and recommended an increase to 14 years.

Let me allay fears that the child below the age of criminal responsibility, who commits an offence, should not be left to his own devices. Such a child will be regarded as a child in need of care and protection to receive the necessary intervention for rehabilitation and reintegration. Another fear is that drug lords would use such children. They are already doing that. Increase the penalty in existing laws to punish more severely adults who use children for crime.

The number of children affected may be miniscule. That is another excuse for an incentive. It means it will be less costly to implement. It has been said, we do not need to change the law, we have a children court. When we look at Scotland's long journey towards increasing the criminal responsibility from eight

years to— 2019 when they increased it to 12, we see that is not a good excuse.

I endorse the hon. Prime Minister's call at the 70th anniversary of the Seismic Research Centre for research by academics to develop the society. And it is viewed that it can do wonders for decision-making at every level of the society. Research informs policy, which in turn leads to good law such, as increasing the age of criminal responsibility. In increasing the age of criminal responsibility from age eight, Scotland gave this *raison d'être*:

“The policy intention of the Age of Criminal Responsibility (Scotland) Act...is to protect children from the harmful effects of early criminalisation, while ensuring that the incidents of harmful behaviour by children under 12 can continue to be effectively investigated and responded to appropriately.”

6.20 p.m.

On June 24, 2020, I wrote the then Attorney General urging an increase in the age of criminal responsibility to the international acceptable age of 14 years. The Attorney General said, judges do not want it. I have yet to meet a judge who thinks otherwise, who thinks we should not increase it. Not once, not twice, but thrice between 2018 and 2020 the former Attorney General gave undertakings in this Parliament, it is in *Hansard*, to bring a Bill to address the issue. I trust his successor in title consider himself bound by that promise in the best interest of the children of our nation. I thank you.

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 I am grateful to hon. Sen. Thompson-Ahye for, in her usual impassioned way, raising an important issue, and I can say without any hesitation whatever that the question of continuing research

on this subject is one to which my Ministry is committed. Sen. Thompson-Ahye will know that I have—there is, not I have, there is in the Office of the Attorney General and Ministry of Legal Affairs the International Office of Child Rights, headed by a very hard-working head of legal office of that office, and we continue to keep the status of the minimum age of criminal responsibility for children under review.

The minimum age of responsibility for children at the moment, as Sen. Thompson-Ahye has pointed out, is the age of seven. In fact it was looked at very recently—well, not very recently but relatively recently in one of our High Court decisions, a judgement of Justice Lisa Ramsumair-Hinds, and in that case she stated:

“There is a presumption under the rule which operates in favour of a child between the ages of 7 and 14. Such a child, that is one aged 7 to 14, is presumed to be incapable of committing a crime; however, unlike the case of a child under seven, the latter presumption is not conclusive. It can be rebutted by the Prosecution producing evidence which shows that such child at the time when they did the act, in respect of which the charge was brought, had sufficient understanding to know that the act was seriously wrong.

Trinidad and Tobago has inherited this common law position.”

So in Trinidad and Tobago, we continue to apply the common law position.

We have made interventions by statute, section 2 of the Summary Courts Act states that a:

“‘child’ means any person who, in the opinion of the Court before whom he appears or is brought, is above seven and under fourteen years of age;”

This is understood to mean that a child under seven cannot commit an offence and

the person—the concept of Doli Incapax is deemed incapable of forming the intent to commit a crime if he or she is under the age of seven. We have brought—the Parliament of this Government—the Parliament of this country has brought significant legislation to the subject and in point of fact we have a number of pieces of legislation that have been addressing the subject on an incremental basis. There is the Children Act, and we know that by section 20(3) of the Children Act that stipulates that:

“A person twelve years of age or over but under fourteen years of age is not”—automatically—“liable...”—for the offence of sexual penetration or sexual touching of a child if certain criteria set out in further sections of the Act are addressed.

And there is in point of fact, Mr. President, a number of pieces of legislation which are applicable in Trinidad and Tobago, with a view to addressing this very sensitive subject. And by sensitive subject, I mean the fact of the matter being that with the minimum age, it marks the age at which the State is able to use the criminal law against children and provide a crucial safeguard to protect vulnerable young children from the pains of punishment. And we know that there is legislation in Trinidad—so, for instance, under the Children Act a court may order a child offender between the ages of 10 and under 18 years of age to be placed in a rehabilitation centre until the offender attains the age of 18 years.

So that the position of the State of Trinidad and Tobago under this Government is not one that is insensitive to the concerns that the good Senator identified. There are a number of pieces of legislation which continue to come into effect: Judges’ Rules for Children; Children Court Rules 2018; the Child Rehabilitation Centre (Designation) Order, 2017; there is the Children’s Authority of Trinidad and Tobago; the Child Rehabilitation Centre (No. 2), 2017, and a

number of other pieces of regulations and legislation.

The short point that I want to emphasize in my response to Sen. Thompson-Ahye is simply that it is important within our local reality, as well as the comprehensive Children Court system which is being administered by the High Court, that already obtains to ensure that children, especially younger children, understand criminal proceedings are housed safely, are rehabilitated accordingly, and are reintegrated fully, and the socio-economic dynamic, the socio-reality of our country is that this is being kept under review, including an ongoing revision of our laws.

I certainly give the commitment to Sen. Thompson-Ahye and to this Parliament that we will continue to examine it, consistent with our international obligations and consistent with the fact that we have challenges to address in our society, but at the same time we must bring the legislation to ensure that we deal with our children in as humane as possible a manner. Thank you very much.

Mr. President: Sen. Mark.

**Teaching Service Commission to Alter its Consultation with
Denominational Boards
(Government to address decision)**

Sen. Wade Mark: Thank you, Mr. President. Mr. President, I have raised, with your leave—I wish to raise, I should say, with your leave, a matter on the Motion for the adjournment, and it concerns the need for the Government to address the decision of the Teaching Service Commission to alter its consultation with denominational boards.

Now, Mr. President, there is a major education storm brewing in this country. Currently, it is merely a storm, but it can grow into hurricane status with catastrophic consequences for state-church relations in Trinidad and Tobago.

Relations in this context go back to some 60 years, and I refer, Mr. President, specifically to the Concordat. This Concordat is a settled practice and agreement among the various religious and denominational boards for the past 60 years. I refer to the boards that are in conflict today with the Ministry of Education, the Teaching Service Commission and the Rowley administration: the SDMS education board, the Catholic Education Board, the Anglican board, the Presbyterian board, I understand the Moravian Baptist board, also the Muslim education board, Mr. President.

We need to get some clarification from the Government on this issue. At the centre of this economic or education storm is the recruitment policy, and it concerns the recruitment of primary school teachers throughout the education apparatus. It appears that the Government, in its attempt to bully these denominational boards, have undertaken a policy where instead of the education boards recruiting their teachers based on religious principles, the Government has now allowed the Ministry of Education and the Teaching Service Commission, combined, to take over the responsibility that was traditionally allocated to the denominational board.

Mr. President, under section 4 of our Constitution, subsection (h), there is something known as the:

“freedom of conscience and religious belief and observance;”

That is an entrenched constitutional right that every citizen enjoys in this country. What is at stake here is the failure of the Ministry of Education and the Teaching Service Commission to consult with these various denominational boards on their new policy. I have articles, which I will not bore you with this afternoon or this evening, coming and indicating dissatisfaction by all the religious boards on this

Government's high-handed dictatorial, draconian approach to this matter. Rather than consult with these religious bodies, the Government, under Rowley, Dr. Keith Rowley, and his Cabinet and the Ministry of Education may have instructed the Teaching Service Commission to pursue this policy.

I want to warn the Government, this is a dangerous course that the Government is pursuing. Already I understand legal action is in train to stop the Government. Mr. President, those actions are not necessary. This is a Concordat that has been in existence for 60 years. So there is need for consultation, there is need for collaboration, and not imposition of the Government's views through the recruitment process. So the Government is telling the denominational boards, "We will now, through the Teaching Service Commission, recruit teachers for you, forget your religious beliefs". So the Government is intent on violating the constitutional rights of denominational boards and they want to create a system that is unknown to the teaching—to the denomination boards.

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

Sen. W. Mark: So, Mr. President, this is unacceptable and I call on Government to halt this approach, speak with the boards, get a consensus, do not impose your will on the people. We do not want the courts and the Privy Council to tell you, you are wrong, and that is where this thing is heading. Let us avoid this. Meet with the boards, take a proper decision, let the views of the boards be heard and allow the arrangement that is in existence to continue it. It has not really brought about any rough changes as far as we are aware. And therefore, Mr. President, I would like the Government to clear the air on this matter and to explain to the nation why they are gearing up for a fight with these various denominational boards as they seek to impose their will on these denominational boards in terms of

recruitment and religion. These, to my mind, constitute a dangerous brew and I call on the Ministry of Education to declare a ceasefire and meet with the boards and arrive at a consensus that is acceptable to all the parties and all the stakeholders and players in this particular matter.

Mr. President, I hope that the Government will allow good sense to prevail and not to allow this matter to end up in the Privy Council. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

6.35 p.m.

Mr. President: Minister in the Ministry of Education.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Education (Hon. Lisa Morris-Julian): Mr. President, with your permission, I will begin by citing section 125 of Constitution of the Republic of Trinidad and Tobago which gives the Teaching Service Commission the:

“...power to appoint persons to hold or act in public offices in the Teaching Service established under the Education Act...”

This power vested in the TSC includes the power to appoint teachers in Government-assisted schools. I dare say, Mr. President, that this constitutional provision limits the authority of the Minister of Education in speaking on behalf of the commission. I will therefore only say that my Government recognizes and respects the authority of the commission as provided for under the Constitution.

Mr. President, the Ministry of Education is also guided by the Concordat of 1960 which states in article 4 as follows:

“The right of the appointment, retention, promotion, transfer and

dismissal...in Primary Schools will rest with the Public Service Commission.”

Now the Teaching Service Commission.

“A teacher shall not be appointed to a school if the denominational board objects to such an appointment on moral or religious grounds. Similarly, if a teacher be found unsatisfactory on these very grounds, moral or religious, the...authority shall have the right to request his removal to another school after due investigation. For...”—this reason—“...it is proposed (provided the legal and constitutional arrangements allow) ‘that vacancies as they occur in all schools should be advertised and applications submitted in the first instance to the respective Board of management which will examine them and forward them all, with their recommendations, to the Public Service Commission...’—now the Teaching Service Commission—“...for final action.””

Mr. President, this clearly establishes that the Concordat recognizes and outlined of roles of denominational boards as well as Teaching Service Commission in teacher recruitment

The Commission informed the Ministry of Education that it has laid out the following steps for the recruitment of staff in denominational schools. Step 1:

Vacancies are advertised by the Ministry of Education under the delegated authority of the TSC.

Step 2:

Candidates apply on an online platform.

Step 3:

Applications are sent to the boards for their recommendations. The boards

may carry out interviews or conduct due diligence as they deem necessary.

Step 4:

Boards return recommended applications to the Ministry.

Step 5:

Recommended applicants are checked by the Ministry for eligibility and qualifications under delegated authority of the TSC.

Step 6:

All eligible candidates are interviewed with the boards being represented on the interviewing panel.

Step 7:

A priority list of successful candidates is created. Boards are free to interview persons from this list.

Step 8:

Boards select the candidates of their choice for placement.

In terms of consultation, Mr. President, I am aware that a meeting was held between the TSC and the Association of Denominational Boards of Education, ADBE, on October 05, 2022, wherein the comments of the association were sought on the commission's proposal to streamline the recruitment process. Dr. Gadsby-Dolly, as Minister of Education, met with the boards on November 03, 2022. By letter dated December 01, 2022, the Chairman of the TSC advised the president of the ADBE of the details of the recruitment process and the rationale therefore. Another two meetings, Mr. President, were held on January 26 and February 02, 2023, where the matter was further explored.

Mr. President, on the basis of the information supplied to the Ministry of Education by the TSC on this matter, I humbly submit that the Government has no

Teaching Service Commission to Alter its
Consultation Denominational Boards
Hon. L. Morris-Julian (cont'd)

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grounds on which to address this issue with the commission. I thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.41 p.m.