

SENATE

Tuesday, March 26, 2024

The Senate met at 1.30 p.m.

PRAYERS

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

**URGENT QUESTIONS**

Mr. Vice-President: Sen. Jayanti Lutchmedial-Ramdial.

Specialized Intelligence Gathering Unit

(Confirmation of)

Sen. Jayanti Lutchmedial-Ramdial: Thank you, Mr. Vice-President. To the hon. Minister of National Security: Can the Minister confirm today's newspaper reports that a specialized intelligence gathering unit attached to the Special Branch of the TTPS has the capacity to carry out the interception of private communications?

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very much, Mr. Vice-President. Mr. Vice-President, I must admit I am not too deeply taken by newspaper reports, if only because in my own view they reflect a very widespread morays that I am not all too admiring of. But under the Interception of Communications Act, the law of Trinidad and Tobago, there are three offices or entities that are permitted under the law to conduct interceptions for the purposes defined in that Act. They are: the Commissioner of Police, the Chief of Defence Staff, and the Strategic Services Agency. I thank you.

Mr. Vice-President: Senator.

Sen. Lutchmedial-Ramdial: Can the Minister confirm the existence of a unit known as the RAU and state whether or not that particular unit has equipment which is capable of conducting surveillance in the form of cameras as well as

equipment that can intercept private communications?—has the capacity to do so.

Hon. F. Hinds: It appears, Mr. Vice-President, that the hon. Senator is unmindful of question No. 2 filed by Sen. Wade Mark on the identical question she is asking. So I would like your opinion as to whether I should attempt an answer to her, or I should I wait for question No. 2, which closely resembles that supplemental as put by the hon. Senator?

Sen. Lutchmedial-Ramdial: Mr. Vice-President—

Mr. Vice-President: Just now. One moment. Sen. Mark, are you willing to defer your question seeing that it is already contained in this question?

Sen. Mark: No, mine is a different question.

Mr. Vice-President: It is a different question?

Sen. Lutchmedial-Ramdial: And my question is not of—allow the Minister to answer please, Mr. Vice-President.

Mr. Vice-President: Minister of National Security.

Hon. F. Hinds: Might I be reminded what precisely was the question, Mr. Vice-President?

Sen. Lutchmedial-Ramdial: You need to wake up. Mr. Vice-President, my question is whether the Minister can comment or whether the Minister can confirm that this RAU has specialized equipment capable of conducting surveillance in the form of CCTV cameras, and whether they have equipment capable of intercepting private communications.

Hon. F. Hinds: I am not aware of that.

Sen. Lutchmedial-Ramdial: Can the Minister comment on whether or not the personal property belonging to any Government Minister has been compromised by a former agent of the SSA in terms of intercepting private surveillance conducted at the homes of Government and Cabinet Ministers?

Mr. Vice-President: Senator, based on your initial question, that question does not arise. Question No 2. Sen. Mark.

**Research and Analytical Unit
(Surveillance/Interception of Citizens' Devices)**

Sen. Wade Mark: Thank you, Mr. Vice-President. To the Minister of National Security: Can the Minister provide the legal authority of the Research and Analytical Unit of the TTPS to engage in widespread surveillance and interception of citizens' devices?

The Minister of National Security (Hon. Fitzgerald Hinds): Mr. Vice-President, as I earlier indicated, the law of Trinidad and Tobago, the Interception of Communications Act, allows for and prescribes the circumstances that will permit three entities, the Commissioner of Police, the Chief of Defence Staff, and the Strategic Services Agency, to conduct interception of communications, like all other countries that possess it for the purpose or purposes of attacking, solving, preventing crime.

In respect of the unit, the Commissioner of Police delegates her authority quite lawfully and constitutionally to officers of the Trinidad and Tobago Police Service. And, Mr. Vice-President, whoever the Commissioner delegates her authority to, lawfully to conduct the work of the Commissioner of Police, is a matter for the Commissioner of Police. I thank you.

Sen. Lutchmedial-Ramdial: Mr. Vice-President, can the Minister state whether or not the RAU was the source of the information which led to the dismissal of members of the SSA and the sending of leave of Mr. Roger Best, who was the Director of the SSA?

Hon. F. Hinds: I am beginning to view the Senator the way I view other elements of the platform.

Sen. Nakhid: You crazy or what?

Hon. F. Hinds: But, Mr. Vice-President—

Hon. Senators: [*Crosstalk*]

Sen Nakhid: “View yuhself!”

Mr. Vice-President: Sen. Nakhid. Sen. Nakhid! Sen. Nakhid!

Sen. Nakhid: “You mad or what?”

Mr. Vice-President: Sen. Nakhid—

Sen. Nakhid: They view you.

Mr. Vice-President: Sen. Nakhid, it is way too early in the proceedings to be behaving this way. I would appreciate if you give me some—

Sen. Nakhid: Point of order?

Mr. Vice-President: I am asking you to kindly, for 10 minutes, take a break. You may return to the Chamber at 1.48 p.m. if you so desire.

Sen. Nakhid: Bring him to order. I do not desire. I want stay in.

Hon. Senators: What?

Sen. Nakhid: “He say if I so desire.”

Sen. Lezama-Lee Sing: Mr. Vice-President, on a point of order. Standing Order 53(4)(c), flagrant disregard to the ruling of the Chair.

Sen. Nakhid: [*Inaudible*] talking about a woman like that.

Mr. Vice-President: On the way out, you are to maintain your silence. Minister of National Security.

Hon. F. Hinds: Thank you very warmly, Mr. Vice-President. Mr. Vice-President, as I indicated earlier, the law governs the activity that the hon. Senator is referring to and there is nothing useful else I can add.

Mr. Vice-President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister, whether this particular unit known as the

Research and Analytical Unit reports directly to the hon. Minister on its surveillance and interception activities as it relates to assessing the private devices of citizens of this Republic? Can the hon. Minister clear the air for us on this matter please?

Hon. F. Hinds: Mr. Vice-President, I am not aware of any unit of the police service reporting directly to me. The Police Service Commissioner details officers for work and all her officers report to her, the Police Commissioner. Any reports in the context of the relationship between the Executive, the Cabinet, and the police service are conducted through the office of the Commissioner of Police. Thank you very much.

Mr. Vice-President: The time for urgent questions has been terminated. Leader of Government Business.

ANSWERS TO QUESTIONS

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. Vice-President.

Mr. Vice-President: Before I come to the Leader of Government Business, I want to announce the withdrawal of a question on notice. Hon. Senators, I wish to inform you that I received notice that question No. 80 submitted by Sen. Damian Lyder has been withdrawn. Leader of Government Business.

(Sen. The Hon. Dr. A. Browne): Thank you, Mr. Vice-President, for the information.

Sen. Lyder: [*Inaudible*]

Mr. Vice-President: Sen. Lyder, we are going through a procedure right now.

Sen. The Hon. Dr. A. Browne: Thank you, Mr. Vice-President. Mr. Vice-President, the Government is in a position to answer questions No. 25, question No. 26 and question No. 79 on the Order Paper for today. We request a deferral of

two weeks for one question, which is question No 27. Thank you, Mr. Vice-President.

ORAL ANSWERS TO QUESTIONS

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

Damian Lyder:

2024 Carnival Season

(Number of Visitors)

- 80.** Can the Minister provide the total number of visitors to this country during the 2024 Carnival Season?

Question, by leave, withdrawn.

The following question stood on the Order Paper in the name of Sen. Wade

Mark:

Trinidad and Tobago Prison Service

(Established Protocols/Operating Standards)

- 27.** Given reports that two (2) firearms belonging to the Trinidad and Tobago Prison Service were seen hanging from a tree during a social gathering at Chacachacare, can the Minister indicate what are the established protocols and operating standards employed in such circumstances?

Question, by leave, deferred.

Local Government Reform Agenda

(Recruitment of Change Agents)

- 25. Sen. Wade Mark** asked the hon. Minister of Rural Development and the Local Government: Can the Minister outline the process being utilised by the Ministry to recruit approximately one hundred and forty (140) “Change Agents” to accelerate the Government’s Local Government reform agenda?

The Minister of Digital Transformation (Sen. The Hon. Hassel Bacchus):

Thank you, Mr. Vice-President. It should be noted that at the outset this was an interim recruitment exercise spending a long-term employment exercise in accordance with established procedures. The process utilized by the Ministry of Rural Development and Local Government to recruit Change Agents to accelerate the Government's reform agenda involved the strategic alignment of 10 key change management positions in each municipal corporation and they are as follows: local economic development officers; local economic development assistants; network assistants; ICT security assistants; web application specialist assistants; procurement assistants; legal assistants; IHRIS support assistants; policy and planning assistants; and project assistants.

Job descriptions were developed in accordance with HR best practices, and short-term positions were subsequently advertised on October 13th, 2022, on the Ministry's website, Facebook, Twitter and Instagram, and, of course, the Ministry of Labour's website, with a closing date of the 21st October, 2022.

1.45 p.m.

The applications received were reviewed by the Ministry on a shortlist generated to ensure that candidates met the qualifications and experience required by the job descriptions. Individual interviews were initially utilized for the position of policy and planning assistants and project assistants, however, it was determined that this process would not facilitate completion of all 10 categories within the limited time frame. Consequently, group interviews were utilized with specific assessment criteria developed to evaluate and assess the competency of each group of candidates. Interviews were conducted during the period March 13, 2023 to March 14, 2023 facilitated by suitably trained and qualified individuals.

Arising out of the recruitment effort in March 2023, only 58 persons

accepted engagement as local government reform change agents at the 14 municipal corporations. And given the shortfall of candidates for the proposed 140 positions, Chief Executive Officers were requested to submit the names of persons employed in their corporations in similar positions, who could suitably discharge the functions of the change agents under the reform programme. Chief Executive Officers provided 27 persons in this regard. In May 2023, an additional 82 persons accepted short-term employment as change agents assigned to the municipal corporations.

However, it should be noted that there has been attrition through staff resignations. To date, the Ministry has in its employ, 125 change agents out of the original 138. This is to promote the local government reform initiative and assist the corporations in the implementation of key local government reform as structures and processes. The 140 proposed positions have been reduced to 138, as two persons have agreed to remain within the employ of their existing corporation, while performing the role of change agents. As such, the expense related to the employment of those persons would be borne by the corporation.

I, thank you, Mr. Vice-President.

Mr. Vice-President: Sen. Mark.

Sen. Mark: Thank you, Mr. Vice-President. Can I ask the hon. Minister, could you inform this hon. Senate what is a short-term change agent? In the context of the period of time they would be employed for, to execute the responsibility that you have outlined, could you indicate to us what is a short-term change agent in that context?

Mr. Vice-President: Minister.

Sen. The Hon. H. Bacchus: Thank you, Mr. Vice-President. Short-term would refer to the duration of the employment, change agent would refer to the job

description associated with the tasks which they were asked to perform. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

Sen. Mark: Can you be a little more specific, hon. Minister? Are we talking about one year, are we talking about two years, are we talking about six months, or three years? Can you clarify for this Senate, when we talk about short-term, for what period? Can you clear the air for us on it? What period of time are we referring to?

Mr. Vice-President: Minister.

Sen. The Hon. H. Bacchus: Thank you, Mr. Vice-President. The terms and conditions associated with short-term employment I think will be well known to all members of this particular place and in the Senate. The short-term employment refers to not just the term of employment but the task that is being performed at the time. And, of course, that can extend or be limited by a duration of time for which that is required to be performed, once it does not exceed a particular period of time. So, I expect that these would all be varied by time depending on what the task is, and, of course, whether or not the recruitment exercise is successful as it continues its other endeavours. Finite time I cannot give you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister as it relates to the 138 change agents employed by local government to speed up the local government reform process, can the Minister indicate whether there is a time frame allocated for the completion of this process of local government reform, to ensure the efficiency gains that the Government is committed to achieving? Can you clear the air for us on that?

Mr. Vice-President: Minister.

Sen. The Hon. H. Bacchus: Thank you, Mr. Vice-President. As most of us are well aware, transformation is something that takes significant periods of time depending on what it is, but more so, it is a never ending quest. Transformation in this case as it relates to local government reform, is not necessarily limited to any finite space. All of the work that is being done relative to this has been ongoing for some time and I expect, Mr. Vice-President, will continue for some time to come. The requirements of the staff to effect same will, of course, vary as the maturity of that occurs. So, I really cannot give you a finite answer beyond the fact that it is a journey that of which we have to continue, it is something that will morph and change from time to time. And the requirements of resources to fulfil that obligation will continue to change. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister, the 38 persons supplied by permanent secretaries to fill “gyaps”—

Sen. Lezama-Lee Sing: It is gaps.

Sen. Mark:—gaps.

Hon. Senators: [*Laughter*]

Sen. Mark: Can you tell this hon. Senate what criteria was used by the permanent secretaries to recruit those individuals, to fill those positions as short-term change agents, Mr. Minister, through you, Mr. Vice-President?

Mr. Vice-President: Sen. Mark, I will not allow that question.

Sen. Mark: Why? [*Inaudible*]

Mr. Vice-President: That is it for that, and that is your fourth. You can move on to question 26.

President's House April 2023 Incident
(Details of Investigation)

26. Sen. Mark asked the Minister of National Security:

Given the April 2023 incident involving a group of soldiers who were assigned to the President's House and who allegedly "shot up" one of the vehicles used at the Office of the President, can the Minister advise as to the following:

- (i) has an investigation into this matter been completed; and
- (ii) what are the findings of said investigation?

The Minister of National Security (Hon. Fitzgerald Hinds): I thank you very much, Mr. Vice-President. Mr. Vice-President, the Chief of Defence Staff advises that in keeping with the provisions set out in the Defence Act, Chap. 14:01, a board of inquiry was convened, and an investigation was launched into the said incident which occurred around April of 2023, that investigation has been completed. The findings of the investigations revealed that a soldier, apparently did not follow the standard operating procedure for the use, management, and care of his service firearm. This led to what the defence force refers to as a negligent discharge. The issues surrounding the contravention of these procedures have been treated with in accordance with military law and discipline. I thank you.

Mr. Vice-President: Sen. Mark.

Sen. Mark: Can the hon. Minister indicate what has happened to the particular soldier or individual in accordance with well-established military discipline?

Mr. Vice-President: Minister of National Security.

Hon. F. Hinds: I am unable to say with further specificity what would have happened to him. What I do know, is that he was disciplined in accordance with those provisions.

Mr. Vice-President: Sen. Mark.

Sen. Mark: Can the hon. Minister indicate whether any dangers would have been posed to staff and personnel attached to the President's office when this particular incident occurred, in and around April 2023 or thereabouts? Can you elaborate and clear for this Senate, whether any threats were posed to the safety, health, and security of personnel attached to the Office of the President, Mr. President?

Mr. Vice-President: Minister of National Security.

Hon. F. Hinds: Mr. Vice-President, the question spoke to the question of a presidential vehicle being shot up, and I have indicated that it was a negligent discharge. When that happens, obviously, there would be risks because it was unplanned, a negligent discharge. But the fact is, no one was injured and we are quite happy for that. I thank you.

Mr. Vice-President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister what steps or measures have been taken by the regimen or the defence force Chief of Staff or the command personnel in charge of the defence force to ensure, Mr. Vice-President, such an incident does not repeat itself in the future? Can the hon. Minister indicate to this House what steps have been taken to mitigate any such incidents reoccurring in the future, particularly at the—

Mr. Vice-President: Sen. Mark, based upon the two answers given, that has been answered already.

Sen. Mark: [*Inaudible*]

Mr. Vice-President: Yes, do you have a last supplemental on this?

Sen. Mark: No, I think he—no, I am okay, I am okay.

Mr. Vice-President: Okay. Question No. 79. Sen. Lyder.

**Closure of Praedial Larceny Squad Office
Measures to Facilitate Farmers' Security**

79. Sen. Damian Lyder asked the Minister of Agriculture, Land and Fisheries:

Given the temporary closure of the in Carlsen Field, can the Minister indicate what measures are being taken to ensure that the security needs of farmers in Central Trinidad will be facilitated?

Mr. Vice-President: Hon. Minister.

Hon. Senators: [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Kazim Hosein): Thank you very much, Mr. Vice-President, and I want to thank the hon. Senator for the question. Mr. Vice-President, the officers that were stationed at and operating from the Carlsen Field, County Caroni office, have been temporarily relocated to the Craginsh office in the Princes Town county office. This relocation was to facilitate the continuity of the praedial larceny officers while refurbishment works are being done at the Carlsen Field office. These works are expected to be completed by the end of April 2024 which is a couple days to the end of the month.

It should be noted, that for the period January 2024 to February 2024, the central division of the Praedial Larceny Unit has conducted a total of 254 patrols, visited 2,156 famers. Additionally, for the said period, they have received 36 praedial larceny reports, all of which have been actively investigated. Mr. Vice-President, the Ministry of Agriculture, Land and Fisheries assures the members of the agricultural sector, and by extension the public, of the praedial larceny officers of the central division will continue to protect and serve all the farmers of the central area, thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Lyder.

Sen. Lyder: Thank you, Mr. Vice-President. I am not sure if I heard it but could the Minister just indicate the length of time that this office was closed for? I am not sure if I heard that at the beginning, the length of time it was closed for.

Mr. Vice-President: Minister of Agriculture.

Sen. The Hon. K. Hosein: Mr. Vice-President, the works started in January 08, 2024, and the proposed completion date was April 08, 2024. But it will finish by the end of this month.

Hon. Senators: [*Desk thumping*]

Sen. Lyder: Can the hon. Minister indicate given his response about the amount of patrols, how many persons have been arrested and will now face the courts for praedial larceny, while this office has been closed, Mr. Vice-President? And they are operating from Princes Town, can the Minister indicate?

Mr. Vice-President: Minister.

Sen. The Hon. K. Hosein: I will have to get that information for him. I have all the other information before me, which is the award of the contract, the time, date, the whole apparatus to finish complete the building, the amount of officers, patrols and so on, but I will have to get that information concerning.

Sen. Lyder: Thank you, Mr. Vice-President, and through you, can the Minister indicate, given that the Princes Town—which is quite some distance from Carlsen Field—was chosen for the relocation, can the Minister indicate the length of time it would take for a praedial larceny officer to respond to a report of an emergency in the Carlsen Field area?

2.00 p.m.

Mr. Vice-President: Minister of Agriculture, Land and Fisheries.

Sen. The Hon. K. Hosein: Although they were located in Craignish, in Princes

Town, most of the operations were taking place in central. We have the Ministry of Agriculture, Land and Fisheries' Head Office there. We have other offices around there, which they usually operate from. So work continued, no operations had stopped. And as a matter of fact, on Thursday, we are having a graduation which I want to invite you and the—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: Where work continues at the Ministry of Agriculture, Land and Fisheries, we are hiring at least 40-something new officers. So while praedial larceny has been taking a little licking from the public, we have been doing what we are supposed to do at the Ministry. At least I am ensuring that what is supposed to be done, has to be done.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Lyder.

Sen. Lyder: Thank you, Mr. Vice-President. Through you, and given the Minister's response that they are indeed taking a licking from the public, I would like to simply ask the Minister, if he acknowledges and agrees that a significant amount of farmers in the Carlsen Field area have indeed complained about a lack of attention, a lack of response and a feeling of unsafety in the central area in farming, having had poor responses from the praedial larceny unit, does the Minister acknowledge that this is a serious complaint coming from the farmers of central at this point in time, Mr. Vice-President?

Mr. Vice-President: Minister of Agriculture, Land and Fisheries.

Sen. The Hon. K. Hosein: You know, that is a good question, eh. And you know, while we are saying all of this, and if all of this is taking place, nobody seems to want to admit the fact that—why are we attacking the praedial larceny officers? Why we do not attack the people who are stealing from them and give

them a warning—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein:—that they should not be stealing from these people? These people are outlaws, they are a law unto themselves. Nobody in the media, no forces nowhere are attacking these people. All they are saying is that the praedial larceny is not doing this—the praedial larceny is working. They are working. Some of them—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein:—and I wanted to get the opportunity—I will talk more about it on Thursday at the graduation, but we are working, the praedial larceny officers are successful in what they are doing. It is not—we “cyah” put a praedial larceny officer by every farmer’s house—

Hon. Senator: Exactly.

Sen. The Hon. K. Hosein: We “cyah” do that, but we will try to do our best. And they are doing—they have reports, and I will give you the reports on how much they do. Okay? So I hope to see you at the graduation on Thursday.

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

Mr. Vice-President: Sen. Lyder, do you have any final—your final question or you are satisfied?

Sen. Lyder: Mr. Vice-President, crime has taken over this country in all areas, so I am satisfied.

Mr. Vice-President: It is just a question.

Sen. Lyder: [*Inaudible*]

Mr. Vice-President: It is just a question.

Sen. Lyder: [*Inaudible*—so I am satisfied.

Mr. Vice-President: Okay.

Sen. Lyder: I am satisfied with the answer. They have admitted they have failed—[*Inaudible*]

**COMMISSIONS OF ENQUIRY ACT
(GOVERNMENT'S NEED TO REVIEW)**

Sen. Anthony Vieira SC: Mr. Vice-President, in accordance with Standing Order 39(2), I beg to move the following Motion standing in my name:

Whereas the Commissions of Enquiry Act, Chapter 19:01 provides for the establishment of Commissions to manage the conduct of inquiries into public officers, departments, and matters of public welfare;

And whereas Commissions of Enquiry are recognized as an important tool for social investigation in contemporary society, an effective mechanism for delving into and ameliorating matters of public concern;

And whereas successive Government administrations have failed to adequately address public concerns which have arisen from time to time on whether the Commissions of Enquiry in Trinidad and Tobago have been effectively and efficiently carrying out their mandate;

Be it resolved that this Senate call on the Government to review the Commissions of Enquiry Act, Chap. 19:01 and the public inquiry process in Trinidad and Tobago with a view to effecting comprehensive reform of the Act and thereby improving the efficiency and effectiveness of the public inquiry process.

Mr. Vice-President, It was reported in the *Saturday Express* of 20 January, 2024, on page 5, that the final bill of the Paria commission of enquiry was \$15.6 million. And in an article in the *Sunday Guardian*, dated 03 December, 2023, it was pointed out that successive commissions of enquiry have cost the State over half a billion dollars. Yet, as was lamented in that article, whether it is the Clico enquiry, the enquiry into the 1990 attempted coup, the enquiry into the Las Alturas Towers,

the enquiry into the Solomon Hochoy Highway, or the Uff enquiry into the construction sector, to date, not a single person has been held accountable, arrested or charged. This Motion calls on the Senate to consider the very important role public enquiries play in our constitutional arrangements, whether we are getting value for money and whether the process can be improved.

As is known, commissions of enquiry are public inquiries into matters of national importance and concern, any matter in which an enquiry would be for the public welfare. Commissions of enquiry are convened under the Commissions of Enquiry Act of 1892, legislation 129 years old, which has received little analysis in terms of design.

In colonial times, the commissions of enquiry were appointed by the Governor. Today, they are appointed by the President. Calls for public enquiries are routinely and frequently made by both Government and Opposition in equal measure. For example, the Opposition's call for an enquiry into the closure of Petrotrin, and the Government's recent announcement about the commissioning of an enquiry into the OAS Construtora contract for the Point Fortin Highway.

In any event, public enquiries are seen as important, if only because no single court process or parliamentary joint select committee can match the approach and issues that can be explored in a public enquiry. Indeed, public enquiries offer a unique and transparent opportunity to explore what happened, that is to say, it officially establishes the facts and to gain an understanding of what took place; to establish causation of events, that is to say, by saying why and how it happened, who is involved and whether anyone is to blame; to consider lessons, that is to say, by exploring in what can be learned, what can be done to prevent the particular issue from happening again, whether the situation can be altered or

improved and whether we can change future practices. Public enquiries can also serve as a form of catharsis giving relief to some, and allowing the expression of anger and outrage to others, and they may be used as a political device for ameliorating major public concerns. So there are many aspects to public enquiries. Fundamentally, there are a tool for social investigation, to improve our understanding of complex issues, and when done properly, public enquiries have the potential to change attitudes, to change policies, and practice.

So given all these various and useful aspects, and notwithstanding the potential benefits, there still remains a certain level of cynicism towards of commissions of enquiry. For example, there are those for whom commissions of enquiry are merely sophisticated rules to take pressure off the Government or politicians. Others see commissions of enquiry as window dressing, just making it as if something is being done. Some enquiries they are criticized for having obfuscated terms of reference.

2.10 p.m.

Many grumble that the recommendations are never implemented. And as a common complaint, they take too long, they cost too much, and they often fail to achieve what they were intended to do. Lots of promise, little delivery. Is this an acceptable state of affairs? Should we in this Senate remain oblivious to such complaints and concerns? Or has the time come when our traditional approach and practices might profitably be re-examined?

In an article in the Trinidad and Tobago *Guardian*, dated Sunday 25, September 2016, the contributor, Ms. Mickela Panday, writes, and I quote:

“Our people have had enough of them. Beginning with the useless COE into the 1990 coup, where the chief witness refused to attend and which served

no purpose but to tell us what we already knew-that our security and intelligence apparatus had been caught napping. Millions were spent on commissioners and lawyers, yet to date nothing has come of the report.

Then there was a Clico enquiry, presided over by Sir Anthony Colman, which the...DPP...tried to stop...because of its likely prejudice to the ongoing criminal investigation into the Clico collapse, who advised that the report not be published. That hardly mattered to Commissioner Colman and the several English and local lawyers who were paid millions for a useless exercise.

...none of this has done anything but further undermine confidence in our institutions, the administration of justice and, sadly, the legal profession. The public, weary of seeing attorneys earn millions in essentially futile exercises.”

In 2013, the Trinidad and Tobago Chamber of Industry and Commerce produced a research paper on issues relating to commissions of enquiry. And in that paper they listed commissions and reports of enquiries from 1838 to October 2013, and they identified some of the shortcomings of the Commissions of Enquiry Act. Among other things, the Chamber's research paper noted that commissions of enquiry are usually conducted by an expert, or group of experts, with quasi-judicial powers to investigate matters of national concern. That five amendments were made to the legislation between 1932 and 1976, and that an attempt was made to revise some of the provisions of the legislation in 2004, but the Bill lapsed.

In identifying major shortcomings in the legislation, the Chamber's research paper found that the provisions compelling persons to attend and give evidence are inadequate. The maximum fine of \$2,000, seldom if ever, having been instituted.

As has been said, less than a slap on the wrist for wealthy business executives. In the CL Financial and HCU enquiries only 33 out of 50 persons who were summoned, as witnesses responded.

In the enquiry into the 1990 attempted coup, Yasin Abu Bakr refused to attend, saying that if the state wanted to get the truth behind the insurrection, he had to be paid a multimillion dollar fee equivalent to that of the Commission Chairman, Sir David Simmons. In the event, Sir David urged the Government of the day to give serious consideration to reform of the Commission of Enquiry Act. He suggested we should look at the Canadian model and how that country treats with commissions of enquiry.

Another identified concern in the Chamber's research paper is the exorbitant cost to taxpayers. The then Attorney General, Mr. Anand Ramlogan, Senior Counsel, has said: That taxpayers paid more than \$127 million to fund the enquiries into the attempted coup, CL Financial and the Hindu Credit Union.

Now ironically, in an email to me personally, dated 31 August, 2017, former Minister Dr. Winston Dookeran said this, and I quote:

I regret that the Commission of Enquiry did not expose the full story about the attempted coup. I was a witness to the Commission but they asked no relevant questions of me. A lot of public funds were spent on the Commission. Anthony, sorry, I cannot elaborate more but my affidavit with the court is about a start of what we should know, as this is a part of our history, you may share if you wish.

Now the irony is painful. Notwithstanding the expenditure of millions of dollars of public funds on the Commissions of Enquiry into the attempted coup, here is one of the key persons during that historic and turbulent event. In effect,

the de facto Prime Minister at the time finds that we did not get value for money, and laments that the full story is yet to be told.

The Chamber's research paper recognized that while it may not be advisable to fix a budget for enquiries as each one is different, and timeframes and costs cannot easily be determined in advance, the issue of costs should be placed in the context of the objectives of the particular enquiry, and what it seeks to accomplish. The paper notes, and I quote:

That in cases where an enquiry has led to a more informed public debate, where important social or political reforms, related expenses might prove to be less of an issue, but where an enquiry is used to bury a controversial issue, or where government rejects the recommendations flowing from an enquiry outright, its cost might be a matter of greater concern.

In concluding, the Chamber found that the Commissions of Enquiry Act is outdated and in need of reform. They recommended a proper analysis of the statute's shortcomings by the Law Reform Commission or other appropriate body. The Chamber also suggested that it might be helpful to examine the reports of the working groups and updated legislation in countries such as Canada, New Zealand and India, in particular, on matters relating to penalties, procedures, costs, assistance to commissioners for the purpose of investigation, and the publication of reports, while taking into account our local environment and legal framework, and noting previous failed attempts at making relatively simple amendments.

Now, in looking for material on how we might improve commissions of enquiry, I came across a publication put out in 2015 by the United Kingdom's Centre for Effective Dispute Resolution, CEDR—pronounced cedar—pertaining to the setting up and running of public enquiries, entitled *Guidance for Chairs and*

Commissioning Bodies. And that project was chaired by none other than Lord Woolf, a former Lord Chief Justice in the United Kingdom, and in fact, the architect of our modern civil procedure rules.

So the CEDR enquiry into public enquiries, was triggered by the sense of why public enquiries are generally commissioned to look into matters of great public importance, there was a shortage of guidance, and ready-made solutions to the myriad of issues which have to be resolved in order to do the job. The CEDR guidance evolved after three years of re-evaluating the public enquiry process between 2011 and 2015. And after comparing 30 years of enquiries in the United Kingdom and elsewhere, after polling 2000 people, and having consulted numerous experts, CEDR found that the commission of enquiry process has received little attention in terms of design, that all too often, enquiries have to start from scratch.

There being no established mechanism by which judges, government, civil service or any other body captures the learning from previous enquiries. And in particular, CEDR found that not much thought had been given to testing innovative approaches towards achieving the core purpose of enquiries, namely, and these are what they saw as the core purposes of an enquiry: Fact gathering, truth finding, recognition for victims, the healing of wounds caused by social incidents, and engagement with practical methods of implementation of recommendations.

Indeed, there were way too many examples where enquiries were seen to have failed to achieve what they intended to do, where victims were not treated appropriately during the hearing. Where the process was overly adversarial, as opposed to inquisitorial in their tone, where workable recommendations were not established, where there was a failure to hear critical evidence, as for example,

during the attempted coup enquiry, where despite being called public enquiries, there was a failure to involve the public. So after carefully evaluating the three stages of the public enquiry process, before the enquiry, during the enquiry, and after the enquiry, CEDR proposed five key points of reform and made 11 recommendations for better public enquiries.

So to summarize, the five key points of reform of the public enquiry process were identified by CEDR as follows:

- “1. Emphasising the importance of clarity of the goals and the nature of the Public Inquiry process for participants, chairs and the wider public;
2. Providing a stronger focus on victims and participants' well-being and understanding, with a dedication towards ensuring that key voices, including those of the public at large, are...heard;
3. Encouraging the use of alternative process techniques to simplify and speed up Public Inquiry”—and—“better meet the goals of the process;
4. Ensuring that the recommendations...produced by the Inquiry are valid...workable, and more likely to be implemented;
5. Enabling the Inquiry to capture information about technique and best practice so that lessons can be learnt and passed on for future Inquiries.”

And as regards CEDR's 11 recommendations for improving the performance of public enquiries, these fall under four headings:

“‘Before the Inquiry,’ ‘During the Inquiry...’ ‘After the Inquiry’”

And what they call cross process recommendations, so I can treat with each very briefly in turn.

Before the enquiry process, well:

“Enhancing the capabilities of Chairs and Panels”

Among other things by implementing a programme for training commissioners of enquiry. Secondly:

“Aligning Inquiry purposes with intelligent methodology”

To improve the design of the enquiry process by using experts at the planning stage of the particular enquiry to make the schedule more efficient, budgeting and a planned timescale should be indicated. Thirdly:

“Managing potential Terms of Reference”

Through a consultation process. In particular, the:

“...introduction of a one-month draft terms of reference to allow interested parties to debate what the terms of reference should be before they are implemented and finalized”

The terms of reference are critical as they define the enquiry's purpose and parameters and give authority to probe areas and lines of enquiry. One problem and fixing terms too early in the process is the need to deal with emergent issues. Terms of Reference should be clear, they should identify what is and what is not to be considered and they should indicate who should take responsibility for overseeing potential implementation of recommendations. Now during the enquiry process:

“Separate investigation from recommendation”—the—“first phase of the enquiry been investigative and a second phase which is about recommendations.”—Recommendations should be in clear and simple language. They should—“...be reasoned, comprehensive...succinct and practical.”—They should not have to—“be filtered through lawyers...”—in order to be—“understood...”—Design optical conditions were an inquisitorial process, utilizing potential alternative process models as

opposed to the adversarial—“process...”—and—“...traditional courtroom style model...”—which is so frequently adopted by default, where possible, alternative dispute resolution processes should be incorporated as methodologies in the enquiry.

Again, increasing the recognition and number of track processes so that enquiries can run in non-sequential format, including options for parallel track processes.

2.25 p.m.

I like this recommendation too:

“Bringing the public into the Public Inquiry system”

—and creating active engagement, through the creation of citizen's panels, advisory panels, and focus groups, using social media and polling. And then last, during the enquiry process:

“Setting parameters...”—by introducing—“a ‘First Pass’ model whereby there would be a presentation of facts after 20% of the time has elapsed.”

Let us look:

“After the Inquiry Process

...the introduction of an Implementation Action Plan, whereby relevant parties would have to feedback how they had implemented the points made by the Public Inquiry within 12 months.

Cross Process Recommendations

Building on know-how through the establishment of an Independent Inquiries

Office

...to focus on Public Inquiries, building knowledge and public involvement.

Enhancing public awareness of the Inquiry process”—by increasing—

“public knowledge, awareness and understanding of the Public Inquiry process through increased academic and educational reference to Public Inquiries.” And then, at the conclusion of the enquiry—so, given that this Motion comes in the wake of the Paria enquiry, whose 380-page report was laid in Parliament on Friday 10 January, 2024, this seems an opportune time to consider the value of public enquiries and whether they can be improved. The Paria enquiry has produced 52 recommendations. Whether any of them will be implemented, or whether, as within enquiries past, those recommendations will fall on deaf ears, time will tell.

Lord Bingham's observation at page 200, in his book, *The Business of Judging* maybe insightful. He said, and I quote:

“It was sometimes provided that a ministerial decision should be preceded by a public inquiry and report.

But that provision is no real safeguard, because the person who has the power of deciding is in no way bound by the report or the recommendations of the person who holds the inquiry, and may entirely ignore the evidence which the inquiry brought to light. He can, and in practice sometimes does, give a decision wholly inconsistent with the report, the recommendations, and the evidence, which are not published or disclosed to interested parties.”

The salient point, Mr. Vice-President, is that recommendations arising from a public enquiry do not have the binding power of a court judgement. Public enquiries do not make decisions, as to what action should be taken in the light of their findings of fact. Instead, they make recommendations for such action. So, as I stated from the outset, I accept that public enquiries play an important role in our constitutional arrangements, as they allow for a degree of scrutiny that no other

legal process provides. But I also recognize that if they are not seen to be working, then the public can lose trust.

This Motion asks whether we can improve the process by which public enquiries meet their goals. If you agree with me, that we are not getting value for money. The way to avoid this, is by creating the right set of rules. In particular, by making the process more transparent, inclusive, and accountable. I believe small changes can yield big results. If you agree with the Chamber's research paper on issues relating to commissions of enquiry, and that there is a need to close loopholes in the Commissions of Enquiry Act, then it falls to us as legislators, to design and implement legal processes and systems that properly serve us. If you agree that the Commissions of Enquiry Act, over a century old as it stands, is in need of improvement, then I ask you to support this Motion.

My Motion calls for a holistic re-assessment of both law and process. I hope my recommendations will be given consideration, and I beg to move.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: This Motion requires a seconder.

Sen. Dr. Paul Richards: I thank you, Mr. Vice-President, I second the Motion and reserve my right to speak later on.

Question proposed.

Mr. Vice-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. Vice-President, and forgive my voice. I

take great pleasure in responding on behalf of the Government, to this important Motion brought by my learned friend Sen. Vieira.

I will confess for the record, Mr. Vice-President, that I have in my private practice, engaged in a few commissions of enquiry, and indeed, tribunals of enquiry, and I will permit myself a little later to divulge a fact that I can proclaim proudly to speak to the value of the catharsis which is an important part of the process of public enquiries conducted, both under the Commissions of Enquiry Act, and under tribunals of enquiry. Some of which, indeed have been set up under sections of the Constitution, in particular, section 137, of the Constitution.

Let me say immediately, I am grateful to Sen. Vieira SC, having brought this Motion. A government recognizes that commissions of enquiry are a very important part and play an important role in our constitutional arrangements. And there is one particular aspect of a commission of enquiry which is signally important and is recommending of its continued value in a society such as Trinidad and Tobago, and that is its value as an inquisitorial, as opposed to an adversarial enquiry process. We have inherited the English common law. We have inherited from that common law our adversarial court process and very often, the search for healing truth. And the search for a results-oriented perspective can be lost in the adversarial nature of our court system.

2.35 p.m.

Clients will tell you, "I had to sell meh clothes to go to court, but I taking him to court." And what engages in our court system is so very often a bout of fisticuffs, and everybody leaves the process wounded. The inquisitorial nature of a commission of enquiry allows for a deeper, more searching enquiry after the truth, with a view to ameliorating the circumstances that have given rise to the cause for

Commissions of Enquiry Act
(Government's need to Review)
Sen. The Hon. R. Armour SC (cont'd)

the enquiry in the first place.

We have been told by learned writers, enquiries:

“...provide an assurance...”—of—“...the facts surrounding an alleged failure will be subjected to...”—public scrutiny, an—“...objective scrutiny.”

Commissions of enquiry:

“...are expected to...”—pronounce—“...on why terrible events happened.

They often make recommendations on how such events might be prevented in the future. They may give relief to some and allow the expression of anger and outrage to others. They are often disturbing and painful events. They should improve our understanding of complex issues.”

And:

“At best”—hopefully—“they change attitudes, policies and practice.”

And as such employ:

“...an important place in our society.”

Mr. Vice-President, the importance of an enquiry is measured by the fact that it is often challenging, upsetting and difficult. The facts revealed can be unforgiving and at times, potentially even dangerous. But it is critical that we, as free human beings living in a democratic society, are able to enquire as to why situations have arisen, how they have occurred, what are the consequences of the actions that were taken, who was involved, what can be learned from them, and how the situation can be altered and improved for the next time it occurs.

The core purpose, Mr. Vice-President, of enquiries is investigation, fact-gathering, and truth-finding. Sen. Vieira SC makes the point, recognition of victims, healing of wounds caused by social incidents and engagement with practical methods of implementation of recommendations. And perhaps—this is

one of the areas, implementation of recommendations, in which I will be able to go on record with Sen. Vieira to say is that this is perhaps one of the areas in which we need reform of our Commissions of Enquiry Act, because too often commissions of enquiry sit at great expense, the reports are produced, and then nothing much is heard of those reports anymore.

And just for the record, let me make the point, Mr. Vice-President, that nothing that I say here today is to be taken, because it would otherwise be impermissible, as a comment on the Paria commission of enquiry report. That report has been handed in, it is being put into the Parliament and it has been deposited with the Director of Public Prosecutions. The process will take its course from there but arguably, that is in the realm of implementation of recommendations. I say no more.

Some of the criticisms of public commissions of enquiries are that they take too long, they cost too much, this is not to mention the time and public cost involved. And of course, we were reminded not too long ago, in 2016 indeed, Mr. Vice-President, by the hon. Prime Minister of Trinidad and Tobago, the hon. Dr. Keith Rowley, when he put his statement on the 01 July, 2016, on the CLICO Commission of Enquiry on the record in the Parliament. And I will just quote from one small bit of what the hon. Prime Minister said because it is central to much of what we will discuss here today, prompted by the very timely remarks and Motion of Sen. Vieira. Among other things, this is what the hon. Prime Minister said on the 01 July, 2016, in the House referring to Sir Anthony David Colman's report:

“The commissioner made a number of recommendations with respect to legislation and/or legislative amendments that the Government will study

consider adopting in short order...areas that Commissioner Colman focused on..."—included—"...the Commissions of Enquiry Act...
 ...with respect to the enforcement of evidential orders and the attendance of witnesses..."—at—"...Commissions of Enquiry.

I have instructed..."—this was in 2016, Mr. Vice-President.

"I have the Ministry of the Attorney General and Legal Affairs to study these recommendations and to advise the Cabinet on an appropriate way forward and in particular to consider how legislation may assist in ensuring the attendance of witnesses and the provision of documents in a more pragmatic and effective manner than currently exists.

And he said this, which is a phrase that is so often found as being central to a commission of enquiry:

"They are probably necessary and cathartic, if only they can be executed in a reasonable time frame and more importantly, if the enquiry results in people being held to account and lessons learnt can be put to use for future benefit."

Very much along the lines of what my good and learned friend, Sen. Vieira SC just spoke to. Those were the remarks of the hon. Prime Minister. [*Device goes off*] I beg your pardon, that is my phone ringing through—I beg your pardon, Sir.

Sorry. I do ask the pardon of all Members of this Senate.

Mr. Vice-President: That is all right.

Sen. The Hon. R. Armour SC: It was on silent, Mr. Vice-President, but it rang through the computer. My apologies. Right, I have turned the volume off. Thank you.

So returning to where I was last, Mr. Vice-President, and taking the cue

from our hon. Prime Minister, I refer to a seminal decision of the Supreme Court of Canada in the case of *Canada (Attorney General) v. Canada (Commission of Inquiry on the Blood System)*, reported at [1997] 3 SCR 440, in the words of Mr. Justice Cory:

“One of the primary functions of public enquiries is fact-finding. They are often convened in wake of public shock, horror, disillusionment, or scepticism, in order to uncover ‘the truth.’ Inquiries are, like the judiciary, independent; unlike the judiciary, they are often endowed with wide-ranging investigative powers. In following their mandates, commissions of inquiry are, ideally, free from partisan loyalties, and better able than Parliament or the legislatures to take a long-term view of the problem presented. Cynics decry public inquiries as a means used by the government to postpone acting in circumstances which often call for speedy action. Yet, these inquiries can and do fulfil an important function...In times of public questioning, stress and concern they provide the means...to be apprised of the conditions pertaining to a worrisome community problem and to be a part recommendations that are aimed at resolving the problem.”

This is what is meant, Mr. Vice-President, by the cathartic nature of commissions of enquiry. And we can see that some of the signal aims that cannot be underestimated are:

1. Establishing the facts;
2. Determining accountability;
3. Learning lessons and making recommendations to prevent recurrence;
4. Allaying public disquiet and restoring public confidence;

5. Catharsis, the opportunity for reconciliation between those affected by an event and those whose actions have caused it or whose inaction failed to prevent it; and
6. Developing public policy.

Mr. Vice-President, we would have to look carefully at any legislative reform of the Commissions of Enquiry Act—and I do not need to refer to that part of my remarks, which I had intended to. Sen. Vieira SC has already told us. Our Commissions of Enquiry Act starts in 1892, so clearly, we must amend it and we must bring it into the 20th Century. We have to deal with exorbitant cost, we have to find a way in which to acknowledge that it will cost, but it must cost with a view to producing results that the public will accept at the end of the day are balanced in terms of the results. We have to accept that the length of time which commissions of enquiry engage in, and the length of time beyond the report when little or nothing may be done to attend to the implementation of the recommendations, that too must be addressed. We have to attend to the efficiency of the enquiry process. Importantly, we have to attend—and again, Sen. Vieira SC spoke to this, to legislative provisions to enforce the attendance of witnesses because it is of no value, in providing the catharsis for the injury caused to the victims, if the injurer thumbs his nose at the commissioner and refuses to attend to and answer questions as to what she or he did, or failed to do, so that the victims might derive some solace from listening to the grilling of the person who caused the injury.

Mr. Vice-President, it goes without saying, therefore, that we must amend our legislation, the Commissions of Enquiry Act, Chap. 19:01. It was last amended in 1976. And may I suggest, Mr. Vice-President, a couple of the areas that, in our attempts to reform, we will want to concentrate on: procedural fairness. That is a

very important area in which we are going to have to pay attention, in some measure, to the detail, and in some measure, to lack of detail because a commission of enquiry must be permitted to exercise flexibility, and I will touch on that anecdotal record that I was privileged to be part of.

I happened to have been privileged many years ago to have been appointed council to a tribunal of enquiry, appointed under section 137 of the Constitution, to investigate the removal of the then honourable Chief Justice, Mr. Satnarine Sharma.

2.50 p.m.

It was a painful process, and there are two factors out of that enquiry process that have stayed with me to this day, and on each count I feel humbled when I recall them. The first was when the commissioner who was brought to Trinidad and Tobago by the Government, Lord Michael Mustill, arrived. In my first meeting with him, I as counsel to the Commission said to him, "Lord Michael, I will have to give you a draft of the procedural rules by which we will guide this enquiry". I have never forgotten to this day, Lord Michael Mustill looked at me and he said, "Mr. Armour, touchstone, our touchstone shall be fairness. We will make it up as we go along". And he forebade me from writing rules to govern fairness and relied on his understanding of the touchstone of fairness to ensure that everyone had their day in the course of that tribunal enquiry. That is one piece of history that I want to put on the record in this House as we speak to amending our legislation. We must not trammel ourselves into a straightjacket of rules because that in itself can harm the fairness of the process.

The second most significant truth that humbles me when I reflect on that tribunal of enquiry is, years later, I was walking around the Savannah exercising

as I liked to do at the time and I fell in step with none other than Chief Justice Satnarine Sharma who also walked the Savannah regularly. We spoke about the enquiry which had concluded four years before and he said to me, "Mr. Armour, thank you. That was a fair process". I have never forgotten that. That is part of the exercise of catharsis that someone can come through a process known as a commission or an enquiry, tribunal of enquiry and yet be satisfied that at the end of day that person was dealt with fairly, because that is part of the richness of the process which we are going to contribute to when we look to amend our legislation.

We have to, of course, in the legislation that we will amend, make provision to enforce the attendance of witnesses. We have to, I believe, it will be my recommendation, make provision for some finite point at which the report will have to be delivered, but we must not circumscribe it that will cause the commissioners to do less than their mandate requires, and therefore we will have to put flexibility into providing for deadlines in order that the truth and the process of catharsis is engaged in and located.

We will have to ensure, Mr. Vice-President, that in writing the procedural rules we provide the outer framework of guidance, but not make ourselves slaves to the written word. Where is the balance in the cost? Because commissions of enquiry are often very costly, but at the end of the day we have to ask ourselves in balancing how we address the question of cost, where does the truth lie, and is any price too high to ensure that we get to the truth of the injury that was caused either by action or inaction?

In setting up a commission of enquiry, I think as well, Mr. Vice-President, that one of the signal things that we need to do is legislatively to provide for

Sen. The Hon. R. Armour SC (cont'd)

something in the nature of a secretariat. So that, and Sen. Vieira makes the point, there can be something in the nature of an enduring institution that will, A, have the expertise, B, have the record of past precedence from which to learn and, C, have a staff of persons endowed with the experience of previous enquiries that they can bring to the benefit of the enquiry from time to time. But, Mr. Vice-President, let me sound one caution and I say this unapologetically, let that secretariat not be mired in the morass of the public service. Mr. Vice-President, I therefore acknowledge and pay tribute to Sen. Vieira for bringing this Motion at a very timely point—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—and I give the commitment on behalf of the Government and through the office of the Law Reform Commission which is the policy research arm of the Office the Attorney General and Legal Affairs and I will invite Sen. Vieira to participate with me in that regard to give a brief—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—through the Law Reform Commission to examine our Commission of Enquiry Act to pay regard to some of the very mandates that were uttered by our Prime Minister in 2016 coming out of the 2016 Colman Commission of Enquiry to undertake a sensitive, realistic but sufficiently comprehensive reform of our Commissions of Enquiry Act. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

Sen. Wade Mark: Thank you, Mr. Vice-President. Mr. Vice-President, we have before us today a Private Members' Motion, which has been piloted by my

colleague, Sen. Anthony Vieira, on the whole issue of the efficiency, the effectiveness and the possible concrete outcomes of commissions of enquiry. And in this particular Private Members' Motion, our colleague Sen. Vieira is calling on the Government to review this 1892 Act, which as the Attorney General said was only amended once, or the last time it was amended, I should say, was sometime in 1976.

Now the question here is an attempt is being made to call on Government, through the resolution to engage in some effective and comprehensive reform of this Act, with a view to improving its overall efficiency and effectiveness in the public enquiry process.

Now, Mr. Vice-President, we know commissions of enquiry have been held for decades coming back from the British experience with royal commissions of enquiry, and also tribunals that were established during that period. I remember the Moyne Commission of Enquiry arising out of the riots of the 30s when the British colonialists oppressed the masses and led by Tubal Uriah "Buzz" Butler, Adrian Cola Rienzi one of his key advisors at the time fighting for improved terms and conditions not only of employment, but fighting for self-rule, self-government, self-governance. So we have had a number of commissions of enquiry into the experiences over the years,. But when we come to this whole issue of commissions of enquiry, given our own experiences in Trinidad and Tobago, Mr. Vice-President, our Commission of Enquiry Act attempts to circumscribe the actual areas of focus. Because in the first recital before us, we are told that this Commission of Enquiry Act, Chap. 19:01 provides for the establishment of commissions of enquiry to manage the conduct of enquiries into public officers, departments and matters of public welfare.

Now, we have really gone a bit further when it comes to these commissions of enquiry. What are these commissions of enquiry? What are they really about? What are we trying to achieve? Given our experience, Mr. Vice-President, over the decades, as Sen. Vieira is saying, we should really embark upon an overhauling and a more deep and comprehensive reform of this entire process. So in the literature we are being told about vehicles of accountability, and can we therefore look at commissions of enquiry as vehicles of accountability? But these commissions of enquiry, we are told, they are not only expensive, Mr. Vice-President, but they go almost as the Attorney General indicated in his contribution, sometimes commission of enquiries are not given a time frame for reporting or sometimes they are given, and because of the effluxion of time and challenges, and difficulties, they go beyond a particular timeline.

3.05 p.m.

And maybe that has to do among other things, with the absence of a permanent professional secretariat as was alluded to earlier, because every time a commission of enquiry is established we have to find new forces, new personnel to populate the secretariat, and maybe that is one of the lessons we ought to learn.

Now, what about enforcement, Mr. Vice-President? We have had two major commissions of enquiry findings and recommendations are currently with the Director of Public Prosecutions. The CLICO Enquiry, and now we have the Paria Enquiry. We do not know, Mr. Vice-President, what recommendations are going to be effected and implemented by the Government, because the Government is telling the country that those recommendations and the findings that led to those recommendations are with the DDP.

So we do not know, Mr. Vice-President, if anything is going to come out of

these recommendations. So, yes, there is need for a comprehensive overhauling and more like a revolutionary overhauling of this whole process, so that at the end of day the public interest can be properly served, otherwise, Mr. Vice-President, it will just become another “talk shop”, a lot of hype, but at the end of the day, no action, no concrete implementation, no enforcement, no one is held accountable, culpable, or responsible.

So it sometimes gives the public the impression that these commissions of enquiry are really vehicles that offer opportunities for the key players who man them, but at the end of the process when these key players submit their reports, and their findings, and recommendations, there is no enforcement of those recommendations.

So what do we do? We are hoping through this Private Members Motion, piloted by Sen. Vieira, that the Government will take steps to bring about some reform of the Commissions of Enquiry Act, Mr. Vice-President. But the question that has to be asked is whether the time has not come for us to have a wider, and a deeper appreciation of the needs of the people, and therefore, the question of accountability is critically important.

So when I look at a study that was conducted in a law journal some time ago, the whole issue, Mr. Vice-President, and I am referring to a document entitled:

“Securing Accountability through Commissions of Inquiry”.

And they even went to talk about:

“A Role for the Law Commission of Canada”.

In this article that was published in a law journal sometime in 2001 and this came out of Canada, Mr. Vice-President. In this particular article, they were looking at

the challenges, the difficulties, the weaknesses, of these commissions of enquiry. And the role of the politicians in seeking to undermine these very commissions of enquiry, many of times by starving them for critical resources, because they want a particular outcome.

So, the question here is whether these commissions of enquiry need to be looked at from not only a comprehensive reformation exercise, Mr. Vice-President, whether there is need for alternative models, so that when we are talking about accountability, when we are talking about transparency and holding public officials to account, whether this tool, this vehicle called “commissions of enquiry”, is inadequate for that task that we would like them to achieve.

So whether it is in Canada or the United States, we have seen where alternative models have been suggested for consideration, because Sen. Vieira reminded us that after spending tens of millions of dollars, having had several commissions of enquiry over several decades, no one has ever been prosecuted for wrongdoing as a result of findings and recommendations submitted by these commissions of enquiry to the Government.

3.15 p.m.

So the usefulness of these mechanisms is now being questioned, and that is why my colleague has asked the Government to examine a comprehensive overhauling of this vehicle.

In the United States, for example, they came up with the independent counsel model after the Watergate scandal; having independent counsel with the power, not only to investigate, but if it becomes necessary, to prosecute. So maybe we have to look at that. Maybe we have to look at coming up with a new mechanism in order to get justice and real accountability for wrongdoing in our

nation. Some people call them special prosecutors. That is something that maybe when the Government is reviewing and overhauling, they may want to bring out that and have some public views on that particular model.

And, Mr. Vice-President, in the United States, to deal with fraud, waste and to prevent abuse in government, they also came up with a new model under the Inspector General Act, called the Inspector General Model. That is another model that has been created in the United States in an effort to deal with waste, abuse and fraud. And then why not look at the law commission and bring about reforms there? And if you want to put power, in terms of housing that authority to have commissions of enquiry, why not look at the law reform or the law commission, as they have attempted to do in Canada.

So, Mr. Vice-President, if we are serious, we have to become revolutionary and far-reaching in what we do, and we cannot tinker with a rotten system. It has not worked. It has not delivered. Everybody knows about the eggnog scandal at the St. Ann's Hospital where people died. Who was prosecuted? Who was held accountable? Mr. Vice-President, 23 babies died. Who was held accountable? Nobody.

Hon. Senators: [*Crosstalk*]

Sen. W. Mark: All right. Okay, well, let me withdraw that. I want to withdraw that, but you had some deaths. There were deaths, I recall, in the eggnog scandal. I cannot tell you how many people died or who died, but I know that there were deaths. But what I also know, Mr. Vice-President, is that no one was held accountable. No one was held accountable.

So if we are serious, Mr. Vice-President, we have to come up with alternative models to address these matters that we are dealing with, or we would

like to deal with. Who is going to be held accountable—we do not know—for the murder of these four divers? We do not know because there is nothing. Everything is in the hands of the DPP. We do not know when it will come out. Like the Clico enquiry, in the hands of the DPP. We do not know when anybody would be prosecuted or action taken. But people are dead, and we have spent hundreds of millions of dollars and no one is held accountable. No one is held culpable, no one is held, Mr. Vice-President, liable. So what is the purpose of these things? What is the purpose? Engaging in “gallerying”?

So, Mr. Vice-President, I recall, he has now passed on, the former Justice Deyalsingh, a judge, leading a commission of enquiry into the Elections and Boundaries Commission, I remember. And he made a lot of important recommendations to improve the operations, accountability, transparency of the Elections and Boundaries Commission, and I do not believe these recommendations—how many recommendations were included? All I know it had dead people still around on the list, and there has been no proper survey by the Elections and Boundaries Commission over the years to update the list of electors in any serious way, as recommended by Justice Deyalsingh. I remember that.

So, Mr. Vice-President, these commissions of enquiry, they do come up with some positive recommendation for improving, as Sen. Vieira spoke to, efficiency levels, the efficacious nature of operations of these institutions, but there is no implementation. There is no enforcement of these recommendations. So we are going—we are running on the same spot and we feel that we are going nowhere, but we are going nowhere; absolutely nowhere.

I would want to identify with the effort by our colleague to strengthen, Mr. Vice-President, accountability. We may need to overhaul and get rid of the

Commissions of Enquiry Act, because that has not worked. It has been a total failure. So rather than Sen. Vieira talking about comprehensively reforming that Act to bring about efficiency and efficacy in the operations of commissions of enquiry, from 1892 to 2024, what has happened, Mr. Vice-President? What has happened? It has been an utter failure; utter failure. And maybe the time has come to get rid of that Act and put something in its place that is much more effective. I like this idea about a special counsel—call them what you will, special prosecutors, so people who do things, people who—witnesses are not appearing, it is volunteering, you come, you do not want to come? No. The special counsel or the special prosecutor must have the power. You do not come, well, that is contempt. You have to come. This is serious business.

So I believe, Mr. Vice-President, that the time has come to overhaul this entire system that has proven to be—from what we have been told and the evidence that is before us, I do not think the system is working. The system of commission of enquiry, that system has not worked in the interest of the public. And I think it is a confession, it is an admission, and it is a recognition that that is the reality facing us in Trinidad and Tobago. And I want to compliment my colleague for bringing this forward so that we can ventilate our views on this matter. And not only ventilate our views, but come up, Mr. Vice-President, put on the Table alternative, alternative models for consideration in Trinidad and Tobago, and we do not have to reinvent the wheel, Mr. Vice-President. They have it in the United States. I would like the day to come when we have serious revolutionary constitutional reform in Trinidad and Tobago, and make our Parliament like the United States Congress, totally independent and separate from the Executive.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: That is the kind of system we want here. And when we are here, as Members of Parliament representing the different constituencies, we are not obligated to a Prime Minister. We are not obligated to any Prime Minister. We are obligated to our constituents. And when they bring a budget to our Parliament, Mr. Vice-President, if they do not put resources for my constituents, you “eh” getting my support. Why do you think they always have failure in the United States Congress? Because they are in charge. They are the ones. Yes. If it becomes necessary to promote democracy, if that is the price for democracy, I am prepared to pay for it. I prepared to pay that price. If that is the price we have to pay for strengthening democracy and accountability, yes, let us go.

Sen. Lutchmedial-Ramdial: Real separation of powers.

Sen. W. Mark: Let us deal with the real separation and not the mockery we have in Trinidad and Tobago that passes for the separation of powers. Let us have real separation of powers. The United States of America, whatever faults they may have, one thing we must recognize, the Founding Fathers of the United States of America brought a Constitution that was able to really bring about serious and effective separation of powers, and that is what we want in Trinidad and Tobago. We want effective separation of powers. Right?

3.30 p.m.

So, Mr. Vice-President, I am saying let us turn this thing upside down, capsize it, if you are serious about change. Do not tinker with the Commission of Enquiry Act. Overturn it, dump it and put something that is more effective, more efficient in its place.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So when the wrongdoers commit acts of criminality and you have

to hold a commission of enquiry and they are found guilty, you get results, they are prosecuted, jailed. In Trinidad and Tobago you get away, Mr. Vice-President, "scotch free". You cannot be serious. So I want to thank Sen. Vieira for bringing this Motion forward. But Sen. Vieira, I think we have to go further, we have to have revolutionary reform in our way forward. We cannot continue to tinker with the system, real change. That is the kind of changes we want in Trinidad and Tobago, and that is what we do not have at this time.

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

Sen. W. Mark: So, Mr. Vice-President, I identify with my colleague's Motion, but I say, Mr. Vice-President, I call on my colleague to probably, tighten it a little more. I think we should be putting forward some alternative models for consideration. I am not saying, Mr. Vice-President, that we have to accept the models, but in terms of our dialogue and our discussions those models are put on the table for discussion, for deliberation, and at the end of the day people can tweak, people can twist, they can make amendments, but at the end of the day let the people decide, but at least we can put forward some alternatives to strengthen what Sen. Vieira has put forward.

So if we have to dump the commission of enquiry system, dump it. Get rid of it and put something in its place and you will have my support. I will support you on that. You could count on me because like you, I want revolutionary changes. I want far reaching changes to make the system more accountable so criminals in high places and low places and middle places cannot commit acts of treachery and get away because they know the system is not working, they know the Commission of Enquiry Act is ineffective, Mr. Vice-President, or ineffectual. And therefore, we need to change the system.

Commissions of Enquiry Act
(Government's need to Review)
Sen. Mark (cont'd)

2024.03.26

So, Mr. Vice-President, in closing I did not expect—Sen. Vieira, through the Vice-President, I did not expect to speak so long—

Hon. Senators: [*Laughter*]

Sen. W. Mark:—but it is just part of my DNA. Whenever I rise, I speak beyond my time, Mr. Vice-President.

Sen. Lyder: Speak and expose.

Sen. W. Mark: I always speak beyond my time. It is just part of my DNA.

So, Mr. Vice-President, I just hope that, for instance, I have contributed, I wish to support my colleague's effort. I am asking my colleague, however, if he could tighten his resolution to put forward what I call alternative models for consideration. So that when the Government is examining that Motion that must be unanimously passed by all of us because we are in support of it, we will be able to give the Government some guidelines in terms of the areas that they ought to pay attention to at the end of day. Because that is a very important effort and I compliment you, I support your Motion and we would like to see a revolutionary transformation, reformation of the whole system of accountability where there is abuse, fraud and an attempt by those to really undermine the public good.

So, Mr. Vice-President, I thank you very much for this opportunity to identify with this Motion and I hope that we will be able to get some very positive outcomes at the end of the day and that the Attorney General and the Government does not continue to sleep at the wheels when this thing is passed and they will give it the kind of action and effect at the end of the process. Mr. Vice-President, I thank you for giving me the opportunity.

Hon. Senators: [*Desk thumping*]

Sen. Lyder: Yeah, “oh yes”.

Commissions of Enquiry Act
(Government's need to Review)
Sen. Teemal (cont'd)

Mr. Vice-President: Sen. Teemal.

Sen. Deeroop Teemal: Mr. Vice-President, I do thank you for the opportunity to make a contribution on the debate of the Motion that is before this honourable House. And as I begin, let me make it on a bit of a light note in that this Motion has been piloted by my esteemed colleague, Sen. Vieira. And first of all, let me commend him for bringing this Motion to us, because I think in the whole matrix of accountability, transparency, justice and justice being done, being executed, the whole instrument of commissions of enquiries. Dispute his age and dispute the fact that we are discussing reform, to me it is still quite relevant to accountability and transparency. But on a lighter note, I mean I was thinking after Sen. Vieira piloted this Motion, Senior Counsel, then we had our hon. Attorney General, Senior Counsel, so I was wondering if on the Opposition side that Sen. Jayanti Lutchmedial-Ramdial would be coming in.

Sen. Lyder: She is taking notes.

Sen. D. Teemal: And when that thought entered my mind, I must say some element of trepidation came in. Because I say, two senior counsels and a prominent legal mind, prominent and successful legal mind to follow would be quite an act to follow. Now I am not casting any aspersions—

Hon. Senators: [*Laughter*]

Sen. D. Teemal:—in any way whatsoever on the ability of Sen. Mark, because I say it without any cheekiness or anything or whatever, as a form of respect to Sen. Mark, that in terms of a legislative mind and in terms of his track record in this House and other place, Sen. Mark has indeed acquired a degree of expertise when it comes to legislation.

Hon. Senators: [*Desk thumping*]

Hon. Senators: You are making him blush, “man”.

Sen. D. Teemal: Mr. Vice-President, I think that our speakers before would have gone into some depth about the advantages of the commissions of enquiry. But I think based on the exercise that is before us I would opt to maybe focus on the disadvantages, because I believe that in looking at some of the disadvantages that it offers us the avenue to probably get closer towards identifying a scope for reform, and the necessity for reform and also maybe identification of possible models of reform regarding commission of enquiry. And of course I think from the public perception of commissions of enquiry.

Now it is called a public enquiry, but I think the way that it is conducted thus far it means that it is conducted in the public, in the glare of the public and not necessarily by meaningful engagement of the public. And Sen. Vieira did address this in his piloting of the Motion. But from the public's perspective I think there are two—if we want to classify them as disadvantages or concerns, would be cost, the exceedingly high cost or seemingly high cost of commissions of enquiry and two, the length of time it takes. It does consume a lot of time. And we would all no Sen. Vieira did quote some figures at the beginning but in an article by Joel Julien of the *Trinidad Guardian* in March 22nd, 2022, he informed in the article there that:

“The last four commissions of enquiry which were held in this country have cost taxpayers in excess of \$600 million...”

So it is exceedingly expensive. And I think at the time this was written, it would not have included the commission of enquiry into the Paria situation and the unfortunate deaths of those persons.

So it is exceedingly expensive and I think the first reaction would be that, is

it worth it for our nation to be spending that sort of money? And I think the answer to that would always be, what are the benefits or what are the benefits have accrued from such extensive expenditure? Now, I think we have bear in mind, I think we have to be careful, actually, that in looking at reform, how we go about addressing this concern. Because I agree with the hon. Attorney General, in that if we look at setting up a framework in which cost is addressed, and we saddle a commission of enquiry with a budget to work with or some mechanism to rein in cost whether or not we are working against the very purpose of a commission of enquiry you set up for. And the fact that it is set up on the principle of being independent, because that is the basic principle of the commission of enquiry, whether it is a single commissioner or whether it is three or four commissioners, is their absolute independence.

Now it is a bit of a conundrum because we may say that the commissioner or the commissioners and the commission of enquiry has been set up by the President, effectively the Cabinet of the country and we could say, well, look, it is a political decision. And in such a case where the commissioner is appointed by the President, how much independence can there be? And I know there is some skepticism in the public. The same way there is skepticism about Independent Senators and how we are appointed and how independent we really are, you know that same sort of skepticism enters the public debate. And we have to bear in mind that it always the choice of the commissioner or the commissioners. And I must say looking at, not all, it is a lot of reports, but looking at particularly some of the recent commissions of enquiry where the administration opted for experienced former judges, people who are familiar with the whole judicial system and processes of enquiry. It addresses some of the skepticism.

So what I am saying that if we are looking to generate procedures and guidelines, those procedures and guidelines, it is a difficult task. But I think we have the legal minds and the legislative minds in our country to address it. But it is just that the balance that is necessary to ensure that the independence of the commissioners is not infringed upon by issues and policies and guidelines by whatever body may be most appropriate to develop such guidelines and procedures. We have to recognize that when we look at salaries of commissioners, we look at the legal teams, administrative staff, we have to bring in expert witnesses, of course, expenses can escalate.

3.45 p.m.

How do you budget for a situation where you are entering into an investigative exercise and you may have to be calling on expanding your initial concept of your range of witnesses? Because based on evidence that is presented during the enquiry, it means you have to go a step further, and then you have to go to another step based on what is being uncovered. So really and truly, trying to pin down a budget under such circumstances, you know, is indeed challenging, and I think that despite the scepticism of the public, our citizens of Trinidad and Tobago would be comfortable, would be amenable to whatever the cost may be, if there is efficiency. And if particularly they see that the recommendations of the commissions of enquiries are followed up on, and those who are guilty or those to whom action has to be taken against, there is due diligence in the exercise. Because the legal requirements of the justice system for the betterment of our nation as we grow and develop, do we put a price to truth and justice?

Do we put a price that we allow the wisdom, the experience of the commissioner or commissioners to responsibly guide a commission of enquiry?

And the decision to manage cost is based on—essentially the key ingredient is on the selection process that is used, where responsible, experienced, independent persons of integrity and experience, are chosen to lead these commissions of enquiry. As I said, unfortunately we would link the findings and the recommendations with the post-commission of enquiry action, and I think this is where we have fallen a lot. I mean, some of us would be familiar or we would have heard a lot of times about the Scott Drug Report, and the man on the street would tell you, “Boy, they name everybody in that report”. All I would say, perception there, and yet still nothing was done. Not a single person was arrested or not a single person was brought up on any charges and it was a waste of time. That is the perception there. So we cannot escape from the fact that in any model that is addressing reform, we have to consider post-commission of enquiry action.

Now, again, to me that is a difficult call because then you come back to the government of the day, and then the government of the day, of course, is limited by constitutional requirements because decision to prosecute lies with the DPP, and we have had quite a few commissions of enquiry where we have said well, the DPP is looking at it and the DPP would be the one to decide. Which is why when Sen. Mark raised the model from the United States, I was particularly interested when he spoke about independent counsel. Because here you have a model of independent counsel who are given the powers of prosecution, but then in our situation constitutionally we are bound by the DPP and, of course, the reform that we may be looking for with regard to commissions of enquiry would be as far-reaching to call for constitutional reform if we are to have an effective model for post-commission of enquiry enforcement and which would reward the country with knowing the truth, justice being served, and getting a return on the moneys

that have been invested.

I know just on the side, hon. Attorney General, there is talk in certain circles that attorneys look forward to commission of enquiries because they see it as a windfall. But that is just on a lighter note.

Hon. Senators: *[Laughter]*

Sen. D. Teemal: So we have to bear in mind also that other than constitutional restrictions—that where is where the DPP has to get involved—I think that the Government of the day, even the one who did not commission the enquiry—because due to the politics you may have had changes in government—it is still to me the responsibility of whatever government is there to look at how recommendations can be implemented in policy-making, and how they can be reflected, how it could be translated into the operations not only of government Ministries, government bodies, but state enterprises and other bodies.

I mean, I think about the Uff Report or the one that was commissioned to look at the UDeCOTT, and from what I understand there were almost 65 recommendations coming out of the Uff Report targeted primarily—because one of the mandates of that commission of enquiry was about the construction industry and about 65 recommendations targeted specifically for the construction industry. I would ask: How much of that has actually entered into policy by Governments; and how much of it is actually having an effect? So it is two. It is not just the DPP, but is to me the Government. And whether or not we can frame legislation, we can frame legislation to ensure the government of the day considers recommendations in their policy decision-making.

Now, I know what affects that is continuity. Because when governments change you know, a lot of things—I mean, it is a political thing, it is politics, but a

lot of things just get pushed out, it lapses, and maybe it does not draw the attention of the Government as it would have done—the previous Government—because of policy. But somehow or the other we have to look at continuity because spending \$600 million in four enquiries is a tremendous investment, and if there is no continuity due to changes in governments, to me we are just “spinning top in mud” as we would say.

Now, the cost is linked into time because the longer enquiries go, the more it is going to cost, and I think from the public, they really, understanding that why it is commissions of enquiry have to take so long. Now, how can we reform and frame legislation that impacts on time? And again, the hon. Attorney General did address the possible dangers that you could have in limiting a commission of enquiry by imposing timelines, but yet still I think we should be challenged in order to find some mechanism by which there could be more efficient use of time. But what we have to bear in mind, when we create a commissioner of enquiry, it is nothing more than an order and appointment by the President or Cabinet. So after the appointment, all the commissioner has or all that the group of commissioners have is just the letters of appointment. That is all they have. They have nothing else to start with. They have no staff, they have no secretariat, they do not an office, they do not have a place to operate from, and that commissioner has to go essentially setting up an entire administrative arm to undertake the commission of enquiry.

It has to get resources, human resources; it has to get physical resources, office, furniture, equipment, and as we know it takes time. So to actually set up from a physical point of view, and from a human resource point of view, it is a timely process and it is a costly process. And whether or not the hon. Attorney

General mentioned about a secretariat that would be common to all commissions of enquiry, and I think that is a suggestion that is worthy of consideration because I think it would reduce some of the time that is taken to set up. So it is not that it is time consuming. To me the time is justifiable because of where the commissioner or commissioners have to start off from. They are literally—at the being of the mandate they have to start from scratch.

The second thing is they also have to formulate rules of practice and procedure. I was very interested in the example used by the hon. Attorney General—Lord Mustill I think he mentioned—and I can understand Lord Mustill's consternation that someone else would be drafting rules and procedures, or an independent commissioner appointed to a commission of enquiry.

Sen. Armour SC: Through you—

Sen. D. Teemal: Yes, sure.

Sen. Armour SC: Thank you, Mr. Vice-President. Just to respond immediately to my colleague, Sen. Teemal, it was not someone else who was drafting the rules. Counsel to the commission is appointed to be part of the commission and to advise the commission. And, in fact, the most important role of counsel is to do all of the legwork, to examine the witnesses and to ensure that the commissioners do not unnecessarily descend into the arena. So counsel drafts procedural rules for the commissioners and gives them advice to keep their process fair. So that is what I was asked to do.

Sen. D. Teemal: Okay. Thank you very much for that clarification. But still bearing in mind it is a timely process however we go about it, the practice and procedures. So these are some of the reasons for the time and I think any model that we are going forward with, has to bear in mind the whole question of cost and

time, and how much we look to curtail that because I am concerned about it infringing on the independence of the commissioners.

Now, another—if we were to use the term disadvantage, or it could be construed as an advantage, depends where you are, is the question of it being used as a political tool. And you know, governments across the board—I mean, not only Trinidad, but let me phrase that a little more carefully. [*Laughter*] Sometimes commissions of enquiry could be used as a political tool, well, either to delay action or to deflect attention from more pressing issues.

4.00 p.m.

And I mean, it is felt that sometimes the scope could be manipulated or the timing of the enquiry could also be manipulated for political ends. And I think we have to bear in mind that the commissions of enquiry are not supposed to be determining civil guilt, or civil responsibility, or criminal guilt, and I think this is a misconception that has to be addressed in whatever reform is there, and it is to be clearly spelt out for clarity because they are supposed to be fact-finding investigations leading to recommendations. And I cannot help but recall, looking at some of the recent enquiries, the Paria enquiry, and at times looking at it as an average citizens, I must say, I was really concerned about what I just said, whether or not the objective was establishing criminal guilt, or civil responsibility, or finding the facts and making recommendations.

So that the question of recommendations as well from commissions of enquiry is that, how much of the recommendations are rooted in reality? Now, I did mention about the DPP and the constitutional restrictions, and I mentioned about Government's ability to put recommendations into policy. But at the same time, do the commissions of enquiry—or should there be guidelines for making

your recommendations applicable? Because coming up with recommendations and legislatively, you cannot do anything; criminally, you cannot do anything, or you are just making recommendations in a vacuum, I think that the commissions of enquiry, part of their scope, they have to be charged with the responsibility of making workable recommendations based on a knowledge of the environment in which those recommendations are being made, so that the chances of successful implementation of the recommendations are very high and they are not theoretical, or they are not given from the point of preaching to the public, or preaching to anybody about what should be done, and what could have been done, but things that are meaningful and that are implementable. So that even though a commission would uncover wrongdoings or maladministration, the recommendations may not always be enforceable and to me, in any model that we are looking at, we should look at recommendations being enforceable. It should be the mandate of the commission of enquiry to come about with recommendations that are enforceable.

And one other fact I would like to deal with is the whole question of the impact on individuals. Now, the reason I am highlighting the impact on individuals is because whatever reform we are looking at, it must be consistent with the rights of individuals and the constitutional rights of individuals. Because individuals involved in commission proceedings, whether as witnesses or subjects of investigation, may face reputational damage, even if they are ultimately not found guilty of any wrongdoing, and I think this is a fact because looking at the way some of the commissions of enquiry have been conducted, and particularly when we take into account the media and the fact that the enquiry is conducted in the full glare of the public, I think a person's reputation and damage to a person's reputation is a fact. A lot would depend on the commissioner, who is leading that,

to make sure that he reins in witnesses, and also legal persons, so that the reputations are not damaged.

I know there are critics of the commissions of enquiry who find that commissions of enquiry are fundamentally unfair to persons who have been summoned to appear before a commission of enquiry. In fact, the society that we are in, just being summoned to appear or testify before a commission of enquiry could be damaging to the witness' reputation; by just being summoned, since some members of the public and some journalists, members of the media take it for granted that if a witness has to be compelled to testify—does not come willingly but has to be compelled, well then, they have something to hide, and it is an assumption that is really grossly unfair.

So there is also a feeling that commissions of enquiry are bound by no rules of evidence and anything goes. So I do not know if in the reform that we are looking at, in terms of evidence gathering, whether or not the legal minds would be able to come up with rules and guidelines for the gathering of the evidence by commissions of enquiry. Because it is very clear in the judicial system about evidence, and all of that is covered under the Evidence Act and all those things. So criminal trials prove beyond a reasonable doubt, civil trials require proof on the balance of probabilities, but it is felt at times that commissions of enquiry do not seem to have any standard of proof. And to me, this criticism bears enough merit to warrant further considerations since rules of evidence have been established by courts over many years to ensure fairness by excluding questionable evidence and unreliable sources of information, such as hearsay, speculation or opinions of non-experts, and experts who are not so expert.

So are commissions of enquiry—under the current Act, is there a potential

for abuse politically, and are there avenues for establishment of commissions of enquiry with ulterior motives, such as targeting political appointments or stifling defence? And to me, I put forward too that any exercise to reform, you know, we need to address potential for abuse, particularly political abuse, and we stick to fact-finding investigations that lead to recommendations without political objectives in mind.

Now, Mr. Vice-President I have focused a lot, as I said, on possible disadvantages, because I believe that the speakers before me have—especially Sen. Vieira, who have piloted this Bill—did explain in detail the many advantages and the benefits that it can bring, in terms of transparency, accountability and the service of justice. And I am sure that in any effort to reform our Commissions of Enquiry Act, that it is a step in the right direction, so I want to commend him again for bringing this Motion. And “reform”, if we put at the top of it, “to maximize the effectiveness of commissions of enquiry”, we put on the list as well, “minimizing the perceived”—and not only the perceived but “minimizing some of the negative aspects” that I have highlighted, I think I am in support of this Motion brought here by Sen. Vieira. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Leader of Government Business.

Hon. Senators: [*Desk thumping*]

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. Vice-President, for the opportunity to contribute to this debate on a private Motion brought by Sen. Anthony Vieira, really focusing on commissions of enquiry and presenting a formula, a recommendation, to the Government, to this Senate, with respect to prospects for improvement with how

Commissions of Enquiry Act
(Government's need to Review)
Sen. The Hon. Dr. A. Browne (cont'd)

2024.03.26

this country treats with this long-standing issue. And the Senator gave us the anchor which takes us back to the year 1892, so we have been at this for a very long time.

Mr. Vice-President, I will, in my brief contribution, share a few of my own thoughts on this matter, really out of respect for the Motion itself and the Senator who brought it. I will attempt to add some international and regional perspective with how commissions of enquiry are treated with, but I really want to begin by pausing to recognize what has happened here already this afternoon, and it is in saluting the Motion, and the decision by Sen. Vieira to bring the Motion, that for the first time for a considerable period, we have had significant blocks of agreement and concurrence—

Hon. Senators: [*Desk thumping*]

Hon. Senator: So far.

Sen. The Hon. Dr. A. Browne: So far [*Laughter*]

Hon. Senators: [*Laughter*]

Sen. The Hon. Dr. A. Browne:—on both sides of the aisle. And, Mr. Vice-President, I did not want that to pass unrecognized or unnoticed because it is something that citizens have called for, it is something that many stakeholders in this country—I will put it that way—have been thirsting for, and it is something that in bicameral systems, maybe this Senate might be more familiar with than the House of Representatives, so this was an opportunity for that. And the way in which the Motion was drafted and the way in which it was presented, I would say, Mr. Vice-President, created a fertile environment for the type of engagement that we have had thus far.

So that is my salutation and commendation to you, Sen. Vieira, through you,

Mr. Vice-President. And I would go further in commending the fulsome, comprehensive, measured, sensitive response presented—an accurate response by the hon. Attorney General—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne:—which gave a very clear formula for the Government's treatment of this matter, and which contained therein a commitment for positive action in response to the requirement for action in the circumstances that we have all been outlining and in response to admonitions of Sen. Vieira. And I do not often find space or opportunity to accurately commend anything Sen. Mark says, but this may be an opportunity in recognizing that, I would say for the first—for the majority of his contribution, there was a little bit of a lowering of the rhetoric that he has become associated with and really an attempt to treat with some of the phrasings in a manner that began to resemble dispassionate. [*Laughter*] So that is a strong word from me, but I think in the circumstances of this debate would require placing on the record.

So Sen. Vieira's position Motion has given us an opportunity for a more cerebral type of engagement and the debate, thus far, has been replete with suggestions, recommendations and advice, all of which are being absorbed, certainly on this side of the aisle, and I will look at some of the determinations that the Government has made in response to this particular Motion.

4:15 p.m.

But I would say, Mr. Vice-President, in listening and participating in the discourse thus far, it gives me a little bit of an echo for the words of our Heads of State, former, who advised that we should pay some attention to the next generation as opposed to merely the next election. In treatment of this archaic approach,

certainly an archaic Act, it gives us an opportunity to really contribute, maybe in a very significant way to the next generation, as opposed to merely a much shorter time horizon.

So, a number of challenges were identified. I do not think we need to dig too deeply to recognize that the system and our approach to commissions of enquiry and our approach to unraveling facts, and chronicling and documenting facts, where circumstances may be murky, where there may have been attempts to conceal activities of various stakeholders, where there may be general public disquiet or a burden that may have been revealed by the media, or from other quarters. What is the best formula for a society to treat with these in a manner that produces some measurable result or outcome?

So, we have already identified challenges with sometimes how the commission of enquiry is established in the first place. There have been questions and challenges with respect to the selection of commissioners; the selection of chairmen of these commissions; the terms of reference; how broad, how narrow these terms of reference might be. How does the enquiry conclude, how does it end, what is the outcome, what is the output first of all, and that output would lead to an outcome. And we have heard some consternation about, the end of the road in some recent circumstances being with the Director of Public Prosecutions and then there is what was described as silence after that, which can lead to disquiet, will anything come of this and this investment that the taxpayer has made?

So, those are some of the areas, but I want to take another look at the Motion itself which I would say is quite well phrased. It is anchored in the first phrasing where the Commissions of Enquiry Act, is identified. In the second Sen. Vieira as the author, indicates or recognizes that commissions of enquiry are, and I quote the

phrase.

“An important tool for social investigation...”

That phrase is a little bit heavy, “social investigation” but “an important tool for social investigation in contemporary society”. And I think the operative phrase is in the third paragraph, and this may have helped us today, “whereas successive Government administrations...”

So, that, very cleverly, Sen. Vieira took some of the political temptation out of the discourse. So, there was no specific time period identified, no specific regime or political dispensation, successive governments, and I think the debate was guided accordingly and “failed to adequately address public concerns”. There were some quotations from newspaper articles and references even to conversations various Senators would have had underscoring concerns and public concern with how we have treated with the commissions of inquiry.

And then the final, resolution is quite effective in that, it calls for the affecting of comprehensive reform, I heard Sen. Mark take some issue or have a different view of what he would have liked that to have said. I think I heard a description of tinkering, I am not sure if he was saying that, this would just lead to tinkering of the Act because certainly, my reading of comprehensive reform does not sound like a recommendation for tinkering. The word “comprehensive” is obvious in its normal English interruption, so if you are recommending the effectiveness of comprehensive reform you cannot go much further than that. You may want to dress it up with a revolution of the Act. I see that as the same thing as comprehensive reform, and I do not see any resemblance between what the Motion calls for, and tinkering with the old legislation, and the objective is also stated to improve the efficiency and effectiveness of the public enquiry process, and I guess,

the social investigation process.

So, very effective, very well worded Motion which has guided us, and I suspect will guide us through this particular Sitting, and maybe if the vote is not taken today, we will hear the views of some of the other Senators in this Chamber.

So, Mr. Vice-President, I would very briefly touch on some of the pros and cons. I agree with Sen. Teemal, and a lot has already been said on this matter, but bringing some additional views on the pros and cons, I will take a look at the CARICOM regional approach to commissions of enquiry, as well as the Commonwealth, in going further afield and treat with some of the recommendations that have been laid on the table.

So, Mr. Vice-President, just looking at where we stand today, I was able to generate a list of all the commissions of enquiry and that list in bullet form is seven pages long. Commissions of enquiry between 1960 and 2024. So, we have been—yes, yes this is Trinidad and Tobago. So, in the 1960s according to this research, we had 16 commissions of enquiry in this country, and I would not regale this Senate with the entire list. , A few with notable ones that I saw in the 1960s, Report of the Commission of Enquiry into the Cane Farming Industry of Trinidad, that was 1960, beginning the decade. Another interesting one, well they were all interesting at the time, but Report on the Commission of Enquiry into the circumstances surrounding the flooding of the Oropouche Lagoon, 1965. And some of these are still topics for consideration today.

Again looking at impact, output, and outcome. So, there were 16 commissions of enquiry in the 1960s. In the 1970s, there were 26 commissions of enquiry. This was a very busy period, the 1970s. I will give just a few examples out of this list of 26. Commission of Enquiry into racial and colour discrimination

Commissions of Enquiry Act
(Government's need to Review)
Sen. The Hon. Dr. A. Browne (cont'd)

2024.03.26

in the private sector of Trinidad and Tobago, 1970. Before the year of my birth, but, it is alleged, but certainly a period very important to the history of Trinidad and Tobago, and we had a commission of inquiry where public funds were applied and human resources were channeled to enquire into racial and colour discrimination in the private sector of this country. There was in the 70s as well, the Commission of Enquiry into drug addiction, a phenomenon that we continue to wrestle with in this country.

4.25 p.m.

In 1973, Commission of Enquiry into all aspects of the operations of the Water and Sewerage Authority: final report, presented in 1973. Here we are in 2024 and finally, we have a Minister of Public Utilities who has bitten the bullet and engaged in comprehensive reform of WASA.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: But the point I am making is that we have been at this for a long time and if you look at some of the issues that have—and I use the term advisably—been the beneficiary of these commissions of enquiry, the questions would be how much progress was made or did we get value for our money?

There were commissions of enquiry in 1977—Commission of Enquiry into—listen to this one: All the circumstances including the negotiations surrounding and leading to the acquisition of the *MV Santa Margarita* known as the *MV Tobago* by the Government of Trinidad and Tobago. In 1978, last one in that decade: Investigation into the baking industry in Trinidad and Tobago. That was a Commission of Enquiry into the baking industry. Commission of Enquiry into the operation of the licensing department, 1978. And here we are today with

UNREVISED

Commissions of Enquiry Act
(Government's need to Review)
Sen. The Hon. Dr. A. Browne (cont'd)

2024.03.26

again, a Minister of Works and Transport really treating frontally with the challenges in the licensing department. So all of these are issues, the 1980s, Mr. Vice-President, 11 commissions of enquiry, 11 of them.

In the 1990s, just moving forward quickly, there were six commissions of enquiry and some very notable ones during that period. The La Tinta, I think it may have been mentioned earlier, La Tinta Commission of Enquiry, Part 1, 1990. This one was interesting—1994, Football Commission of Enquiry, Trinidad and Tobago—a report was presented.

Hon. Senator: [*Inaudible*]

Sen. The Hon. Dr. A. Browne: What is that?

Hon. Senator: [*Inaudible*]

Sen. The Hon. Dr. A. Browne: Have we solved all of these issues, today? The 2000s, seven commissions of enquiry, and the 2020s as it were, three commissions of enquiry thus far and ongoing, Mr. Vice-President. And I heard the word “catharsis” used earlier, I think Sen. Vieira and then the AG and Sen. Teemal may have used the word and the expectation or the objective of achieving some catharsis via all of these processes, and I did not do the math to add them up but it is a lot of work.

A lot of application would have occurred over those years, a lot of legal expertise, I would not fall into the light-hearted temptation, that Sen. Teemal did. But a lot of resources were—I do not want to use the word channeled either, were devoted to all of these processes over those decades. And in pursuit of that catharsis, the question remains on the table: Did the candle cost more than the funeral and was it worth it in the end? Has society been getting value for our

money, money of the citizens of the country from this approach, how we have undertaken this process of social investigation and public enquiry?

Mr. Vice-President, I wanted to give a little bit of some examples and one of the—my own review, there was a letter to the editor written, and we have some really insightful citizens who spend time penning these letters to the editor, some of them, some are just—have a different agenda, obviously. But there was one in the year 2022 that caught my attention, a letter to the editor written to the *Daily Express*. And the editor ascribed a caption to it:

Needed...a commission of enquiry to probe all commissions of enquiry.

And so, maybe that would be the grand finale according to this author, Mr. Philbert Gervais. The last commission of enquiry would be a commission of enquiry to probe all of the commissions of enquiry so I will keep this list handy should that ever be convened, but in giving his insights, the author built a case, and I would just want to quote very briefly, Mr. Vice-President, from this letter to the editor November 28, 2022, a letter to the *Daily Express* and I quote:

“There have been several Commissions of Enquiry over the years formed to probe and gather facts/truth in cases of alleged improprieties, misconduct and serious criminal behaviour. All the Commissions of Enquiry saw commissioners appointed by the President of the Republic”—certainly during our Republican period—“on advice from the Cabinet pursuant to the powers under Section 2 of the Commissions of Enquiry Act.”

And then the author went on to place a rhetorical question which I would want to share:

Commissions of Enquiry Act
(Government's need to Review)
Sen. The Hon. Dr. A. Browne (cont'd)

2024.03.26

“Has anyone paused and asked the status of recourse taken after the findings of these”—Commissions of Enquiry?—“Have the taxpayers gotten value for money? What has happened after all these”—Commissions of Enquiry?

And then, of course he ended:

“We may need a Commission of Enquiry to investigate the outcomes of every Commission of Enquiry”—that has been—“formed.”

And, Mr. Vice-President, I think it was Albert Einstein, in fact, I am sure it was Albert Einstein who said that:

“The definition of...”—madness—“is doing the same thing over and over... and expecting a different result.”

And I thought this particular letter to the editor can add some context to Sen. Vieira's Motion. And then very briefly, I want to refer to an article written in the Trinidad and Tobago *Guardian* on July 28, 2023, by Shaliza Hassanali, where this senior reporter gives a little bit of a chronicle of more recent responses to commissions of enquiry, and the caption was:

“Stakeholders split on future of commissions of enquiry”

And a number of stakeholders were interviewed by the senior reporter, and I would name a few of them. Victor Hart of Trinidad and Tobago Transparency Institute. Former Chairman of the Transparency Institute, and Mr. Hart was of the opinion in this article that commissions of enquiry should be discontinued.

“...Senior Counsel Avory Sinanan said the Commission of Enquiry Act needs to be amended to bring witnesses that have critical information before a commission.”

So that appeared to be a recommendation that there needs to be more teeth behind these commissions to compel witnesses to appear. Another very interesting

senior stakeholder was—comments of another senior stakeholder were shared in this article as well, none other than Prime Minister Dr. Keith Rowley, quoted by Ms. Hassanali, the journalist describing some of the interaction that he would have had with the CLICO Commission of Enquiry.

And I believe there were already references to comments from the Prime Minister in such regard, so I would not regale the Chamber with that. But clearly, these are challenges that have been engaging the mind of the Prime Minister, the Government for some time, and really, Sen. Vieira has really crystallized it, allowed an opportunity for exchange, allowed a forum for the Attorney General to give a very crystal clear signal as to the direction of the Government moving forward on this matter, and really affording a signal of hope to the population that we will not continue merely doing the same thing over and over, but a process is being engaged that will lead to a better approach. Reform of the Act, clear recommendations that could form the basis of a policy recommendation that can be placed before the Cabinet for determination and eventually can make its way back to the legislature for treatment. So really that is a signal of hope.

So, Mr. Vice-President, I promised to give a little bit of the regional context as well, given my own portfolio, it might be useful, that I would seek to add a little bit of the regional context to this particular debate. Because our jurisdiction is not at all unique with respect to our history of commissions of enquiry, and certainly in this country, both under colonial rule and since independence, we have had different types of commissions of enquiry to enquire into matters of national importance and concern.

The CARICOM, within the Caribbean Community, commissions of enquiry have been part of a tradition born of course out of our British—a history of British

jurisprudence. And in the British scenario, Royal Commissions would have been appointed by their Head of State upon the advice and with the consent of the Government. So let us look a little bit at Grenada. In Grenada, there is a very similar Commissions of Enquiry Act. They not being a republic, it outlines that:

“It shall be lawful for the Governor-General, wherever he or she shall deem it advisable, to issue a Commission, appointing one or more Commissioners, and authorising the Commissioners, or any quorum of them therein mentioned, to inquire into the conduct or management of any department of the public service, or of any public or local institution or the conduct of any public or local officers or of any parish or district of Grenada, or into any matter in which an inquiry would, in the opinion of the Governor-General, be for the public welfare.”

And there are some particulars there in the Grenada situation:

“Each such Commission shall specify the subject of inquiry and may, in the discretion of the Governor-General, if there is more than one Commissioner, direct which Commissioner shall be chairperson...”

—et cetera, et cetera, et cetera. And Grenada states that various commissions of enquiry are set up over time to investigate acts of corruption by public officials and the public has the opportunity to actually participate in these commissions.

In Dominica I was able to find two key examples, a Commission of Enquiry into the Dominica Defence Force, which was conducted by Colonel Martindale, and there was a Commission of Enquiry into a riot outside of Government Headquarters in Roseau when a panel was convened. And after the ascent of the Freedom Party to power in Dominica, there was another Commission of Enquiry embodied to investigate whether there was fraud or other wrong doing, in the

manner in which a particular personality was elected as President of the National Youth Council in Dominica.

In St. Kitts and Nevis, there were several examples of commissions of enquiry. There was one launched in particular under Prime Minister Dr. Denzil Douglas—well, in his administration, into the failure of a range of police officers to report for duty during a particular six-week period of contention in St. Kitts and Nevis. And that may sound a little bit familiar to some keen stakeholders in Trinidad and Tobago—for them it was a six-week period.

4.40 p.m.

And that particular enquiry was not conducted in public, because the:

“...enquiry...”

And I quote from the commission, the:

“...enquiry touched and concerned issues of confidentiality and national security’...”

In Antigua and Barbuda, there—again, there is a similar Commissions of Inquiry Act, which states that

“It shall be lawful for the Governor-General...”—should—“he...deem it advisable, to issue a commission appointing one or more commissioners...”

And with great similarity to the Grenada legislation.

Again, there is that opportunity for the enquiry to be convened in private as opposed to in public, and in those circumstances, where it will:

“...not be lawful for any person, without the authority of the Governor General, to write, print, publish, circulate, or make public, or to procure for the purpose of writing, printing, publishing, circulating, or making public, or to cause to be written, printed, publish, circulated, or made public...”—et

Commissions of Enquiry Act
 (Government's need to Review)
 Sen. The Hon. Dr. A. Browne (cont'd)

2024.03.26

cetera, et cetera, et cetera—“...any part...”—of the enquiry—“...and any persons so offending shall be guilty of a misdemeanour, and...liable...”—for a fine of \$3,000, or imprisonment for a year or more.

And there is similar context in Jamaica as well.

If we go a little broader, Mr. Vice-President, to the Commonwealth scenario—I already mentioned the device of the royal commissions established by Commonwealth governments, such as in Australia, and these commissions are a little more rare and are, of course, considered independent public enquiries established by the Government.

“In Australia, royal commissions are the highest form of inquiry on matters of public importance. They...established in rare and exceptional circumstances.

And, of course, are designed to:

“•find out why specific events”—would have—“happened”

To:

“• work out who is accountable...”—for those specific events”

And to:

“•make findings and recommend changes to policies and laws.”

And there is a lot of information available on how those commissions are established. There are letters patent that are issued; how they would collect information and evidence; the engagement of private sessions, where individuals are afforded the opportunity to have confidential meetings with the commissioner or commissioners; and then with respect to a final report, outcomes and even action plans, where this is deemed necessary and useful.

So, Mr. Vice-President, a number of challenges have already been identified

Sen. The Hon. Dr. A. Browne (cont'd)

with the status quo. Why have we been encountering these challenges, and why have we been, across successive administrations, basically doing the same thing over and over, with mobilizing these commissions of enquiry? Well, one maybe that in the existing legal framework, there may simply not be a wide range of available alternatives that would have been considered appropriate to our particular scenario.

Another challenge, Mr. Vice-President, was alluded to by Sen. Teemal, and that is this five-year electoral cycle that no one is really complaining about, we are a proud democracy, but it does affect long-term trajectory, long term-stability in some regard, and more particular to this debate, treatment of matters that may span an electoral term or certainly cross the period of an election. And we have seen examples where we, as a society, might be a bit hot and cold. Something that disturbs us and bothers us greatly in the year X, does not bother or disturb us as much in the year X plus two. And that should be a cause for some further contemplation, not at all—

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

Sen. The Hon. Dr. A. Browne: Really?

Mr. Vice-President: Yes.

Sen. The Hon. Dr. A. Browne: Thank you—not at all to be misquoted or misconstrued, colleagues, as a complaint against democracy, our proud democracy, but just a call that we can consider that may have an impact in this consideration or contemplation of why we are not able to get outcomes. This pendulum swings—it is not just in Trinidad and Tobago, of course, and so if an administration simply grows cold—and we may have examples even today of enquiry processes that a party, even out of government, is already may be signalling, we are not interested,

we are not going to participate, that is going to die, those signals that are being sent, and how are we, as a society, really going to get value with that type of approach.

Another factor really would have to be the small size of our society. Now, we cannot do much about that, we have limited human capacity in certain fields. We only have a certain number of legal luminaries, and you see names coming up time and time again bearing the burden of participating in these processes and being compensated accordingly. That does happen, it is a small society. And sometimes you would see administrations reaching outside of the jurisdiction to identify a chairman or even commissioners. There is a limitation there that is just due to the size of Trinidad and Tobago, and these other CARICOM jurisdictions. And again, this is not a prescription, but we have seen more and more of recent vintage the recognition that a regional approach can have some benefit, so it is just something I just want to add to the discourse.

If you look at the commissions of enquiry across CARICOM, there are many, many similarities, in terms of the contextual issues that they would have been confronting and there may be opportunity for somewhat more of a regional approach with how we treat with some of those big-ticket items. There is always strong political and public pressure on particular commissions of enquiry, the conduct, et cetera, which is good. It is very important for public scrutiny and attention, but there is the potential sometimes to distort the efficiency and the effectiveness depending on how that pressure is iterated, and even the results sometimes—the potential for results can conceivably be coloured by strong political pressure in the society.

So I heard comments about the DPP, and maybe finding another way, and

special prosecutor with powers to prosecute, but let us not fool ourselves, that in itself will be controversial. In Trinidad and Tobago, there are already these perceptions of witch hunting, and now you have a super witch hunter who cannot just enquire, but can also prosecute you, appointed by a government, et cetera. So let us not be naive or oversimplify at times, these are some of the challenges we have to treat with.

And then the budgetary constraints have already been identified. Some of these enquiries demand gargantuan resources, which our society may not always be able to sustain. So we have lots of challenges, it is very expensive the way we have approached it. What do we do? Do we just not enquire? Do we cut and skimp, or do we find maybe a more effective and efficient way in which to conduct these enquiries?

4.50 p.m.

So in conclusion, Mr. Vice-President, the Attorney General has very admirably presented the Government's direction on this overall issue and placed the Government context into this Motion.

I just want to say we are very blessed to have this particular Attorney General—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne:—who is always measured and reasonable and who listens very carefully to submissions coming from the wise Members of this Chamber and other stakeholders. I recall in his early days there was a lot of pressure and some of it was not entirely fair. But the AG has settled well and today I listened very closely to his contribution. I think it is your two-year anniversary, Attorney General?

Commissions of Enquiry Act
(Government's need to Review)
Sen. The Hon. Dr. A. Browne (cont'd)

Sen. Armour SC: Yes.

Sen. The Hon. Dr. A. Browne: And the commitment to engage a process with the Law Reform Commission, with the policy research arm of the Office of the Attorney General and Ministry of Legal Affairs inviting—which is not something we hear that often—the mover of this Motion, Sen. Vieira SC, to engage with that work and to ensure that his thoughts, his wisdom can influence the policy recommendations that may emerge. That will eventually make its way, once that work is completed, to a policy paper consideration of the Cabinet of Trinidad and Tobago. And all of this, certainly the initiation of that work with the Law Reform Commission. I asked the AG, when is this long-term? He said no, 2024 as soon as that can be mobilized that is the type of thinking that we have in the Government of Trinidad and Tobago.

So, Sen. Vieira SC, thank you. Your admonitions have not fallen on deaf ears and Senators who have contributed thus far, I believe have helped to enrich this discourse, caused the Senate to pause a little bit from some of the hostility and negativity and allow us to engage in a cerebral process, looking at the next generation as opposed the next election. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Dr. Tim Gopeesingh.

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: Mr. Vice-President and honourable colleagues as we come close this evening to closing the discussions possibly, I think, around 6 o'clock on Private Members' Day. I rise to participate in the discussions on this Private Members' Motion brought by Sen. Vieira SC and basically, it is on the whole rationale of the commissions of enquiry and the relevance and pertinence

and the way that we should move into the future with respect to these issues.

We heard the response from the Attorney General and the Minister of Foreign and CARICOM Affairs and they were sobering responses. And I want to make a little contribution to—of course, we heard from my distinguished colleague Sen. Mark with over 30 years of parliamentary experience, who lends value to any discussion at the highest level and congratulations Sen. Mark, my colleague—

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh:—for your distinguished analysis of issues in this Senate over a period of time. The Motion has four arms and I want to touch the fourth one first. It states:

“Be it resolved that this Senate call on the Government to review the Commissions of Enquiry Act, Chap. 19:01 and the public inquiry process in Trinidad and Tobago with a view to effecting comprehensive reform of the Act and thereby improving the efficiency and effectiveness of the public inquiry process.”

A tremendous desire to establish great norms and values in terms of the public concerns about adequately addressing commissions of enquiry. So, Mr. Vice-President, this is a very valid Motion, given the Government's recent attitudes of what one of my colleagues in the other place calls, “ghost commissions of enquiry,” but I will delve into that a little later. I want to emphasize commissions of enquiry are good tools for democracy. Mr. Vice-President, commissions of enquiry are great democratic tools and I dare say very necessary in our own country, Trinidad and Tobago.

Essentially, a commission of enquiry is a tool to enable the investigation of

matters of public concern in a public forum other than in an ordinary court. Commissions are aimed at encouraging transparency through fact-finding and providing input for future investigation or, if applicable, criminal proceedings if necessary, but so far we have not seen any of that following any of the commissions of enquiry. Commissions of enquiry are normally empowered to gather evidence through investigations, including requesting written statements under oath and the Attorney General would have had tremendous experience when he was the counsel for one of the commissions of enquiry, requesting written statements under oath, as well as oral evidence given in the public hearing.

Mr. Vice-President, in Trinidad and Tobago were it not for commissions of enquiry, especially under the construction sector and UDeCOTT, and the health sector when Prime Minister Patrick Manning's Administration was in charge in 2008, around then, our country would have been denied certain accountability and knowledge about truths of the various situations. So commissions of enquiry unearth, on all occasions, the wider truth which would not have been brought forward normally. And even with this recent Paria commission, recently discussed as the report was handed in this year, there has been proof that were it not for the commission, the truth would not have surfaced and possibly would have been hidden.

The Minister of Foreign and CARICOM Affairs, my respected colleague, brought on statements about the amount of commissions of enquiry. In fact, I thought I did some research into how commissions of enquiry have been around from since the 60s. But I was amazed of his findings in his research and congratulations Minister. Mr. Vice-President, I note that this first part of the Motion states, that is:

Commissions of Enquiry Act
 (Government's need to Review)
 Sen. Dr. T. Gopeesingh (cont'd)

“(i) *Whereas* the Commissions of Enquiry Act, Chapter 19:01 provides for the establishment of Commissions to manage the conduct of enquiries into public officers, departments and matters of public welfare;”

Our colleagues have spoken about the history, but I just want to make the statement for historical and *Hansard* record of Trinidad and Tobago of our long, I dare say, history of commissions of enquiry and I will possibly add or interject some in between of what the hon. Minister of Foreign and CARICOM Affairs indicated earlier on.

In 63/64, we had a commission of enquiry into the oil industry of Trinidad and Tobago, 1968, a commission of enquiry into the labour force requirements of the ports and noteworthy, a commission of enquiry, 1971—and that was the year hon. Minister of Foreign and CARICOM affairs, I think you said you were born. No?

Sen. The Hon. Dr. Browne: No.

Sen. Dr. T. Gopeesingh: I think you said 1970—

Sen. The Hon. Dr. Browne: I was not born yet.

Sen. Dr. T. Gopeesingh: So that commission of enquiry into constitution reform, the Wooding Commission. That is one of the most noteworthy commissions of enquiry that this country has ever seen and impacted upon the present Constitution which we have and so that commission of enquiry was:

“To consider the Constitution of Trinidad and Tobago and matters related thereto and to make recommendations for the revision of the said Constitution and for matters of constitution reform in Trinidad and Tobago”.

The amount of discussions and committees into the whole aspect of constitutional

reform in Trinidad and Tobago around the time of the Chief Justice Sir Hugh Wooding, one of Trinidad's most notable Chief Justices. And we had Sir Isaac Hyatali, Clinton Bernard, Michael de la Bastide, Sat Sharma, and now you and so on.

So in 1977, we had a commission of enquiry into all aspects of tenure of land and building in Trinidad and Tobago including the complaints, hardships, problems and other incidents arising from the letting of building land in Trinidad and Tobago. An '87 commission of enquiry into the extent of the problem of drug abuse in Trinidad and Tobago otherwise known as the Scott Drug Report. Major findings, and little follow-up to any of the findings and that held the attention of the country for two, three years and even for years after comments were made on the Scott Drug Report and even today comments continue to be heard on the Scott Drug Report. In 2002, as my colleague Sen. Mark alluded to, a commission of enquiry into the functioning of the Election and Boundaries Commission of Trinidad and Tobago; 2003, commission of enquiry into the construction of the Piarco International Airport, led by former Chief Justice Clinton Bernard; 2004, commission of enquiry into the operation and delivery of public health care services in Trinidad and Tobago, chaired by Justice Gladys Gafoor. And I became associated with that because when we went into government in 2010/2015 under the People's Partnership Government, under the stewardship of Prime Minister, Mrs. Persad-Bisessar a lot of those recommendations in that Gladys Gafoor report, commission of enquiry, we began to implement.

It is sad that the successive government after 2015 did not continue the implementation of one of the major recommendations in that report. Because they were very noteworthy and what we were able to do, carried Trinidad and Tobago

to a different level of health care between 2010 and 2015. So that was a very fruitful commission of enquiry. I think it took two years and it made some major recommendations, and still for your Government there are recommendations that are there still which need to be implemented and sadly are not being implemented. And 2008, I think it was mentioned, the commission of enquiry into the construction sector chaired by, Professor John Uff. It ended in 2009 and that cost 42.6 million, Mr. Vice-President, according to former housing Minister Dr. Roodal Moonilal in 2011. Among its findings the final report stated that it is accepted that corruption is a problem of serious proportions in Trinidad and Tobago to which the construction industry is particularly prone, that is 2008.

5.05 p.m.

“...UDECOTT’s application of its own rules discloses a worrying lack of transparency, as well as inconsistency...”

That is the part of the findings of the John Uff Commission of Enquiry.

The final 512-page report which contained 91 recommendations was made public. So the mover of this Motion, Sen. Vieira, I am sure would have, being in the legal profession for many years and having attained the rank of senior counsel, SC, would have been familiar. So, Attorney General, Minister—Attorney General Reggie Armour also would be familiar in this House with that Uff Commission of Enquiry report, because that took a little while to be completed and imagine 91 major recommendations.

I think it was when we came into Government in 2010 to 2015 when UDeCOTT, my colleague, my distinguished colleague Sen. Jearlean John decided to analyse those recommendations and began major implementation of most of those recommendations as far as possible in the construction sector and in the

construction industry through UDeCOTT. We salute Sen. John on her accomplishments and her work during that period of 2010 and 2015. So, that Prof. John Uff Report paved the way with the recommendations for improvements in the construction sector and for transparency and accountability.

In 2010 there was a Commission of Enquiry into the failure of CL Financial Limited, Colonial Life Insurance Company (Trinidad) Limited, Clico Investment Bank Limited, British American Insurance Company Trinidad Limited, Caribbean Money Market Brokers Limited, collectively the Clico companies, and the Hindu Credit Union Co-operative Society Limited. This was chaired by Sir Anthony Colman.

We would all remember, I was in Opposition then, in 2009, and the PNM administration was in governance under Prime Minister Patrick Manning, the insurance company Clico. So, I am bringing these facts out in the context of having the knowledge of what went on with some of these commissions of enquiry and the amount of investigations that were done and the amount of important information that came forward in these commissions of enquiry and the findings and then the recommendations, they are very important and critical. So they serve a tremendous role in terms governance and accountability.

So in 2009 the insurance company Clico and some of its subsidiaries collapsed resulting in a \$17 billion bailout, the largest in this country's history. Today, Mr. Vice-President, the country is still reeling under that debacle of the Clico—the State had to bail out Clico. Well, I will not go into that, there is much more to be said about the lack of accountability by the Central Bank and so on, when they should have been operating and looking at Clico's operations, financial accountability and so on, and they did not, and they allowed Clico to go under.

The collapse, that collapse caused a major financial shock not just in Trinidad and Tobago, but throughout the Caribbean, seriously impacting governments, organizations and individuals. The final report was published on July 16, 2014 and made available to the public. The main prospective witness of the enquiry, former CL Financial Chairman Lawrence Duprey did not appear.

So we were speaking about non-appearance and there is nothing that you can compel them to do, no order by the court or anything, so possibly these are some of the considerations that have to be taken when I heard the hon. Attorney General invited you to go to the Law Reform Commission meetings and where you could present your case. But, Sen. Vieira, I would have, I think we would have appreciated if in your Motion, which is a very noteworthy Motion, if you could have brought some recommendations for consideration in the Motion. I think that is where I might put a little blame on you in terms of some of the recommendations that you could have possibly made so that it will guide the discussions at a national level between the Executive and the legislature and so on.

That report—so CL Financial Chairman Lawrence Duprey did not appear. According—more than five million pages of documents were processed while 77 lawyers appeared. I “doh” know, was it a feeding frenzy for their legal colleagues? But anyway, I follow the legal profession. I am not an attorney, but my deceased wife was one of the first graduates of the Hugh Wooding Law School in 1975, but she passed two years ago, and from their class they produced nine Attorneys General for the Caribbean. Very brilliant class. So, I had lots of friends in the legal profession and so I learnt a little bit of the legal jargon along the way, but being a doctor I never interfered there. I knew where I had to stand.

In 2010 we had a Commission of Enquiry into the 1990 attempted coup to

enquire into the events surrounding the attempted coup d'état of July 27, 1990. That was chaired by Sir David Simmons QC which began in 2010 and ended in 2013. The main prospective witness, the leader of the Jamaat Al Muslimeen failed to appear. Now, that is extremely sad. I do not know if some of the negative things that were happening and continue to happen now, even 34 years later began to occur, emanated from the misdeeds occurring and around that period that began to raise its head and now continues in a vicious manner. I want to proffer that that emanated from around that time, but we should have stopped it along the way. We did not do anything and this whole thing about taking money from people in their business places. What is it called again?

Sen. Lutchmedial: Protection money.

Sen. Dr. T. Gopeesingh: Protection money.

Sen. Lyder: Extortion.

Sen. Dr. T. Gopeesingh: Extortion. It started in those days, and 34 years later we are now confronted by that. It is pitiful and it must be stamped out as quickly as possible, and I wish that the Government would take note and make sure that in your Cabinet meetings you bring that up, and in your meetings with the team that looks after security chaired by the Prime Minister. What is it called again?

Sen. Lyder: The National Security Council.

Sen. Dr. T. Gopeesingh: Yeah. The National Security Council, that they will take that into consideration and come up with something very quickly to deal with that.

Another noteworthy Commission of Enquiry was into the construction of the Las Alturas Towers at Lady Young Gardens Morvant, chaired by Justice of Appeal Mustapha Ibrahim, a very distinguished judge. Then Prime Minister Kamla

Persad-Bissessar appointed the commission after two multi-storey units of the housing project began falling apart after construction and were designated for demolition. The final report presented in September 2016 stated that while there were no grounds for criminal proceedings, civil action could be taken against former UDeCOTT Chairman Calder Hart, former HDC managing director, UDeCOTT and the HDC for negligence in how the project was handled. Both, two of the people mentioned, there were five law suits against the commissioners.

Recently in 2019 you have the Commission of Enquiry into the Solomon Hochoy Highway Point Fortin, chaired by retired Justice Sebastian Ventour. Eleven million has been spent on the Point Fortin highway Commission of Enquiry before it even began, and the reporter Chester Sambrano on the 14th of October, 2023 in the *Guardian* said that, it was in October 2023 it was revealed by Minister of Energy and Energy Industries Stuart Young, that \$11.6 million had been spent:

“...on the Commission of Enquiry into the Solomon Hochoy Highway expansion project.

He was then asked by Oropouche East MP Dr. Roodal Moonilal to say how much has been spent on that enquiry to date.

...in a media statement a short while after the information was released, Dr. Moonilal referred to it as the ‘stillborn’—Commission of Enquiry.

“The Oropouche East MP said the Government must provide a complete breakdown of spending on goods and services for this commission that has seen one scandal after another.”

The last one, the 2022 Commission of Enquiry into Paria. On February 25, 2022, well, we all know Christopher Boodram and four other divers were sucked into an underwater pipeline and so and so, Pointe-a-Pierre, belonging to Paria Fuel

Trading while doing maintenance. Boodram was the only survivor. So it was only after massive public outcry about the emergency response, Prime Minister Dr. Rowley ordered a Commission of Enquiry in March, 2022, and this cost, I think we believe, \$15.5 million.

So as the country awaits the findings of that final report of the Commission of Enquiry into the Paria diving tragedy and what action may come from them, more than \$626 million of taxpayers' dollars have already been spent on the last six commissions of enquiry. Not a single person, as we have mentioned before, has been held accountable, arrested or charged in connection with the last five commissions of enquiry to date.

On Wednesday, Commission of Enquiry Chairman Jerome Lynch, that is what Sambrano is reporting on the newspaper, KC:

“...said that the final cost of the Paria enquiry was approximately \$15.5 Million.

Chairman Lynch expressed confidence that the report ‘would see the light of day’, but the ultimate decision rests with the Cabinet which received a copy from President Christine Kangaloo...

The families of the four deceased divers...”—and so on— “...have asked for copies of the report, while the Oilfields Workers’ Trade Union called for the report to make public.”—And so on.

So, I gave a little history, Mr. Vice-President, on some of the commissions of enquiry and some of the areas that were visited in these commissions of enquiry, and we all have come to the conclusion that even after spending this amount of money, we have to find the way to strengthen the implementation of the recommendations and the findings for the benefit of the citizens of Trinidad and

Tobago and we cannot keep on making mistakes upon mistakes as we go along. So it is fitting that this relevant Motion by Sen. Vieira be strongly considered because as the Minister of Foreign and CARICOM Affairs said, the amount of commissions of enquiry that we have had before, and he mentioned just a few of them, but there were many, what they would have cost over a period of time.

5.20 p.m.

So, Mr. Vice-President, I want to just deal with the second part of the Motion, that second arm:

“And whereas Commissions of Enquiry are recognised as an important tool for social investigation in contemporary society, an effective mechanism for delving into and ameliorating matters of public concern;”

This is a very important point.

The fact is that in our long history of commissions of enquiry, what you will find—forgive me for saying that, but these are facts, I am not preaching too much politics here being on the Opposition side, but these are factual—that most occurred under the PNM Governments of the day, and practically all came as a result of direct public pressure on those Governments to implement these enquires. So many of these enquiries came about as a result of public pressure and it is really incumbent upon leaders and leadership to know when certain things are going wrong to try to prevent them, so that the public must not have an outcry to ask for things to come—reach a stage that you must have a commission of enquiry. You must nip it in the bud. And this is where alacrity, in terms of governance, ought to take place, and you cannot allow things to go along until you know you have reached a stage where there is no turning back.

The fact is, Mr. Vice-President, that in our long history of commissions of

enquiry—let me refer—the Uff Commission of Enquiry into UDeCOTT and the construction sector was because of direct pressure from us in Parliament at the time and the public, that the then Government was forced to capitulate the Uff Commission of Enquiry into UDeCOTT, as I discussed earlier on, so we had to as—from us in Parliament then, the UNC. The same thing happened with the Gladys Gafoor commission in the health sector. Prime Minister Patrick Manning was under heavy pressure because of his failure in the health sector management and the people were crying out loud, as they are crying out now. And so the Gladys Gafoor Commission of Enquiry that took two years. The recommendations were made, I think, in about 2009, and I spoke about it earlier, I would not repeat it again.

So these pressures were put onto the Government of the day in those times, and the ones that came under the NAR, and UNC, and the People's Partnership Government were all due to promises made on the platform that when we get into government, we would institute the commissions of enquiry into those matters to ventilate the truth. It is important for me to make this point. The PNM Government waits for the pressure of the public and it is only when they cannot do better, then they call for commissions of enquiry.

When we were in governance, the UNC governance, we realized that there were certain things that are critically important and we came to the forefront and said, “Well, we need a commission of enquiry,” and opened it up to the general public. We were not forced to have any commission of enquiry, to willingly go and decide that we must have these commissions of enquiry. So that is the history of our government, the UNC Government, and your Government, the PNM Government. And let it be known—I want to make this point very strong for posterity—that we

Commissions of Enquiry Act
(Government's need to Review)
Sen. Dr. T. Gopeesingh (cont'd)

are a party of truth and accountability.

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: Mr. Vice-President, I could go on to speak about PNM track records on commissions of enquiry and successive administrations having failed—the Motion says:

“*And whereas* successive Government”—that is the third arm—
“administrations have failed to adequately address public concerns which have arisen from time to time on whether the Commissions of Enquiry in Trinidad and Tobago have been effectively and efficiently carrying out their mandate;”

So I had to deal with that because the third arm of the Motion brings about the fact that:

“...*whereas* successive Government administrations have failed to adequately address public concerns...”

We have not failed. I want to say strongly, that the United National Congress never failed to adequately address public concerns. When we realized that the citizenry were being concerned about things, we called commissions of enquiry. So I take umbrage to that point, that third part of your arm—the third arm of your Motion:

“...*whereas* successive Government...”

We are not guilty of that. Our administration did not fail to adequately address public concerns. And I am speaking on behalf of my party, and I was part of the Government in 2010 to 2015. So a little—

Sen. Dr. Brown: [*Inaudible*]

Sen. Dr. T. Gopeesingh: Sorry I did not get you there, Minister

Commissions of Enquiry Act
 (Government's need to Review)
 Sen. Dr. T. Gopeesingh (cont'd)

Sen. Dr. Brown: [*Inaudible*]

Sen. Dr. T. Gopeesingh: All right, okay.

Hon. Senators: [*Laughter*]

Sen. Dr. T. Gopeesingh: So there is a *Guardian* report by reporter, Joshua Seemungal, published on December 03, 2023. I think it is important to read this, and I quote:

“As the country awaits the findings of the final report of the Commission of Enquiry...into the Paria Diving Tragedy and what action may come from them...”—we know we have spent over \$600 million on it in—“...the last”—five or—“six CoEs.”

And I can go onto speak about the police probe of Calder Hart and UDeCOTT, and the same thing happened with the Uff commission, as I mentioned earlier on.

I want quote from article by Andre Badoo, Sunday April 04, 2010, on *Newsday*. That is a reporter who was hounded down by the last Government and brought to the Privileges Committee for just making a statement—writing something.

“POLICE PROBE OF HART, UDECOTT

In his Report submitted to President George Maxwell Richards last week,”—that is in 2010 he is writing—“the chairman of the Commission of Inquiry into Udecott Professor John Uff QC, has recommended that the police probe former Udecott executive chairman Calder Hart as well as the entire Udecott board in relation to the award of the \$368 million Ministry of Legal Affairs tower contract and the \$885 million Brian Lara stadium project at Tarouba...”

We have mentioned these—

Commissions of Enquiry Act
(Government's need to Review)
Sen. Dr. T. Gopeesingh (cont'd)

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

Sen. Dr. T. Gopeesingh: Sorry?

Mr. Vice-President: You have five more minutes.

Sen. Dr. T. Gopeesingh: Sure. Thank you, Mr. Vice-President. Mr. Vice-President, Calder Hart was also supposed to be arrested for perjury—this is the seriousness of these things—but was allowed to fly out the country two days after, never to return under the then PNM Government. So it is sad for me to say that—it is with a heavy heart I say that the PNM has a clear track record of bowing to public pressure, it is only when they are under pressure, and appointing commissions of enquiry, and then deliberately styming them to save their friends and family, and it is even happening now with the Paria Commission of Enquiry.

So, in closing, Mr. Vice-President, and colleagues, I feel comforted in the fact that I was given an opportunity to contribute, in whatever little way that I could have done, in contributing to the various arms of the Motion brought by Sen. Vieira, listening attentively to the response of the Attorney General, and the Minister of Foreign and CARICOM Affairs and, of course, my distinguished colleague and Leader of Opposition Business in our Senate, Sen. Mark, calling for, if it is necessary, a revolutionary investigation and approach into these issues that confront a society and confront a country, in terms of its management and what is happening negatively around at the time, and how do you go about dealing with these, whether it is a commission of enquiry, whether it is administrative capacity to look into different areas of negligence, and fraud, and corruption and so on.

5.30 p.m.

But, there is a mechanism, I think it is a very worthwhile Motion which needs to be further dealt with, investigated and analysed, and as my colleague Sen.

Commissions of Enquiry Act
(Government's need to Review)
Sen. Dr. T. Gopeesingh (cont'd)

Mark said, whether we deal with it constitutionally, because what is working here in Trinidad and Tobago with the separation of powers is not working. We know that. The Executive and Legislature, arm in arm with each other, and then you pass Bills with three-fifths majority, which really you pass it under simple majority, which need three-fifths majority, so all these things continue. And so I close by indicating that this Motion by Sen. Vieira is a very pertinent, a respected Motion, and we ought to consider moving further in terms of discussions and how we deal with some of the matters confronting the country and society as a whole. Thank you very much, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Dr. Paul Richards.

Sen. Dr. Paul Richards: Thank you, Mr. Vice-President, for recognizing me and allowing me to join this very important debate on the Motion brought by our colleague Sen. Anthony Vieira SC, focusing on Commissions of Enquiry in Trinidad and Tobago. I know we all spent quite a late night here last evening and my day started at 4.00 this morning so I know energy levels are not what they normally are, but fortunately the end, the ribbon is not far for today, so I am very happy.

Hon. Senators: [*Laughter*]

Sen. Dr. P. Richards: I want to commend Sen. Vieira for bringing this Motion. I think it is timely, I think it is very relevant, I think it speaks to someone who clearly sat and thought about an instrument in Trinidad and Tobago that has been in existence and being utilized for decades and decades as being articulated by several speakers before, and certainly some level of contemplation and introspection has gone into whether or not it is working as intended or if it is

fulfilling our fit for purpose in today's contemporary time as opposed to decades ago when it may have been fulfilling the purpose. But certainly based on the musings of Members before me, there are several issues that need to be addressed.

It brings to mind today, I do not know how many of you were looking at the news from this morning, but 1.30 or so this morning in Baltimore, a ship crashed into a bridge. Thank God it was at 1.30. Imagine if that was at 7.00 a.m.? And there were, at last count, two or three lives loss, and I know there is going to be an increase in the loss of lives. And that sort of activity in the US usually prompts an immediate intense investigation bringing the facts to light in record time and examining the potential for prosecution, if necessary, remedy, so it cannot happen again, and it minimizes the effect of it happening again, and learnings for the entire scenario, for not only Baltimore but for the entire US where ships traverse on the bridges.

That is not necessarily, the case in Trinidad and Tobago, and that is why, even though commissions of enquiry have significant shortcomings, as identified by Sen. Vieira's Motion, which identifies the four limbs, which I will go through during the course of my contribution. They have served useful purposes. The country has become accustomed to commissions of enquiry, which usually occur when there are issues that caused deep concern, disquiet, emotional distress, upheaval, shock, in some cases, dismay to say the least. And attached to those issues, the population has become accustomed to having great expectation over many decades coming out of these commissions of enquiry, which include but are not limited to, as articulated before, fact finding in an impartial, professional manner, as opposed to what may happen in the public domain where there is supposition; accusations being hurled in some instances; politicization and

murkying of information surrounding the particular issue; accountability, very important; public appeasement.

The psychological release that comes with the public understanding that whoever initiated it, has heard their cries and understands that the public is not satisfied with the information to what may be the regular conduit of investigations, namely the police, the DPP in some instances, and other forms of investigations that the public may have doubts about, or might not be satisfied with the information coming out of that, or the rate of information, what the response to the information coming out; and also, accountability in not only the State but the private sector a.k.a. CLICO.

An emotional release is very important in terms of in some instances, anger over perceived wrongdoing or shortcomings or gaps in systems, in some cases with hopes of either criminal and/or civil proceedings is being brought against people who are perceived to be responsible or accountable. In recent times while there is great interest in viewing proceedings live on television, listening to them on the radio and then being streamed on social media with great audiences as we saw with the Paria enquiry, which riveted the country for months—weeks and months. The public is losing faith in these proceedings. We have to admit that. When you go to the barbershop—as I do, albeit my hair thinning, just to neaten up around the sides where hair stills grows—and you go to the markets, and you go to the football field, sporting events, and you hear the conversations, “dais a waste ah money, nutten eh coming out ah dat, dais only for lawyers to make money”—no offence to lawyers.

An attorney-at-law, senior counsel, brought the Motion. But that is the perception in the public domain, that is for them to make money, that is for them to

benefit, but the small man, the people who are affected directly, will gain nothing from this in a real sense. They do not feel that justice is being served or justice will be served by these commissions of enquiry in the present times, and this has been so for some decades. And it has been building because commission of enquiry after commission of enquiry, millions are being spent, and the speaker before me regaled us with the moneys spent directly on the commissions of enquiry which total in estimation of over \$600 million, almost over half a billion dollars, but that does not count the cost of the actual incident. In CLICO's case think about what it cost the State? In the Paria case think about what it cost the State? Las Alturas, highway, think of what it cost the State? So this is in excess now, cumulatively, costing the State billions of dollars because of shortcomings that are identified in some cases and antecedents to them, and also the enquiries that are supposed to be fact finding in an objective and formal sense.

I want to take a different kind of turn to my colleagues earlier. I want to go to what I have been able to glean in terms of other jurisdictions that have similar instruments in their environments and have been able to do a lot more coming out of them, and that is not to say as I have said before that our commissions of enquiry have not served some level of usefulness. Even if it is for the public to see and learn and get a sense of peace, in some instances, and satisfaction about finding out what actually happened in a formal and professionally run or an impartial manner for the most part.

One of these documents is from the Commission of Inquiry and Fact-Finding Mission on International Human Rights and Humanitarian Law: Guidance and Practice, 2015. And in a UN context, and in this particular case we can learn from this, it is particularly related to human rights atrocities and violations, but the

format is generally the same. And this document states that:

“In the United Nations context, the terms ‘international commission of inquiry’ and ‘international fact-finding mission’ have been used to designate a variety of temporary bodies of a non-judicial nature, established either by an intergovernmental body”—or government body—“or by the Secretary-General or the High Commissioner for Human Rights, and tasked with investigating allegations of violations of...human rights, international humanitarian law or international criminal law...”.

The work of these commissions has been very useful by the UN in terms of finding out the nature of the atrocity in international scenarios, identifying what the best process is that does not conflict with jurisprudence in a particular jurisdiction, and being able to straddle that successfully. Because that is one of the challenges that we have in Trinidad and Tobago, where, my understanding is, and I stand to be corrected, the information coming out, for example, the Paria enquiry, may not be admissible in court depending on who is making those determinations. And I think that is something that the public is in conflict with, so what is the point of it if we go through all of this? People are so sworn to testify. We go through weeks of testimony, we bring expert witnesses, we hire attorneys, we hire a commissioner who has significant credibility globally and a lot of the evidence, pending on how it comes out may or may not be admissible in court, or there may not be any further action based on how someone perceived the report to be hanging and swinging, as we say. Right?

The process it identifies includes the formulation of mandates for the commission/mission, and they vary considerably, depending on the nature of the investigation. So it is not a one-size-fit-all for different kinds of investigations,

some weaker than some in terms of evolving our legislative framework. And that is something Sen. Mark actually drew reference to in terms of, maybe we need to just scrap it and look at a different approach with more wide berth and more gravity based on what we have experienced over the last couple decades.

Two, the process and practice for the selection of members of commissions varies, and decisions on their composition may be affected by a variety of factors. Right? The decision in this case normally rests with the mandating authority, whoever initiated it, and what the outcomes are expected to be.

A list of highly qualified persons may be considered as members for investigative bodies seeking to ensure the necessary range of expertise, skills, integrity—very important, the person must have a track record for integrity, and other requirements, independence, impartiality, members should in all cases have a track record of independence, impartiality. There is a tendency to veer away from political influence for obvious reasons because it may tarnish people's perception of the outcomes. Recognized competence and proven substantial knowledge and experience in the particular areas, including criminal and civil law in some cases depending on how we want to curtail the proceedings themselves so it does not negatively impact potential proceedings later on, which I think in many cases we do adhere to in Trinidad and Tobago.

A very important factor is evaluation and analysis of information, and starting first with pieces of information collected from investigations, asking for information to be submitted so it can be thoroughly vetted, because one of the things that this document says the commission should guard against, is just accepting not only the documentation, but testimony that cannot be verified. So there was a lot of conversation about the Scott Drug Report and its eventual impact

Commissions of Enquiry Act
(Government's need to Review)
Sen. Dr. Richards (cont'd)

on, I think, a magistrate—

Sen. Vieira: Several magistrates.

Sen. Dr. Paul Richards: Several magistrates—that made their way into the public domain, very deleterious effects on the magistrate's career. But the report was made public and seen to be—and I think it was persons in the coming out underworld who gave the testimony. And that became gospel in Trinidad and Tobago for many people, and there is nothing they could do after that to restore their reputations. That must be guarded against jealously, and people coming to these commissions of enquiry have to be held to that standard. Standard of proof in this case, I do not if that would apply in Trinidad and Tobago. Another document I would like to cite, which I thought very, very impressive, is titled the “Pros and Cons of Commissions of Inquiry”. This is in a Canadian context by Justice John H. Gomery, G-O-M-E-R-Y. It is a lecture. In this lecture Justice Gomery explained:

“...The function of Commissions of Inquiry: to investigate, to educate and inform Canadian society.”

5.45 p.m.

And Mr. Justice Peter Cory in Canada Supreme Court identified:

““One of the primary functions of public inquiries is fact-finding. They are often convened, in the wake of public shock, horror, disillusionment, or skepticism, in order to uncover ‘the truth’. Inquiries...like the judiciary, independent; unlike the judiciary, they are often endowed with wide-ranging investigative powers...following their mandates...ideally, free from partisan loyalties and better able than Parliament or the legislatures to take a long-term view of...”—a particular issue.

Additionally, Mr. Justice Décarý is quoted in the Supreme Court decision, he says, quote:

“...a public inquiry into a tragedy”—for instance—“would be quite pointless if it did not lead to identification of the causes and players for fear of harming reputations...because of the danger that certain findings of fact...”—have been—“invoked in civil or criminal proceedings. It is almost inevitable that somewhere along the way...”—of—“a final report, such an inquiry will tarnish reputations and raise questions in the public's mind concerning the responsibility borne by...”—person or entities in the conduct of the enquiry.

So those considerations are given a lot of gravity in the case of Canada because they understand that. And in their cases, these enquires are also broadcast and streamed. So once someone says something it cannot be taken back and, of course, they are heavily covered by media.

There are several articles that have been published in the local media for decades regarding commissions of enquiry. Our colleagues have identified quite a few. One:

“Useless Commissions of Enquiry”

Trinidad *Guardian* on the 25th of the 9th month, 2016, by Mickela Panday.

We all know Mickela, Ms. Panday, and I quote:

“...several Commissions of Enquiry (COE) set up under the People's Partnership which enriched a select few”—this is what she is saying—“brings to mind the famed...”—stoic French critic—“journalist and novelist Jean-Baptiste Alphonse Karr: ‘The more things change the more they stay the same.’”

She mentioned:

“...the Clico enquiry, presided over by Sir Anthony Colman which the Prime Minister promptly sent to the DPP...guidance as to...”—which—“to release its findings.”

She also referenced a:

“...report of the enquiry into the failed HDC Las Alturas...”

She noted quite a number of:

“...the Simmons enquiry in CONCACAF...”—and several others which she said in the end really amounted to nothing in terms of real justice being served.

She describes them as an absolute waste of time and useless. The title is:

“Useless Commissions of Enquiry”

Another article, of course, published about the Uff Commission, Thursday 18 January, 2009, and of course it has been referenced before, the Commission of Enquiry, and all these articles interestingly enough make a point of quoting the cost of the enquiries. Because I think many people believe this is one of the most egregious elements in the scenario of commissions of enquiry in Trinidad and Tobago given that our colleague, Sen. Vieira has indicated before, it has been known that not one arrest, charge or prosecution has come out of these despite the significant impacts that they have had for several decades, on several sectors, in several dimensions of life in Trinidad and Tobago.

So right-thinking people I guess would ask themselves, what is the point? Is the point just ventilation of the issue? The scope of enquiry included:

“The Performing Arts Centre at the ‘Princes Building’...”—Grounds—

“Queen’s Park Savannah...”—another—“focal point...”—of the—“debate.”

And that also went on to identify several recommendations and we have to ask

ourselves how many of these recommendations have been applied if any at all.

Now, I am sure some of the learnings from these may seep into the consideration of any Cabinet in power, when you think about it. It may not be in a formal sense, but certainly the information that the Cabinet has been exposed to, would have been exposed to in different administrations may craft policy and/or law by the Office of the Attorney General and Legal Affairs moving forward. But we do not have a formal mechanism for integrating them or mandating that the recommendations that have been paid for by taxpayers coming out of the enquiries find themselves into policy and/or law to prevent the issue from recurring in Trinidad and Tobago.

There are many who would have quoted, and I think Joshua Seemungal needs to be given a raise in the Trinidad *Guardian*, because the number of people who have quoted Joshua Seemungal, December 03, 2023, because it is such a good article, such a well-researched written article. I think everyone has quoted it so far and he identified:

“...\$626 million taxpayers’ dollars...already...spent on...”—just—
“six...”—commissions of enquiry.

And, of course, we know about so many more that we could add to that list going back decades. I am sure it has crossed a billion dollars already if he does a cursory examination. He mentioned Clico, he mentioned construction sector 2009, \$46.2 million, he mentioned the 1990 attempted coup which I agree with Sen. Dr. Gopeesingh in saying that because of the State's re-inaction in that attempted coup, we are seeing a lot of the crime—if you look at all the crime data and you graph the crime data you would see the rise started after 1990, exponentially.

Attempted coup, chaired by Sir David Simmons, and in that case the

principal actor, now deceased, Yasin Abu Bakr, famously refused to appear and what could the State do? What could the State do? Nothing. The State was powerless to compel him, the principle actor, to appear for accountability to a country that was significantly distressed, shut down, Red House attack, Prime Minister shot, Police Headquarters bombed, looting everywhere, setting back the country, some estimate 10 years, and, what has come out of that? And what we gained from it, probably more crime. That is what we probably gained from it.

Commission of Enquiry into the Solomon Hchoy Highway, \$11.6 million and of course we come to the latest in the saga, the Paria Fuel Trading Company. I will call their names because they are not just divers, they are human beings, they had families: Fyzal Kurban, Rishi Nagassar, Yusuf Henry and Kazim Ali Jr, four of five divers. I had the honour and privilege to interview Christopher Boodram about two months ago. It was a Saturday afternoon. The interview lasted three hours, the content lasted two and a half hours and the reason why there is a half hour differential, because I had to take a break. I had to take a break because of what was coming at me. He detailed from the Friday afternoon all through when they took up the job, when the differential pressure started, when they were sucked into the pipe not knowing where they were, damaged, him and his four colleagues talking to each other, only one out of the four's voices he did not hear.

When you hear him tell the story you realize this is not a fabrication in my opinion. This is someone broken down, this is someone's experience, life-changing, life-threatening experience. In a 30-inch pipe filled with hydrocarbon slush, water most of it, by the grace of God they ended up in a pocket with some air talking to each other except one voice, he heard all but one voice, and started their escape not knowing if they were going in the right direction because, of

course, it is two sides, Berth 5 and Berth 6, and by the grace of God he actually at a point—and I am telling the story because it is important, because we should not forget.

There was a point in that pipeline that Christopher Boodram had to make a decision because of course they are running out of air, the air is toxic and they are injured and he was the most able and fortunately on the outer end of the direction they chose to go, and had to make a decision to leave his colleagues and friends. And he said it was the most difficult decision he has ever had to make in his life, and he started to crawl his way through. His colleague who was right behind him begged him not to leave. He had to trick his colleague to release his foot because his colleague was holding onto his foot begging him not to leave.

I do not think we have any idea what Christopher Boodram went through in that pipeline or those divers, and crawled out ended up coming into contact with another air tank, because the one he had that they found in the tank, was becoming extinguished. And I have to say when you hear the story, by the grace of God, God wanted him alive, somebody had to tell that story—and crawled out of that pipe, left his friends with all intention to go back for them. And reached the bend and was so exhausted, was now afraid to go up because he did not know if he was going to meet a closed cap. Reached up and saw air, but, of course, you are down 6feet, exhausted and started—fortunately he saw some chains and started to climb on the chains and tried to pull himself up, could not, was exhausted. And someone eventually came and shown a light and he thought he was dead and this is heaven or hell. That is what he went through.

So, I went into detail about that because it was difficult for me to listen to in that interview, it was difficult. So you could imagine what he is going through on

a daily basis. He still has not recovered, he is unable to work because he is totally traumatized. He has received one bout of counselling and has to live with the guilt in his mind, guilt, leaving his colleagues and friends behind who he described as wonderful people with families and children.

So, I went into detail with that and called their names because it is important for us to understand that we spent quite a bit of money on that commission of enquiry. And it is important to one, find out what went wrong, objectively, impartially, find out where the shortcomings were, systemically, because from what I heard there were several systemic shortcomings, find out what went wrong. I do not even know if to call it a rescue effort, because it seemed to me that a change to the recovery effort, way prematurely, because Christopher Boodram came out and said, "if I could come out, my colleagues are still in there".

I think the autopsies subsequently showed that the men could have lived from the Friday until either late Saturday or Sunday or some of them anyway, one or two of them. What went wrong in terms of systems that should have been in place in a high-risk environment like the petrochemical environment, that there was seemingly no expertise? I mean, I am not going to pretend that it is not a highly exigent circumstance. No one expects men to be sucked into a pipeline, let us not pretend. However, I have seen in other jurisdictions rescue efforts mounted in caves where rescuers have said, "we know going in there is a risk to our life but there are human beings in there".

So the question is, what was in place for a potential rescue? Was a rescue mounted? If not, why not? Coming out of this, what is different in operations at Paria? What is different? Is there anything different? Have personnel been trained in that sort of response? Has there been a debriefing by the entire team, all

Commissions of Enquiry Act
(Government's need to Review)
Sen. Dr. Richards (cont'd)

2024.03.26

the third-party service providers? Because LMCS, I think it is, were a third-party service provider. Are all the OSH requirements in place presently, or have we gone back to business as usual? Because in the petrochemical industry of which Trinidad and Tobago has over a 100 years' experience, we failed that day. We failed as a country, miserably, and we have to admit that. And the only good thing that can come out of that, is if that report makes us better, makes us more ready.

6.00 p.m.

Mr. Vice-President: Leader of Government Business.

ADJOURNMENT

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. Vice-President. Mr. Vice-President, I beg to move that this Senate do now adjourn to a date to be fixed.

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

Industrial Relations Act, Maternity Act and Labour Legislation (Update on Proposed Amendments)

Sen. Wade Mark: Thank you, Mr. Vice-President. Mr. Vice-President, this matter calls on the Government to provide an update on any proposed amendments to the Industrial Relations Act, maternity Act and other labour legislation to reflect International Labour Organization standards.

Now, Mr. Vice-President, the trade unions participated in a series of national tripartite stakeholder consultations on the review and reform of the Industrial Relations Act. Now, those consultations, which included business as well as Government, were held back in 2016, 2017, 2018, and, Mr. Vice-President, there

would have been some degree of consensus arising among the stakeholders, including the Government, for measures to modernize several pieces of labour legislation in Trinidad and Tobago.

The International Labour Organization has been paying attention to developments on the labour legislative front, and this Government has given undertakings, have made promises and commitments to bring to Parliament certain pieces of legislation to reflect the consensus arrived at among the tripartite stakeholders, labour business and Government.

Mr. Vice-President, the Government is now going into nine years, and with all the commitments, all the consensus among the stakeholders to reform labour legislation in Trinidad and Tobago to bring about more workers' rights and to modernize the industrial relations environment, this Government has betrayed labour, business and the partners who spent endless hours, endless days, endless years arriving at a consensus. Why would a government do this? Why? And they are going to have a conversation tonight somewhere to tell people what?—when, Mr. Vice-President, they have failed to bring to this Parliament a modern suite of legislation to modernize industrial relations in Trinidad and Tobago.

Mr. Vice-President, the Government was supposed to bring and debate in this Parliament a new amended Industrial Relations Act, and they gave a commitment to the International Labour Organization since 2019 that they would bring such legislation to our Parliament. They have failed to do it under the former Minister of Labour, Jennifer Baptiste-Primus, and now we have another Minister of Labour, hon. Mc Clashie, and, Mr. Vice-President, nothing has happened. So there they have brought no amendments to modernize the Industrial Relations Act.

Mr. Vice-President, this Government was supposed to bring legislation to this Parliament for debate arising out of consensus on equal pay for work of equal value, bringing about gender equality, because there are women in Trinidad and Tobago who are doing the same jobs as their male counterparts but they are getting less pay, and the Government of Trinidad and Tobago was supposed to bring legislation to equalize equal pay for work of equal value so our women can get equality. This Government, after nine years, have not done it, even though they give a commitment, Mr. Vice-President, to the International Labour Organization since 2019 to do so.

So, Mr. Vice-President, they were supposed to bring legislation that was agreed upon by the parties to modernize the Trade Unions Act. We are still awaiting the Government to bring such a piece of legislation. It has been agreed upon by labour, by business, by Government, but there is a hatred on the part of this Government. They have a hatred for workers. Why would they not bring those pieces of legislation after they gave their commitments to the International Labour Organization, after having consensus among the tripartite bodies, labour, business? Why?

Mr. Vice-President, they were supposed to bring the Retrenchment and Severance Benefits Act, a modernized version of it. They were supposed to upgrade the Maternity Protection Act. They have not brought it. They were supposed, Mr. Vice-President, to bring something called the trade disputes and Protection of Property Act. They are yet to bring it, Mr. Vice-President. When are they bringing it? When are they bringing it? They were supposed to bring it since 2019, before the last election. Look, we are going into another election, Mr. Vice-

Industrial Relations Act, Maternity
Act and Labour Legislation
(Update on Proposed Amendments)
Sen. Mark (cont'd)

President, and nothing is before us.

So I have brought this, Mr. Vice-President, to your attention today and to this honourable Senate, so that the hon. Minister of Labour who seems, like Rip Van Winkle, to be in deep slumber somewhere in the mountain snoring, not understanding—

Mr. Vice-President: Sen. Mark, the time for your questioning has expired.

Sen. W. Mark: This is not a question, Sir. It is a Motion.

Mr. Vice-President: The time for your Motion has expired.

Sen. W. Mark: Oh, thank you, Mr. Vice-President. Thank you.

Mr. Vice-President: Sen. The Hon. Renuka Sagrarsingh-Sooklal.

The Minister in the Office of the Attorney General and Ministry of Legal Affairs (Sen. The Hon. Renuka Sagrarsingh-Sooklal): Mr. Vice-President, I thank you for the opportunity to address this Motion raised by Sen. Mark and, of course, I thank the hon. Attorney General for allowing me the opportunity to respond to the Senator. You know, Mr. Vice-President, I just want to begin by reminding and reassuring the population of Trinidad and Tobago that contrary to what Sen. Mark has said, contrary to what the opposite side continues to try to peddle to the population, the Government of Trinidad and Tobago has been and remains deeply committed to the welfare and prosperity of our labour force—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—recognizing that workers are the backbone of our economy, and we will continue to do what we have to do to protect our labour force.

You know, Mr. Vice-President, I want to again put on the record that we

Industrial Relations Act, Maternity
Act and Labour Legislation
(Update on Proposed Amendments)
Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

reject this rhetoric. I want to also say that we reject that discourse put forward by Sen. Mark. Instead, we embrace, Mr. Vice-President, a vision of progress and empowerment, where every worker enjoys the full protection of robust, fair and forward-looking labour laws. This Government, Mr. Vice-President, stands for an inclusive labour market, where rights are protected and opportunities, equitable, and of course, the dignity of every job is upheld. To that end, Mr. Vice-President, that labour legislation reform remains a top priority of the Ministry of Labour, and by extension, it remains a significant item of priority on the agenda on the side of the Office of the Attorney General and the Ministry of Legal Affairs.

Mr. Vice-President, advancements in technology, economic changes and globalization have led to increased trade and movement of labour, regionally and internationally. These advancements demand a modern and model legislative framework that allows businesses and employees to thrive in an environment of cooperation, sustainability and industrial peace. Underpinning, Mr. Vice-President, the Ministry of Labour's legislative review process is the commitment to satisfy and, where possible, to exceed the provisions identified in the international labour standards, notably the conventions and recommendations adopted by the International Labour Organization, the ILO.

As a member state, Mr. Vice-President, of the ILO since 1963, I am happy to report that Trinidad and Tobago fully embraces the integral role of the ILO standards, which constitutes an international legal framework within which decent work is pursued. In so doing, Mr. Vice-President, the process of legislative review being undertaken by the Ministry of Labour, which is characterized by social dialogue or consultations among representatives of Government, employers and

Industrial Relations Act, Maternity
Act and Labour Legislation
(Update on Proposed Amendments)
Sen. The Hon. R. Sagrainsingh-Sooklal (cont'd)

workers at every stage, commences with an examination of pertinent ILO standards. These standards are considered to enshrine modern principles of internationally recognized labour rights aimed at improving labour conditions and the employment opportunities.

Additionally, Mr. Vice-President, I pleased to report that the Ministry of Labour works closely with the ILO decent work team and Office for the Caribbean in developing policy position papers for the amendment of various pieces of labour legislation, which complements our efforts of promoting greater alignment to international labour standards.

To that end, Mr. Vice-President, I wish to report on five pieces of legislation. These include the Industrial Relations Act, Chap 88:01; the Maternity Protection Act, Chap. 45:57; the Retrenchment and Severance Benefits Act, Chap. 88:13; the Minimum Wages Act, Chap. 88:04; and the Occupational Safety and Health Act, OSHA, Chap. 88:08, to prove to this population that this Government is not anti-labour.

Mr. Vice-President, if I may briefly look at the Industrial Relations Act, in November 2022, a comprehensive review led to the revision of this piece of legislation by the Ministry of Labour's policy position paper for the amendment of the Industrial Relations Act, aiming to align the IRA with both the Constitution of Trinidad and Tobago, and, Mr. Vice-President, international labour standards.

6.15 p.m.

I wish to report the amendments are designed to reinforce fundamental human rights, including the right to the freedom of association.

Further, Mr. Vice-President, alignment with the ILO...Fundamental

Principles and Rights at Work. The proposed amendment aims to reflect the ILO's core and fundamental conventions which cover five key areas, Mr. Vice-President: Freedom of association and the protection of the right to organize, the elimination of discrimination in employment, effective abolition of child labour, abolition of forced labour, the promotion of a safe and healthy environment, Mr. Vice-President. The objective here is to ensure legal compliance with the Constitution of Trinidad and Tobago and international labour standards set by the ILO, and above all, to uphold the principles of decent work, uphold industrial piece amongst other things. And that is just a very brief report on what has been done so far.

Mr. Vice-President, if I may respectfully take this Senate to the Maternity Protection Act. The Maternity Protection Act, Mr. Vice-President, was amended in 2012 to extend maternity leave benefits from 13 to 14 weeks, aligning again with Article 4 of the ILO Convention, (No. 183), Maternity Protection Convention. Again in 2021 this Government, through the Ministry, embarked upon a national stakeholder consultation, aimed at expanding maternity benefits, Mr. Vice-President, protecting workers from exploitation and, of course, their right to decent work. Again, following the 2021 consultation, a draft policy position paper is currently being finalized for submission to the Cabinet. The consultation, Mr. Vice-President, and draft policy development processes aimed at enhancing maternity protection, beyond the current provisions, focusing on the wellbeing, and the rights of pregnant workers, focusing on protecting workers from exploitation, and to promote their rights to decent work.

Mr. Vice-President, the effort to amend the Maternity Protection Act are in

Industrial Relations Act, Maternity
Act and Labour Legislation
(Update on Proposed Amendments)
Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

direct response to the standards set by the International Labour Organization, specifically aiming to meet or exceed the provisions of the ILO Convention (No. 183), and of course, to promote gender equality in the workplace, which is also very important to this Government. Mr. Vice-President, briefly on the Retrenchment and Severance Benefits Act, the proposed amendment to the Retrenchment and Severance Benefits Act emerged from discussions with the industrial relations advisory committee, Mr. Vice-President, again reflective of this Government's collaborative effort to policy development.

These amendments—and I wish to report to this Senate—have been submitted to the Cabinet for consideration. What are the objectives of these proposed amendments? A primary focus of the amendment process is to address the inadequacy of severance payments for workers, ensuring financial security in the event of a job loss. Mr. Vice-President, the amendment also aims to align with international labour standards, particularly focusing on: the Protection of Workers Claims (Employer's Insolvency) Convention, 1992. And two, the Termination of Employment Convention, 1982 (No. 158), along with the associated recommendations (No. 166). Mr. Vice-President, the amendments are designed to again strengthen the legal framework around retrenchment and severance, ensuring workers' rights are protected during periods of economic adjustment, or even a company's reconstructing.

Mr. Vice-President, if I may briefly now look at the law as it relates to Minimum Wages (Amdt.) Act Chap. 88:04. Even though Trinidad and Tobago has not ratified specific ILO conventions on wage fixing, such as the Minimum Wage Fixing Convention, 1970 (No. 131). These conventions, Mr. Vice-President,

Industrial Relations Act, Maternity
Act and Labour Legislation
(Update on Proposed Amendments)
Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

provide foundational principles for the nations wage fixing mechanisms under the Minimum Wage Act. The proposed amendment also takes into consideration at the ILO conventions on domestic work, its conventions on labour inspection, and a Recommendation No. 204, Transition from the Informal to the Formal Economy.

Mr. Vice-President, as I close I also want to report to Trinidad and Tobago that there are other pieces of legislation that are noteworthy of review, the Employment Exchange Act for example which was influenced by again, ILO provisions, that is also under consideration. There has also been national stakeholder consultation and a draft policy position paper formulated, recommending that provisions of the Private Employment Agencies Convention is also incorporated. So, Mr. Vice-President, in a nutshell, it is furthest from the truth the statements made by Sen. Mark, in which he is suggesting that this Government is anti-labour. I wish to again report to this Senate and the public, and the people of Trinidad and Tobago, that we will continue to do what is necessary as a Government legislatively, to protect our workforce, our labour force. Thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Paul Richards.

Campaign Finance Legislation for General Election (Strengthening of)

Sen. Dr. Paul Richards: Thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Sen. Dr. P. Richards: Thank you for the opportunity to bring this Motion on the adjournment, on the need to strengthen the approach to campaign finance

Campaign Finance Legislation for
General Election
(Strengthening of)
Sen. Dr. Richards (cont'd)

2024.03.26

legislation in preparation for the general election due by 2025 in Trinidad and Tobago. Mr. Vice-President, allow me to start with a quotation from a court case *Jacobus vs Alaska* and I quote:

“A failure to regulate the arena of campaign finance allows the influence of wealthy individuals and corporations to drown out the voices of individual citizens...causing the public to become disillusioned with and mistrustful of the political system.”

I bring this Motion because I remember in the 11th Parliament with then Attorney General, Faris Al-Rawi, now Minister of Rural Development and Local Government, making a promise in this august Chamber, that the Government was going to bring campaign finance reform legislation before the end of that session. Never materialized.

We are ending—we are a year and a half or so off the 12th Parliament, and I know, to be fair, that the hon. Prime Minister has convened a committee or a council looking at comprehensive constitutional reform, which may include amendments to the Representation of the People Act. But I am not sure that given the timeframe, this will be prioritized in the suite of other pieces of legislation that may be contained in that consideration. So, I am worried, and I am worried for several reasons.

In the Election Law Journal, Volume 5, No. 1, 2006, an article titled, “Campaign Finance Laws and Political Efficacy: Evidence from States” by David Primo and Jeffrey Milyo. And also the learning from Political Finance Reform, “How to respond to today’s challenges?” It is a joint article by Yukihiro Hamada and Khushbu Agrawal 2020. It states:

“Political finance regulations must adapt and adjust to political, economic and societal changes.

Money is a necessary component of any democracy: it enables political participation, campaigning and representation. However, if... not effectively regulated, it can undermine the integrity of political processes and institutions, and jeopardize the quality of democracy. Therefore, regulations related to the funding of political parties and election campaigns, commonly known as political finance, are a critical way to promote integrity, transparency and accountability...”—of—“...any democracy.”

The article goes on state:

“Most recently, the COVID-19 pandemic has affected... funding of election campaigns”—significantly—“across the world.”

Because of the fact that more people have become digitally competent, more people get their information online, the Government, a couple years ago was speaking continuously of Cambridge Analytica, and its potential impact on the 2010 election, I do believe it is. However, I have not seen any move to protect the population from what has been described as micro-targeting, dis- and misinformation during that campaign. And this is two elections on, going to a third one.

Is it that we are going to remain sitting ducks? And think of what has happened in digital arena since then. We now have the onset of AI which can take a representation of my voice and put it to say things I have not said. And I am listening to songs now from Michael Jackson that he never sang, never sang. Perfect renditions. They can take your image and likeness, put it on an ad, is the

population going to be protected from that, or are we going to have a reaction when the democratic process is compromised? Are we going to wait for it to hit us in the face, and then say, “Well, let us deal with it now” after it has compromised our democratic processes.

Some of the reports have indicated there are ways to deal with this, mainstreaming political finance regulations into overall anticorruption frameworks, supporting the implementation of the existing political finance regulations, and monitoring their performance, harnessing digital technologies to ensure transparency, accountability and political finance, and designing targeted political finance measures, to encourage the inclusion of underrepresented groups in politics to equal the playing field. Because that is the only way democracy flourishes, or is it that we are like the paradigm of having the power of two main political parties? Maybe we do.

Another article spoke to good practices and issues for further review, and a lot of emphasis has been placed on digital technologies in elections context. Democratic primary candidate, Bernie Sanders—we are all familiar with the name—managed to attract over US \$210 million in donations, 54 per cent of which came from small and individual donors. Most of these donors made contributions online that may have not been tracked. As at July 2020, there were approximately 4 billion active social media users in the world, and social media is going to be the battleground for 2025. Is the population and the democratic process protected by attention being placed in our Representation of the People’s Act? I looked at that Act and if you look at the requirements for disclosure for political candidates and political parties, they are laughable, in today’s context.

Campaign Finance Legislation for
General Election
(Strengthening of)
Sen. Dr. Richards (cont'd)

2024.03.26

Sen. Vieira: Quite relaxed.

Sen. Dr. P. Richards: They are laughable. I worked in the media, so I know the kind of money that goes into media houses, traditional media houses for election campaigns, and more is going to go into social media and digital platforms. So, if I could just identify how integrated systems can work, public officials, political parties and candidates, oversight actors and donors, all have to be part of the consideration, in terms of making sure that the system of our democracy—the primary system I should say—which is general elections, where the country is asked to choose who will govern them for the next election cycle, has to be protected. It is extremely vulnerable now, and if we think that political campaigning only involves money, we are wrong. Maxi taxis, T-shirts, alcohol, a plethora of ancillary gifts, and inducements that are unchecked, paid for by special interest groups in the hope of getting it repaid when X and Y get into power by contracts. Campaign finance reform goes hand in hand with effective procurement legislation, they cannot work separately.

And if we do not bite the bullet now, and be proactive, and look at our Representation of the People Act, and make the necessary changes, we are going to be sitting ducks for the erosion of our democratic processes. I will close, Mr. Vice-President, with a typical example. In the media, we are bound by specific laws in the Representation of the People Act, which means we cannot allow any advertising to go past midnight on the day before an election. But in the last two elections—you cannot have campaign ads running and stuff like that, otherwise you would be flouting the radio and television tradition, and newspapers. In the last two elections, it does not stop on social media, campaigning continues

unabated, including misinformation about voting spaces, what is happening, what is not happening, negatively or inaccurately influencing or trying to influence voters. We have to address this now, otherwise we will be contributing to the undermining of our very own democracy. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Attorney General.

Hon. Senators: [*Desk thumping*]

6.30p.m.

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr. Vice-President. And my thanks to the Leader of Government Business, and the hon. Prime Minister to allow me to respond to this important Motion brought on this matter brought by Sen. Richards.

Mr. Vice-President, every voter, every single voter of our proud democratic nation, the Republic of Trinidad and Tobago, is entitled to be informed, to be assured, and to be confident that their democracy is continuously being guarded jealously by this Government. In this regard, I am grateful to my colleague of the Independent Bench, hon. Senator Dr. Paul Richards, to raise this matter on the adjournment to focus on the Government addressing the need to strengthen the approach to campaign financing legislation in preparation for the General Elections due by 2025, in Trinidad and Tobago.

Mr. Vice-President, this Government's approach to strengthening campaign finance legislation is the modernization of the Representation of the People, Act, Chap. 2:01 by the introduction of the Representation of the People (Amdt.), Bill, 2020, on the 8th of May, 2020, and its reintroduction as the Representation of the

Campaign Finance Legislation for
General Election
(Strengthening of)
Sen. The Hon. R. Armour SC (cont'd)

2024.03.26

People (Amdt.) (No. 2), Bill, 2020, on the 14th of October, 2020. This Bill has been premised on the policy of the Law Reform Commission and the legislative drafting expertise of that commission, and the office of the Chief Parliamentary Counsel. The Bill seeks to align our law with international standards of egalitarianism in elections, accountability, and transparency amongst all participants in an election. This Government's work will ultimately transform the landscape within which independent candidates, political parties, and their own candidates before and during future elections.

Permit me, Mr. Vice-President, to expound a bit on the work undertaken so far. The Senate will recall that campaign finance encompasses a broad range of issues, party and candidate registration, accessibility to diverse media platforms, such as that just spoken of by Sen. Richards. Equitable access to advertising, as well as equitable access to funding, and accountability for same. Reform also targets illicit sources of funding, corruption, lack of transparency, and misapplication of funding to improve the public's trust in the State's electoral process. Bearing in mind the complexity of the subject matter, the Law Reform Commission began as far back as 2007, began examining the pertinent issues in its preliminary report on political parties and the law. The Commission recommended that the law should mandate that all political parties be registered.

A joint select committee on the 10th Parliament was established in 2014, to review the entirety of the legislative framework with a view to its modernization, and drawing upon his previous work the commission proceeded to examine the matter from a new perspective of egalitarianism such as employed in Canada, South Africa, Jamaica, as well as other campaigns. Modern campaign financing

practices in select commonwealth jurisdictions. Egalitarianism proves to be a progressive approach and opens the door for equal opportunity for participation in elections. Some of the main policy proposers transposed into the representation of the more recent Representation of the People (Amdt.) (No.2), Bill, 2020, include:

1. The establishment of a new division of the Elections and Boundaries Commission known as the Office of the Registrar of Political Parties.
2. A mandatory system of registration of political parties.
3. A framework to regulate independent candidates.
4. The establishment of financial reporting requirements for registered political parties.
5. Provisions regulating state funding of registered political parties.
6. Provisions regarding the use of state media by registered political parties and candidates, and importantly, regulation of donations and political campaign financing. And the provision for the merger and coalition of political parties.

As the nature of this Bill impacts the life of our democracy, Mr. Vice-President, the Bill was referred to a joint select committee in, 2020. This committee has been examining the concept of campaign financing and reviewing the Bill since its inception. The committee has published two reports, Mr. Vice-President, in the Second and Third Sessions of the 12th Parliament. In the final report of the Third Session of the 12th Parliament, that committee recommended that the Parliament take note of its work and progress and that its work of that committee continue in this Fourth Session of the 12th Parliament, and that committee is expected to report this month on the 29th of March, 2024.

Campaign Finance Legislation for
 General Election
 (Strengthening of)
 Sen. The Hon. R. Armour SC (cont'd)

2024.03.26

The present committee comprises the Chairman, hon. Mrs. Camille Robinson-Regis and the Members are the hon. Mr. Colm Imbert, Mr. Fitzgerald Hinds, Mrs. Shamfa Cudjoe-Lewis, Mr. Davendranath Tancoo, Mr. Saddam Hosein, Mrs. Paula Gopee-Scoon, Dr. Amery Browne, Mr. Randall Mitchell, Mr. Wade Mark, Dr. Maria Dillon-Remy, and Mr. Deeroop Teemal. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Spiritual Shouter Baptist Liberation Day Greetings

Mr. Vice-President: I would now like to invite Senators to bring greetings on the occasion of Spiritual Shouter Baptist Liberation Day, to be observed on this Saturday, March 30, 2024. Sen. Laurel Lezama-Lee Sing.

Hon. Senators: [*Desk thumping*]

Sen. Laurel Lezama-Lee Singh: Mr. Vice President, it is my pleasure to bring greetings on the occasion of Spiritual Baptist Liberation Day. On this, the 73rd anniversary of the repeal of the Shouters Prohibition Ordinance of 1917. Institutionalized discrimination by way of the Prohibition Ordinance of 1917, banned worship and practices of the Spiritual Shouter Baptists and made it a criminal offence for members of that faith community, to assemble or meet thereby systematically designating a Shouter Baptist in Trinidad and Tobago, a social pariah.

For 34 years for simply being thought to be too noisy, the shouters were repressed. Shouters whose faith, a faith indigenous to Trinidad and Tobago and the region, and a faith that could be deemed to be Afro-Christian, a coalescence of African spirituality brought here with our enslaved ancestors, and the Christian

Spiritual Shouter Baptist Liberation Day
Greetings
Sen. Lezama-Lee Singh (cont'd)

2024.03.26

beliefs of the European. Shouters who sing, ring bells, dance and praise with passion and joy, were prohibited from worshipping. It took great resilience, and faith to conquer seemingly insurmountable challenges, strength, and courage of conviction for the Spiritual Shouter Baptist faith community to endure that repression and suppression.

In 1940, Mr. Elton Griffith petitioned the Legislative Council, asking for the Ordinance to be repealed. Thus initiating the thrust towards dismantling that systemic bondage. It was not until 11 years later, in 1951, that the Ordinance was finally repealed. This is our history, and from our history, we must learn and grow. This Government remains committed to supporting and helping elevate the Spiritual Shouter Baptist community not only through its words but through its deeds and actions.

In 2020, the Cabinet considered granting TT \$20 million to the Baptist community, and TT \$10 million would have been dispersed. The Baptist community has banded together and now in March of 2024, the administrative complex and parking area have been constructed in Couva and will be formally opened in a matter of weeks. Our hon. Prime Minister, just four days ago has advised that the balance of the initial \$20 million grant will be disbursed soon so that work can continue, and so that the Baptist cathedral can be built.

Permit me, Mr. Vice-President, to compliment and thank the patriarch and the members of the Baptist faith, who over this weekend have pledged, as good and responsible patriotic citizens, to return to the streets of Trinidad and Tobago with a clear and focused mission to not only profess and proclaim their beliefs but also, and equally important, to evangelize and support those vulnerable persons especially young males who may lean towards a life of crime. I acknowledge and

Spiritual Shouter Baptist Liberation Day
Greetings
Sen. Lezama-Lee Singh (cont'd)

2024.03.26

salute the members of that faith community for their steadfastness and their willingness to join the Government and other citizens to stand in the gap to make the change and help repair the social tapestry of our beloved nation.

6.40 p.m.

It is no secret, Mr. Vice-President, that a fundamental way of life in Trinidad and Tobago is and must be the freedom to worship and the right to engage in the religious practice of our choice. Ours is a country that is diverse in many respects and so, as this faith community celebrates, our entire country celebrates, for as we have evolved as the postcolonial Trinbagonian civilization and as Sen. Teemal pointed out to me at Divali Nagar last year, our religious celebrations have become national festivals, which we all partake in and which define us as a people.

Mr. Vice-President, it is my hope that as one people and one nation, that as we move towards fulfilling *Vision 2030*, as we build this new society envisioned by this Government, that we too, like our Shouter Baptist brothers and sisters, will persevere through trying times and that perhaps, knowing their story and in their honour, we will be more tolerant, disciplined and respectful of each other.

On behalf of the Government Bench, I extend warmest compliments to the entire national community and I say happy worshipping to the Spiritual/Shouter Baptist faith/community. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

Sen. Wade Mark: Yes, thank you.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Thank you, Mr. Vice-President. Mr. Vice-President, on behalf of the Opposition, United National Congress, on behalf of the honourable Leader of

Spiritual Shouter Baptist Liberation Day
Greetings
Sen. Mark (cont'd)

2024.03.26

the Opposition, incoming Prime Minister of Trinidad and Tobago, we bring to the Baptist community warmest greetings on the 28th anniversary of the Spiritual/Shouter Baptist Liberation Day.

Mr. Vice-President, it is very clear that in Psalm 30:5, it reads:

“...weeping may endure for a night, but joy cometh in the morning.”

And the Baptist community wept; wept under the oppressive colonial conditions from the period of November 16, 1917, when they were prohibited from practising their faith, praying to their Gods in song and in different rituals until through their struggles, through their leadership under the esteemed Dr. Elton Griffith, through the role of Albert Gomes, who we tend to forget played a very critical role in having that vicious Prohibition Ordinance removed and dumped in the rubbish heap of history in 1951.

Mr. Vice-President, the Baptists struggled for decades to find a sense of identity, a sense of belonging. They wanted to have, in their honour, a day that they can celebrate as they own. They were promised but those promises were never delivered. It took a United National Congress administration to grant the Baptist community their public holiday on March 30, 1996. Today, and come March the 30th, Shouter Baptist Liberation Day will be celebrated in our twin-island Republic State.

The Baptists, Mr. Vice-President, struggled to get a primary school. They could not get it. It took a UNC administration to provide Baptists with a primary school for their children. It took a United National Congress Government to provide the Baptists with a secondary school. We provided the Baptist community with acres upon acres of lands in Maloney, and we are proud to have been part of that history, Mr. Vice-President. And therefore, we are honoured and happy to be

UNREVISED

Spiritual Shouter Baptist Liberation Day
Greetings
Sen. Mark (cont'd)

2024.03.26

associated with this community of warriors and fighters for Shouter Baptist liberation in our nation. And therefore, Mr. Vice-President, we tell the Baptists, as would tell anyone in T&T, freedom never comes—or you do not get freedom easily in that struggle for liberation, you have to fight for it, and they fought for it. And we are happy that today we can identify and we can extend our solidarity with the Shouter Baptists in our community, as they prepare to celebrate their 28th anniversary of their liberation in recognition of that public holiday on March 30, 1996.

So on behalf of the United National Congress, on behalf of the hon. Kamla Persad-Bissessar, on behalf of our Opposition Bench here in the Senate, we extend solidarity greetings to our Baptists brothers and sisters in Trinidad and Tobago, as they celebrate Shouter Baptist Liberation Day on March 30, 2024. We say to all the Baptists in our nation, happy, happy Shouter Baptist Liberation Day in Trinidad and Tobago to all our colleagues in the community of our Baptists. Thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Dr. Sharda Patasar.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Sharda Patasar: Thank you, Mr. Vice-President, for the opportunity to bring, on behalf of the Independent Bench, greetings to the Spiritual/Shouter Baptists in commemoration of Spiritual/Shouter Baptist Liberation Day.

This observance marks the repeal of the 1917 Shouters Prohibition Ordinance, which took place on the 30th of March, 1951, but it would take over 40 years before this would be placed in the public imagination in the form of a

Spiritual Shouter Baptist Liberation Day
Greetings
Sen. Dr. Patasar (cont'd)

2024.03.26

national holiday. It would still take time for the community to be destigmatized and to some extent, this is still an ongoing project.

Today, as I bring these greetings, I would like us all to consider that entrenched in our spiritual practices are our legacies that are linked to our histories; histories of our communities, our cultures.

Faiths are one of the ways through which we live in this world. Most of us can identify with this, even if you are not someone who practises a particular faith. Faiths give us lenses through which we see the world and therefore, by their very nature, are part of our personal and collective identities. We are empowered by our faiths. And spiritual practices, from the act of lighting a candle to kneeling for prayer, is an act of grounding our attention in ourselves in this space that we occupy, for our experience of life is not only intellectual but sensory. Therefore, the freedom to practise is a vital part of our existence. This freedom is empowering. The freedom to practise, both through mind and body, holds communities together and therefore, this freedom impacts every aspect of life.

So today, as we as a nation observe the Spiritual/Shouter Baptist Liberation Day, we observe the resilience of the community and we recognize the importance of this fundamental human right to self-actualization, to self-empowerment, which is essential to any healthy society.

So I extend, on behalf of the Independent Bench, warm wishes to the Spiritual/Shouter Baptist community and continued growth to them.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Hon. Senators, I too would like to offer greetings to the Spiritual/Shouter Baptist community on the occasion of Spiritual/Shouter Baptist Liberation Day.

Members of this Chamber will be acutely aware that freedom walks hand in hand with conscience, impartiality, discipline, tolerance and production, which are important elements of our democracy. The members of the Spiritual/Shouter Baptists in 1951 fought for those freedoms, and the basic freedom of worship and the dignified enjoyment of their religion. Trinidad and Tobago remains the only country in the world to celebrate this day by way of a public holiday. This is because the Spiritual Shouter Baptist faith is unique, is native to Trinidad and Tobago.

Hon. Members, the members of this faith have demonstrated that we must safeguard the fairness and inclusiveness that exists in our country, and never take it for granted the rights and freedoms of all citizens as enshrined in our wonderful Constitution. Let the bells of freedom continue to ring loudly throughout the nation as we send greetings of peace and love to the members of this community. I therefore take this opportunity, on behalf of the Parliament, to extend greetings to this Spiritual/Shouter Baptist community.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: I now invite Senators to bring greetings to commemorate Easter celebrations 2024.

Sen. The Hon. Donna Cox: Thank you, Mr. Vice-President. I am honoured to bring Easter Greetings to the Christian community, for whom the crucifixion, death and resurrection of Jesus Christ, which we commemorate during this holy week represent pivotal markers in our common beliefs. Throughout the world, the Christian church, Easter proclamation resounds. Jesus, who was crucified, is risen.

Mr. Vice-President, the risen Christ is a symbol of hope for Christians around the world. The death, burial, and resurrection of Jesus Christ, represents

the victory of love, over the root of evil. A victory that does not bypassed suffering and death, but passes through them. The experience of Jesus Christ, reminds us all that everything works together for good. The Easter story is filled with lessons, not only for the Christian community, but for all of Trinidad and Tobago.

Additionally, the traditional symbols of the Easter message, the message of God's profound love for all humanity, represents new life, and helps us to remember that even when we are faced with personal challenges, and although we might be tempted to despair, we must keep within our hearts, this message of new life, and allow it to direct our path. We must ourselves be the physical embodiment of this grace and hope.

Easter is a time of introspection and selflessness. We can be like those who welcome Jesus one day, singing "Hosanna", and shouting, "crucify him", a few days later. We can be like the Scribes and Pharisees, who feared that their positions of leadership were being threatened, and therefore, organized protesters to demand that Jesus Christ's unjust crucifixion and death. We can be like Pontius Pilate, and wash our hands in the face of clear injustice, or we can be like the soldiers, who blindly follow the instructions of their leaders, perpetuating evil, and inflicting violence on the innocent.

But, Mr. Vice-President, there are alternatives We can be like Simon, who helped Jesus Christ carry his cross, and help lift the burdens of our fellow men. We can be like Elizabeth, who wiped the face of Jesus, and helped to bring relief to those who are suffering. We can be like John, who accepted the role of caregiver for Jesus' mother, and we can become a caring and compassionate society. We

Spiritual Shouter Baptist Liberation Day
Greetings
Sen. The Hon. D. Cox (cont'd)

2024.03.26

can be like Joseph, who offered his resources to house, a crucified Christ, and we can pledge to donate more of our time, talent, and resources to those in need.

More than that, Mr. Vice-President, we can be the ones to roll away the stone from the tombs of poverty, and hopelessness, that some persons experience. We can proclaim, “He is risen”, through gestures of peace. We can sing our hallelujahs, through the acts of reconciliation and broken relationships. And we can proclaim, His victory, through acts of compassion towards those in need, through acts of justice, among situations of inequality, and by speaking the truth, in the midst of misinformation. All of us are called to be Easter people, to be people of God, to be people of hope.

On behalf of all of us on this side, and all of us, in the People’s National Movement, I offer our prayerful support to the Christian community, and invite all of Trinidad and Tobago to join in the Easter proclamation. Jesus Christ is risen from the dead. May we always remember God’s abundant love for us, how he has offered his son Jesus Christ, as the only acceptable sacrifice for our redemption. May the spirit of God infuse our hearts with renewed hope, love and joy, as we come together to celebrate the meaning of the death, burial, and resurrection of our Lord and Saviour Jesus Christ, and embrace the values of compassion, unity, and generosity. And may the risen Christ, live in our hearts. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Damian Lyder.

Hon. Senators: [*Desk thumping*]

Sen. Damian. Lyder: Thank you, Mr. Vice-President. And, I rise on behalf of the United National Congress, to give greetings on this very auspicious occasion, for the Christian faith. This weekend, this nation, we all celebrate the death and

Spiritual Shouter Baptist Liberation Day
 Greetings
 Sen. Lyder (cont'd)

2024.03.26

resurrection of our Lord and Saviour Jesus Christ. 1 Peter 2:24 that described Jesus as, and I quote:

“Who Himself bore our sins in His own body on the tree, that we, having died to sins, might live for righteousness— by whose stripes you...”—
 Meaning all of us here—“were healed.”

The placement at Easter is determined by the spring equinox, which is a symbol of the beginning of spring in the north, and autumn in the south. And the first proceeding full moon, which was on March 19th of this year. Good Friday, which we celebrate as a national holiday in Trinidad and Tobago, commemorates the crucifixion of Jesus Christ by the Roman Empire. For many, it represents the condemnation, trials, walking on the Via Dolarosa, crucifixion, embalming and placement in the tomb of Jesus

In fact, Mr. President, as the former composer and songwriter Sandy Patty, once sang, and I quote:

“Down the Via Dolarosa in Jerusalem that day
 The soldiers tried to clear the narrow street
 But the crowd pressed in to see
 The man condemned to die on Calvary...
 Down the Via Dolarosa, called the way of suffering
 Like a lamb came the Messiah, Christ the King
 But He chose to walk the road, out of
 His love for you and me
 Down the Via Dolarosa, all the way to Calvary.”

Mr. Vice-President, Glorious Saturday, or Holy and great Saturday, represents the time Christ spent, resting in the tomb, post crucifixion. For the

Spiritual Shouter Baptist Liberation Day
Greetings
Sen. Lyder (cont'd)

2024.03.26

Catholic faith and the Christian faith in general. This day commemorates Christ's triumphant descent to death, knowing it would be just for a short time.

Then came Easter Sunday, Mr. Vice President, the feast of which, all the Catholic calendar surrounds, and which represents the greatest moments of triumph in the Christian faith. On this third day, Jesus Christ becomes a risen Saviour, ascending from the grave, and defeating death. Because of this we are afforded salvation from sin, and protection from eternal damnation. The testimony of Jesus' conquering of sin, and of the grave stands as an inspiration for all of us today, in our daily struggles. And, we know today Mr. Vice-President, of these daily struggles we speak of. All citizens, many citizens in this country. The struggles with sin, Mr. Vice-President. And the grace we are afforded because of His sacrifice, grants us the necessary buoyancy in navigating our lives, in this fallen world. Mr. Vice-President, 1 Corinthians 15, states it best, and I quote:

“O death, where is thy sting? O grave, where is thy victory? The sting of death is sin, and the strength of sin is the law. But thanks be to God, which giveth us the victory through our Lord Jesus Christ. Therefore, my beloved brethren, be ye steadfast, unmoveable, always bounding in the work of the Lord, forasmuch as ye know that our labour is not in vain in the Lord.”

For Catholics and Christians in general, we engage—but mainly for Catholics—in 40 days of fasting, and regular attendance to mass, which forms, what is known as the Lenten season. As part of the Lenten season, Catholics fast from indulgences, whether it be meat, sweets, food, altogether, or otherwise.

Mr. Vice-President, this is a practice of faith, for standing in solidarity with Christ, and sharing and suffering, as He did greatly for us. These Holy habits strengthens one's bond with the heavenly Father, promotes good biblical virtues

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Spiritual Shouter Baptist Liberation Day
Greetings
Sen. Lyder (cont'd)

2024.03.26

and fortifies the bond between brethren inside and outside of one's local fellowship. The victory over death, and symbol of the dominance of good over evil, is something that has resonated with all the citizens in Trinidad and Tobago. A multicultural land that is unique, in its unity and fellowship. Trinidad and Tobago regardless of its religious plurality has embraced Easter in its traditions, as we have all other religions.

7.05 p.m.

So whether it be kite-flying throughout the length and breadth of Trinidad and Tobago, or the universal appeal for those sumptuous hot cross buns, the time of Easter and its central messages of unity and grace, finds itself within the hearts and souls of all of us throughout the length and breadth of Trinidad and Tobago. Mr. Vice-President, we in the United National Congress are proud to serve diligently such a nation that loves and celebrates each other's religion regardless of where we go on a Sunday morning.

Mr. Vice-President, on behalf of the Opposition Bench here today, all strong six members of the Opposition Bench, on behalf of the great Leader of the United National Congress, Mrs. Kamla Persad-Bissessar, and on behalf of our great party, the next government of Trinidad and Tobago, the United National Congress, Mr. Vice-President, I wish you and your family as well as I wish the Government Bench and your families, and a very strong Independent Bench and their families and by extension, I wish all of the citizens of Trinidad and Tobago a very happy and a very holy Easter season.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Dr. Maria Dillion-Remy.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Maria Dillon-Remy: Thank you, Mr. Vice-President, for allowing me to bring greetings on behalf of the Independent Senators on the occasion of the celebration of Easter 2024.

On Friday, March the 30th, the death of Jesus Christ will be celebrated, called Good Friday, recognizing that though the death of Christ was a very gruesome and painful one, the day is seen as a good day because Christ gave up his life as a sacrifice for the sins of the whole world. Quoting from John 3:16:

“...God so loved the world that He gave his...Son that whoever believes in Him shall not perish but have eternal life.”

The Cross is a symbol of sacrificial love. Mr. Vice-President, can we learn from that act of sacrifice for the sake of a good cause? In this case, Jesus gave his life up for people he did not even know. Can we all learn from the sacrificial love that he would have shown, that we should love our country sacrificially, not unto death, of course, but giving up for a greater good?

Mr. Vice-President, Good Friday is not the end because Christians then celebrate Easter Sunday, the day that Christ was raised from the dead. The belief is that again, for those who believe in him will have eternal life, new life, good over evil, light over darkness, hope over hopelessness. Oh, how we as a nation can do with some of that hope.

Mr. Vice-President, it would be remiss of me coming from Buccoo Point in Tobago, the place where the mecca of Easter is celebrated not just for the great celebration of goat and crab race, but for the celebration of life.

So, on behalf of myself, the Independent Senators, I want to wish you, Mr. Vice-President, and all Members of this House and the members of the nation of Trinidad and Tobago, Happy Easter, happy resurrection season and please visit us in Tobago. Thank you

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

Mr. Vice-President: Hon. Senators, I would like to join with those who have spoken before me in bringing a short greeting to members of the Christian community and the nation on the celebration of Easter 2024. Easter is one of the main holidays celebrated by Christians all over the world since this holiday marks a joyful end to the Lenten season of fasting and repentance. The celebration of the resurrection of Jesus Christ is of utmost importance to all Christians since his death is an embodiment of sacrifice, hope, and the renewal of life. As we enter and are in this Holy Week, may this sacrifice be a reminder to us all of how blessed we all are.

I, therefore, take this opportunity on behalf of the Parliament of the Republic of Trinidad and Tobago to extend to the Christian community and all of Trinidad and Tobago a happy and holy Easter 2024.

I will now invite Members on all Benches to make contributions of greetings for Eid-ul-Fitr celebrations, which is to be held on April 10th this year.

Eid-ul-Fitr Greetings

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. The Hon. Hassel Bacchus.

Hon. Senators: [*Desk thumping*]

The Minister of Digital Transformation (Sen. The Hon. Hassel Bacchus): Thank you, Mr. Vice-President, for the opportunity to bring Eid-ul-Fitr greetings in this honorable House to the Islamic community, both at home and abroad, and to all the citizens of our beloved country. Eid-ul-Fitr is the culmination of Ramadan and stands as a testament to the unwavering dedication and spiritual growth of Muslims around the world. It is a time for jubilation, reflection, and unity, marking the end of a month-long journey of fasting, prayer, and self-discipline.

As we gather our loved ones to celebrate Eid, let us not forget the timeless values of Islam that guide us in our daily lives. Let us as parents and leaders, impart upon our children the importance of compassion, humility, and empathy towards all members of society. The five pillars of Islam provide us with a framework for spiritual development and moral conduct through faith, prayer, charity, fasting, and pilgrimage, we strengthen our bond with the divine and cultivate a sense of responsibility towards our fellow human beings.

In the spirit of Eid, let us extend a helping hand to those in need embodying the principles of charity and solidarity that lie at the heart of Islam. Together let us build a society founded on justice, compassion, and mutual respect. I pray for Almighty Allah, most dignified and most high, continued guidance and protection upon our Government and our citizens in our beloved twin island paradise. May he continue to bless us with good health, long life to seek the reward through his good deeds. Accept our fast and grant ease to all our brothers and sisters who are facing difficulties and hardships.

On behalf of the Government of Trinidad and Tobago, I take this opportunity to wish my Muslim brothers and sisters at home and abroad Eid Mubarak. May this Eid bring joy, peace and prosperity to you and your families. Mr. Vice-President, thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. David Nakhid.

Hon. Senators: [*Desk thumping*]

Sen. David Nakhid: In the name of God, most gracious, most merciful. I bring greetings on behalf of the United National Congress to the entire Islamic community of Trinidad and Tobago, by extension the people of Trinidad and Tobago, our Islamic community and in the diaspora of our suffering brothers and

sisters in Palestine. So I give greetings to Almighty Allah in the words of our holy book [*Arabic spoken*] and it means:

In the name of God most gracious, most merciful all praise belongs to Allah. Who none witnessed when he fashioned the heavens and the earth and who took no helper when he created the spirits. He has no associate in divinity, and no support in unity, tongues fall silent before the limits of describing him, intellects fail before the core of knowing him, and all tyrants fall low due to his mightiness, and may his blessings be upon his messenger, his servant and his distinguished family and most pure companions in this blessed month that Almighty God exalted and magnified. And he did this by making what is normally lawful in us in other months and days, he made it unlawful in this month, and in these days so we could experience the pangs of hunger, the dryness of thirst, as an encouragement to empathy, and an inspiration to action.

For those made hungry, those in mankind made hungry and thirsty, by the stringencies and bondage of oppression. For in our book, Almighty Allah said in his holy book:

Oh, ye who believe be thou with the oppressed and be not with the oppressors and even this month of reflection and serenity we ready our minds, our bodies, our spirits for the greatest jihad, which is the struggle, the triumph of self over the soul, for surely, the soul commands to evil, except as my Lord had mercy. We strive to serve Almighty God completely, seeking his pleasure though the believers may be averse.

Oh, brothers and sisters, this month stood among us in a standing place of praise, accompanying us with the companionship of one approved and profited us with the most excellent profit of the world's creatures. Then this month parted from us at the completion of its time, the end of its term, and the fulfillment of its number.

So, as we bid farewell to this month, with a farewell of one whose parting pains us, whose leaving fills us with gloom and loneliness, we say peace be upon thee, the greatest month of God, the festival of his friends, the best of months in days and hours where hearts became tender, and sins became few. How intensely we will crave for your return, and the blessings that depart with you, now and available to us. We await your return as a mother and father await the return of a prodigal son. So, we bid farewell to thee, Oh, blessed month as we welcome Eid-ul-Fitr. We bid farewell in the eternal words that Almighty God addressed his chosen prophets: *Assalamu alaikum* [Arabic spoken]. Go with peace, the month of Ramadan, and return with peace the month of Ramadan, and I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Sunity Maharaj

Hon. Senators: [*Desk thumping*]

Sen. Sunity Maharaj: Thank you, Mr. Vice-President, for allowing me to bring greetings to my Muslim sisters and brothers on the impending occasion of Eid-ul-Fitr. *Assalamu alaikum*. Peace be unto you and yours. The Muslim community as we all know is currently observing the month of Ramadan, a period of abstinence from all material pleasures. It is also a period of reflection, of prayer, of self-centering and in this period of abstinence, especially of food, we get the merest hint of the hunger of others.

7.20 p.m.

In this period of abstinence, especially of food, we get the merest hint of the hunger of others, the deprivation for 12 hours of food and water. We might just imagine what millions are going through with no prospect of food, having had that experience for months. I refer specifically to the people of Palestine and the people of Sudan and Haiti, and among us. It is hard to talk about the feast of

Ramadan in this period.

So as we approach that day of Eid, I recommend to you, I commend you that the principle of zakat, of the sharing of what you have—[*Senator becomes emotional*] Eid Mubarak.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Thank you, Member, for that heartfelt greetings. Assalaamu Alaikum. Hon. Senators, it is my privilege to join with those who have spoken before me in bringing greetings to the members of the Muslim community and the citizens of Trinidad and Tobago on the occasion of Eid-ul-Fitr.

It is weird for me to give this greeting because Eid is of 15 days away and we are in the heart of the month. It is a month which is considered one of the holiest months in the calendar of the Muslim calendar, the other months being that of Dhul Hijjah which is when we make the pilgrimage to Mecca. In this month, we experience a level of personal abstinence and asceticism that allows us to feel the pinch and the pain of what is amongst us that we do not see, but what we must feel. My heart connects with Sen. Maharaj in all the places that she may have called out, as it applies to individuals and human beings to feel that empathy and physical pain and to understand what it is to go without.

The truest blessing from Ramadan is to attain—and the biggest goal in the month of Ramadan is to attain taqwa. Taqwa is God consciousness. If it is we all seek to become truly conscious of God around us in every single day and in every single way that we approach our lives, our nation and our community and our world as a whole will bear no evil. It is to walk, talk, pray, eat, share and move as if God sees us in every single thing that we do. If it is we recognize that power that is over our heads, we may be able to achieve a greater level of humanity.

I commend the Muslim brothers and sisters, and I give reverence to their

current plight and the current situation, that it is not a plight of hardship, but it is a plight of joy, for we sacrifice for the attainment of the goal of becoming a higher connection with God.

The Muslim community, albeit 10 to 12 per cent of this land, has made and indelible contribution to the society that we live in, and I would like to extend, on behalf of the Parliament, on behalf of myself, my family, pending Eid ul-Fitr greetings and may the remaining of the holy month of Ramadan be observed and may we as a nation and a society benefit from the lessons of the holy month of Ramadan.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.24 p.m.