

SENATE

Monday, April 22, 2024

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

**PAPER**

Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Accreditation Council of Trinidad and Tobago for the financial year ended September 30, 2013. [*The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne)*]

URGENT QUESTIONS**Parents of NICU Babies
(Representative on Investigation Team)**

Sen. Wade Mark: Thank you, Mr. President. Thank you. To the Minister of Health: Have the parents of the babies who died at the Neonatal Intensive Care Unit (NICU) been given permission to have their own representative on the investigation team?

Mr. President: Minister of Health.

Hon. Senators: [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Thank you. Thank you very much, Mr. President. Good afternoon to you and to all in this honourable Chamber. Mr. President, may I once again express my heartfelt condolences to the parents and families of these children—of these babies. It is really a difficult time for all of us. To specifically answer the question, I can say that I have been advised that the internal investigation is proceeding as per established practice. I

am further advised, Mr. President, that there is no room for external participation. Thank you.

Sen. Mark: Mr. President, having regard to the sympathy expressed by the hon. Minister and the pain being felt by the parents, would the Minister agree with me that there is need for some degree of reconsideration of the existing status quo to allow parents to have their own representatives on this particular investigation?

Hon. T. Deyalsingh: Mr. President, I could simply repeat the answer. I am advised that the internal investigation is proceeding as per established practice. I am further advised that there is no room for external participation. Thank you very much, Sir.

Sen. Mark: Can I ask, through you, Mr. President, if the Minister could indicate what is the standard practice?

Hon. T. Deyalsingh: That the internal investigations proceed as the name implies, “internal”. Thank you very much, Sir.

Mr. President: Sen. Mark.

**Point Fortin Fire Station
(Contingencies to Treat with Emergencies)**

Sen. Wade Mark: Thank you, Mr. President. To the Minister of National Security: Given concerns raised by the President of the Fire Service Association that the Point Fortin Fire Station scheduled to open on April 23, 2024 is without essential firefighting equipment, what contingencies are in place to treat with emergencies?

Mr. President: Minister of National Security.

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you, Mr. President. Mr. President, when persons, especially agents, of officials of the State

go out into the public domain and issue reckless, unfounded and therefore, irresponsible comments, when there appear to derive warped pleasure from spreading bad tidings, rumour-mongering, it traumatizes the society. It leaves people to feel unprotected and vulnerable, quite unnecessarily. Obviously, the Senator is as well traumatized, he is here speaking about contingencies. We open the station tomorrow and rather than celebrating in Trinidad and Tobago, we are here talking about something that does not exist. I give the assurance—well, the old people will describe that as being a bit previous. But I give the assurance that tomorrow the station would be opened, and all of the fears and unfounded misgivings of the Senator and those who inspired him will be laid to rest.

Hon. Senators: [*Desk thumping*]

Sen. Mark: Can the Minister indicate whether the President of the Fire Services Association is, in fact, generating and spreading false propaganda as it relates to his statement, which was publicly recorded in the newspapers, on the matter of the absence at the material time of firefighting equipment and apparatus at the Point Fortin Fire Station?

Mr. President: Minister.

Hon. F. Hinds: The individual to whom the Senator made reference is not here to defend himself. We are here in the Parliament and I am dealing with a question from the Senator. He allowed himself to be misguided, as I have described it, disgruntled, crotchety and complaining about something that does not exist.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: Go on to the next question or this—a next—

Mr. President: [*Inaudible*]

Sen. Mark: Okay.

Mr. President: [*Inaudible*]

Sen. Mark: No, supplemental.

Mr. President: You have one more supplemental.

Sen. Mark: One more supplemental?

Mr. President: Yes.

Sen. Mark: One more?

Mr. President: Yes.

Sen. Mark: Can I ask the Minister to confirm or deny whether his Ministry is in a position to state whether the appropriate firefighting equipment and apparatus will be present when the fire service station opens sometime later on this week?

Mr. President: Minister.

Hon. F. Hinds: As I indicated earlier, Mr. President, the Senator was being previous. He must wait. He should drink his porridge cool. Sip it. The opening is imminent, in fact, tomorrow, and I give the assurance that his unfounded fears, his frothing would all be laid to rest tomorrow. Let him be patient. Thank you.

Mr. President: Sen. Lyder.

**Sangre Grande Regional Corporation Councillors
(Eviction of Councillors)**

Sen. Damien Lyder: Thank you, Mr. President. To the hon. Minister of Rural Development and Local Government: In light of the eviction of several Councillors of the Sangre Grande Regional Corporation owing to the non-payment of rent due to the absence of timely releases, what provision has been made to ensure Councillors can continue to serve the public?

Mr. President: Minister.

Hon. Senators: [*Desk thumping*]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you. I thank the hon. Senator for the question. It is a rather

unfortunate situation because the question is put: What arrangements/provisions can be made to ensure councillors can continue? Unfortunately, management is the answer. The corporation sits on over \$1 million of unspent balances. The corporation has received 48 per cent of its annual allocation releases—

Hon. Senator: Nah!

Hon. F. Al-Rawi:—has requested its other 52 per cent. It is well stocked with money. Management is critical. At a retreat of all CEOs, including the CEO of this corporation, up to Friday of this week, not a single request or urgency flag was put up in respect of this matter, and one can well imagine that when you are sitting on almost a million dollars of unspent moneys. So, Mr. President, perhaps my learned friend is flagging the difficulties in the corporation as run by his own party. That is all I can say.

Sen. Lyder: Thank you, Mr. President. Mr. President, given that I am in possession of a letter—because the Minister indicated no one voiced anything. Given that I am in possession of a letter dated January 2024, from the Sangre Grande Regional Corporation requesting the releases, can the Minister indicate if he is aware of this letter that was sent from the Sangre Grande Regional Corporation to his Ministry requesting releases specifically for rent?

Hon. F. Al-Rawi: Mr. President, there is a word, “patchwork”. When you seek to patch things together in an unspecified grounding, you end up with a submission like that. Mr. President, I can tell you that releases were made up to the 8th of April, 2024, with respect to expenditure for the month of April. It is documented in the Standing Finance Committee and in the budgetary cycle that we told all corporations that we would have to apply the utilization of virement and moneys moving from Head to Head this year. All other corporations have done this. If councillors have been put out of their offices by the failings of their establishment,

it really says a lot because there are multiple methods to meet expenditure, including the utilization of unspent balances, virements and requests for urgency. Up to this Friday, unlike that corporation, Chaguanas had reached out for provision of sand and materials, et cetera, which the Ministry went to work on. So I am really quite surprised. In fact, the only request that was received that was urgent from the Sangre Grande corporation was the request for a luxury vehicle for its Chairman.

Hon. Senator: [*Interruption*]

Dr. Browne: “Oh nooo”.

Mr. President: Hon. Senators, the time for Urgent Questions has expired.

ORAL ANSWERS TO QUESTIONS

Mr. President: Leader of Government Business.

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, I am pleased to indicate—normally I would go through the questions on the Order Paper for oral response: Question No. 90, Question No. 91, Question No. 93, Question No. 94, Question No. 61, Question No. 62, Question No. 63, Question No. 95. The Government is in a position to answer Question No. 90 to the Minister of Education, Question No. 91 to the Minister of Planning and Development, Question No. 61 to the Minister of Finance, Question No. 62 to the Minister of Labour. The other questions, as indicated, we request a deferral of one day.

The following questions stood on the Order Paper:

FULs Approved/Granted to Private Security Companies (Details of)

- 93.** With regard to Firearms Users Licences (FULs) approved/granted to private security companies in Trinidad and Tobago as at December 31, 2023, can the hon. Minister of National Security provide a breakdown of the following:
- (i) the total number of active FULs granted to said companies; and
 - (ii) the ten (10) private security companies with the largest total numbers of active FULs? [*Sen. Dr. P. Richards*]

**Firearm User's Licences
(Number of Active Users)**

- 94.** Can the hon. Minister of National Security provide the number of active Firearms Users Licences held by the following:
- (i) business owners (excluding private security company owners); and
 - (ii) other private citizens? [*Sen. Dr. P. Richards*]

**Contract Killings by Prisoners
(Measures Taken to Address)**

- 63.** In light of January 2024 reports of approximately 20 contract killings being ordered by prisoners, can the hon. Minister of National Security indicate what measures are being taken to address this situation and its impact on the wider justice system? [*Sen. W. Mark*]

**FULs Approved/Granted to Private Citizens
(Details of)**

- 95.** With regard to Firearms Users Licences (FULs) approved/granted to private citizens for each year during the period 2018 – 2023, can the hon. Minister of National Security provide the following:
- (i) the numbers of FUL applications made; and
 - (ii) the number of FULs approved/granted for each year during the period 2018 – 2023? [*Sen. Dr. P. Richards*]

Questions, by leave, deferred.

**Student Support Services Division
(Details of Assessment of Students)**

90. Sen. Dr. Sharda Patasar asked the hon. Minister of Education: With regard to the assessment of students within the Student Support Services Division, can the Minister advise as to the following:

- (i) whether there is a programme for the assessment of students with communication disorders;
- (ii) when assessed, does the Division provide access to speech and language therapists for treatment of these disorders; and
- (iii) who is responsible for the cost of these services?

Mr. President: Minister in the Ministry of Education.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Education (Hon. Lisa Morris-Julian): Mr. President, there is a well-established process for the assessment of students who have suspected characteristics of a special education need or disability, inclusive of communication disorders. All referred students are screened for the presence of any disorder or disability. The initial intervention is provided by special education officers to support students in any area of deficit through the provision of alternative intervention strategies.

Referred students who are identified for a comprehensive assessment are assigned to the psychologist of the Developmental Assessment Intervention Unit of the Student Support Services Division. Students are referred for speech and language assessment when it is determined that they need additional testing to either confirm or rule out the existence of a communication issue. Mr. President, the Ministry of Education outsources speech and language therapy services for

those students who have been assessed as having a communication disorder, and the Ministry of Education meets the cost of these services offered.

1.45 p.m.

Sen. Dr. Patasar: Are there specific guidelines that the schools use to assess the speech and language?

Hon. L. Morris-Julian: Mr. President, I do not have that information before me but I will be willing to—I will look forward to maybe providing it in the future.

Mr. President: Sen. Dr. Patasar, you have another supplemental?

Sen. Dr. Patasar: That is it. Just question No. 91 to the Minister of Planning and Development.

Transition of Central Statistical Office (Status of)

91. Senator Dr. Sharda Patasar the Minister of Planning and Development:
Can the Minister provide the proposed timeline for the transition of the Central Statistical Office to the National Statistical Institute of Trinidad and Tobago and the status of this transition?

Mr. President: Minister of Planning and Development.

Hon. Senators: [*Desk thumping*]

The Minister of Planning and Development (Hon. Penelope Beckles):

Thank you very much. Thank you very much, Mr. President. The National Statistical Institute of Trinidad and Tobago (NSITT) Bill is currently before Cabinet for approval. The clauses related to access to private and personal data, which invoked special majority requirements, have been revised to make them more proportionate in terms of balancing the rights of the public interest versus the individual right, thus removing the special majority requirement. Upon Cabinet approval the Bill will be referred to Parliament for introduction and debate. This is

expected to occur this year in 2024.

Mr. President: Sen. Dr. Patasar.

Sen. Dr. Patasar: Yes. Can the Minister advise what are the measures that would be implemented to ensure that the new institute operates with integrity and independence?

Mr. President: Minister.

Hon. P. Beckles: Well your question assumes or you are saying that the present CSO operates without integrity. So, Mr. President, I do not think that I can properly answer that question because I do not support that.

Mr. President: Sen. Dr. Patasar.

Sen. Dr. Patasar: That is it. Thank you.

Mr. President: That is it? Sen. Mark.

**National Gas Company
(Dividends Paid to T&T Government)**

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

Can the Minister provide the total dividends paid by the National Gas Company to the Government of Trinidad and Tobago for each year during the period 2018 to 2023?

Mr. President: Minister of Finance.

Hon. Senators: [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Mr. President, the National Gas Company paid the Government a total of \$2,126,789,101 for the period in question. The breakdown is as follows: In fiscal 2018, \$664,619,327; in fiscal 2019, \$192,940,990; in fiscal 2020, \$109,930,015; in 2021, \$109,705,282; in 2022, \$529,749,625; in 2023, \$519,843,862.

To place this data into perspective, Mr. President, it is noteworthy that during the

six-year period, 2010-2015, in the main under the UNC, the National Gas Company paid the Government a total of \$13,785,709,500 as follows: In 2010, \$350 million; in 2011, \$350 million; in 2012, \$965 million; in 2013, \$1.5 billion; in 2014, \$4.85 billion and in 2015, \$5.77 billion.

Mr. President: Sen. Mark.

**Paria Fuel Trading Company
(Proceedings Initiated in the Industrial Court)**

62. Sen. Wade Mark asked the hon. Minister of Labour:

Can the Minister advise whether any proceedings, in accordance with the Occupational Safety and Health Act, have been initiated in the Industrial Court against the Paria Fuel Trading Company based on the report of the Commission of Enquiry on the February 2022 Paria diving tragedy?

Mr. President: Minister of Labour.

Hon. Senators: [*Desk thumping*]

The Minister of Labour (Hon. Stephen Mc Clashie): Mr. President, the Occupational Safety and Health Act, Chap. 88:08 empowers the Occupational Safety and Health Agency to enforce its provisions and to initiate proceedings before the Industrial Court of Trinidad and Tobago against industrial establishment for safety and health offences. Section 83(1) of the OSH Act states and I read:

“...where a person contravenes a provision of this Act or any Regulations made thereunder or fails to comply with any duty, prohibition, restriction, instruction or directive issued under this Act or any such Regulations, he commits a safety and health offence and is subject to the jurisdiction of the Industrial Court unless otherwise specified.”

Additionally, Mr. President, section 91 of the OSH Act identifies the procedure for prosecution for such safety and health offences.

It is within this legal framework, Mr. President, that following the OSH Agency's in-depth investigation into the fatal accident that occurred on February 25th, 2022, at the Paria Fuel Trading Company facilities, the agency in exercising its powers under the OSH Act initiated legal proceedings for safety and health offences at the Industrial Court on December 13th, 2023. These legal proceedings were initiated prior on the publication of the report of the Commission of Enquiry on the Paria Diving Tragedy which was laid in Parliament on January 19th, 2024, and are independent of the findings of that report.

Mr. President, it should further be noted that the OSH Act makes specific stipulations relative to commissions of enquiry or inquest regarding prosecution. Section 91(1) states that where breaches of the OSH Act is detected that:

“...summary proceedings against the persons liable to be proceeded against in respect of such non-compliance”—over which the Magistrate Court has jurisdictions—“may be commenced...”

As such proceedings have commenced in the San Fernando Magistrates' Court as of April 02.

Mr. President, the OSH agency is committed to effectively carrying out its mandate which include the prosecution of safety and health offences in accordance with the OSH Act, as well as promoting compliance with the provisions of this Act with the aim of protecting the safety and health of all workers in Trinidad and Tobago. I thank you, Mr. President.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, can I ask the hon. Minister whether in light of the actions taken and as outlined by the hon. Minister, whether the OSH authorities have taken any action to oversee and monitor safety standards and measures subsequent to the tragedy that occurred in February 2023, I think, or 2022. I am not

too sure. In February.

Mr. President: Minister.

Hon. S. Mc Clashie: Mr. President, the OSH authority will always and will continue to look after the interest of our workers in Trinidad and Tobago. We have very competent examiners, inspectors and professionals within the OSH authority that I am confident will in fact ensure and continue to ensure that all safety and health issues are dealt with expeditiously.

Sen. Mark: Mr. President, may I ask the hon. Minister whether he is aware that subsequent to the accident that took place, whether the company has established certain protocols and safety procedures that the hon. Minister is aware of through the occupational health and safety authorities, Mr. President?

Mr. President: Minister.

Hon. S. Mc Clashie: I have no such information, Mr. President. It may well be in OSH, but the specific question is whether it has crossed my desk and that answer would be no, at this time.

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

[Second Day]

Order read for resuming adjourned debate on question [March 26, 2024]:

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.

Question again proposed.

Mr. President: Those who spoke on the last occasion would be Sen. Anthony Vieira, SC, mover of the Motion; Sen. The Hon. Reginald Armour, SC, Attorney

General and Minister of Legal Affairs; Sen. Wade Mark; Sen. Deeroop Teemal; Sen. The Hon. Dr. Amery Browne, Minister of Foreign and CARICOM Affairs; Sen. Dr. Tim Gopeesingh and Sen. Dr. Paul Richards.

Hon. Senators on the last occasion, Tuesday March, 26th, 2024, as I indicated there were seven speakers on this Motion. Sen. Dr. Richards utilized 30 minutes of his speaking time and therefore has 10 minutes remaining.

Sen. Dr. Paul Richards: Thank you.

Hon. Senators: [*Desk thumping*]

Sen. Dr. P. Richards: I have the unfortunate task of continuing from a month ago, which will leave quite a few people lost, so all I can do with 10 minutes is do a recap through the honourable Chair and make a few closing remarks continuing. I want to put on the record again my unconditional support and commendation to Sen. VieiraSC for bringing this what I consider a very important Motion on the issues related to Commissions of Enquiry in Trinidad and Tobago, their effectiveness and his call for:

“...the Government to review the Commissions of Enquiry Act, Chap. 19:01 and the public inquiry process in Trinidad and Tobago with a view of effecting comprehensive reform of the Act and thereby improving the efficiency and effectiveness of the public inquiry process”—in Trinidad and Tobago.

I think it is timely as I would have indicated when I started my contribution before, that there are many issues that have come up in terms of the objectives of commissions of enquiry and public enquiries generally, not only in Trinidad and Tobago, but around the world, including being fact-finding missions in situations where there is quite a bit of conflicting information and in some instances when it

becomes highly politicized.

A very important objective also that has come up, not only in Trinidad and Tobago is the appeasement of public disquiet and the volatility of emotions to what a particular issue. We just had, of course, the very emotional Paria diving enquiry which was a very emotional exercise not only for the persons who would have taken part, Mr. Christopher Boodram, the lone survivor in those divers who went in and four of whom did not come out alive, but certainly for the wider population who viewed it being broadcast on television riveted to the information coming out very disturbing information and very emotionally triggering information.

Also, in terms of understanding whether or not particular projects in the country have gotten value for money are under the rubric of transparency and accountability. We have had so many enquiries and I could just go through just a few. I just spoke about Paria; the CL Financial; the UFF Commission of Enquiry into the Construction Sector; the Piarco Airport enquiry; the Las Alturas Towers enquiry; the Solomon Hochoy Highway; the Oil Industry 1963 to 1964; Elections and Boundaries Commission, 2002; public health care enquiry, 2004, and aspects of the tenure of building among a plethora of other enquires, the cost of which on my last count and I have not counted all ran to just about \$800 million to the people of Trinidad and Tobago.

So the question arises of course, does the population feel that they are getting value for money? If they have a particular perspective on what the outcomes should be, what the objectives are regarding these commissions of enquiry and if when one thinks about it the Commission of Enquiry Act and the processes, I think Sen. Vieira very intelligently put in the public enquiry process

and not only the Act as part of his recital, because the process may need to also change in addition to us reviewing the Act.

2.00 p.m.

Also, one of the important aspects of this is—and we should not understate this at all—the population going through a debriefing process, a therapeutic or cathartic process, while this is going on in highly emotive issues like the Paria diving enquiry, and also for the public to get a sense of justice and transparency in the issues being distilled in the public enquiry. And very often—and the population to be very frank is becoming in many sectors quite jaded, quite disillusioned as to whether or not these public enquiries—it has actually become somewhat of a laughing stock in some quarters because the public says, “Well, that is just another commission of enquiry”.

As a matter of fact, there is a call now for a commission of enquiry into the unfortunate tragic deaths of the babies at the neonatal unit. I do not know whether or not that is a productive enterprise because it is a highly emotive issue where babies are passed away. And very often these calls come not because people feel they are going to get a sense of what they consider justice, but because the population is so confused by what happens and they want information as to what happened, how it happened—

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

Sen. Dr. P. Richards: Thank you very much, Mr. President—and what we can learn because that is a very—another important aspect of these public enquiries, what we can learn as a country, what went wrong, what went right, and what we

can do better in the future as we evolve our systems and processes in Trinidad and Tobago.

Now, there are many issues that have arisen with public enquiries because they are a global feature not only in Trinidad and Tobago, and one of the main issues—and I think that is where Sen. Vieira's enquiry is very, very important, or Motion is very important—is the issue of whether or not the same standard of proof applies in these public enquiries as one would expect in a court of law, either in the civil or the criminal arena, and very often they are conflicting with some information as to whether the evidence proffered is admissible in court or not. If it may compromise a future case because of the public information going out about it, not under the rubric of all the strictures of the criminal justice system in Trinidad and Tobago, if one has grounds to believe the persons who are giving testimony if they feel for whatever reason they are bound by strict truths and swearing on telling the truth—and also as I said before, the admissibility of evidence and the potential because this is happening in other jurisdictions.

When an enquiry is broadcast there is no taking it back, and very often statements are made that are very damaging for the reputations of people, which has happened in Trinidad and Tobago, individuals, groups of people and/or companies, commercial entities which cannot be taken back which there is no recourse for. I think there was the one, the Scotland Yard report I think it is, which came out and reports coming out of many of the enquiries that name people and slander people and there is no recourse after that. Because very often, no matter what you do, information about your name goes out and Scotland Yard was a report, but I am talking about the general premise of those kinds of enquiries in

addition to commissions of enquiry. There is no recourse for people whose names maybe slandered or defamed in the course of evidence being given.

So while they serve very useful purposes in Trinidad and Tobago, I agree with Sen. Vieira that the time has come in Trinidad and Tobago to review the Act to see how we can strengthen the Act in the interest of accountability, transparency, giving those who feel they were aggrieved, and the wider population in Trinidad and Tobago, a sense of justice, though it may roll slowly, actually attainable in the interest of the people of Trinidad and Tobago and those who may feel aggrieved.

So I think that—and from what I have heard in the first debate on this or the initial debate on this, when Sen. Vieira moved and the Government responded, and the Opposition also I think put a speaker in, that it seems there is some general consensus and agreement that this is a worthwhile endeavour. We can only gain as a country through a revision of this Act and assessment of the Act, if it is fulfilling the objectives; if objectives are clearly stated when the Act was initially passed many decades ago; if as a society, our evolution as a society if the Act and the processes involved in the Act have kept pace with the needs of the society; and how we can improve the Act and the processes involved in commissions of enquiry, to serve, clearly outline purposes and objectives moving forward in Trinidad and Tobago so that we can learn from it.

The country can get some sort of cathartic effect from it and we get a sense that as a country, though we may make mistakes or mistakes may be made, or in some instances criminal acts may be committed, we can put systems in place, we can evolve our structures and our frameworks enough so that we can avoid as

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

much as possible, or minimize the potential occurrence of those situations in terms of the plethora of enquiries that have taken place in the country with very, very serious issues, very, very controversial issues which in many cases cost taxpayers millions and millions of dollars in addition to the 800/\$900 million that I have already had the opportunity to count regarding the commissions of enquiry themselves.

Very often the public says, “Well, the only people who gain from these because of the extent of disillusionment are attorneys and people who are involved and are paid for the commissions of enquiry”. But the public is generally asking now, “What do we the public get out of it”? “What is it in for us? How are we benefiting from this as a population?” And I think those are serious points of contemplation that need to go into any review of the present Act and whatever revision of the Act that may come out of this hopefully in terms of the clauses in the Act, to tighten it up to ensure that it serves the population of Trinidad and Tobago in the best possible way, and also as a result of that, the processes involved in starting a commission of enquiry, what triggers a commission of enquiry, what are the benchmarks for a commission of enquiry, because very often, as I have seen in the past—

[Mr. President stands]

Sen. Dr. P. Richards: Is it that I am done?

Mr. President: Time up, Sir.

Sen. Dr. P. Richards: Thank you very much. Thank you.

Hon. Senators: *[Desk thumping]*

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

Mr. President: Vice-President.

Sen. Dr. Muhammad Yunus Ibrahim: Thank you, Mr. President, for recognizing me in this debate. As the last speaker did suggest and did mention, it was Private Members' Day a month back that we debated this Motion, a very valid Motion brought by Sen. Anthony Vieira SC. Mr. President, it was a day I was sitting in that Chair for the day and what I witnessed that day was nothing short of amazing, and absolutely encouraging and heart-warming. It was an ideal day in the Senate whereby a private Motion was raised and all the three Benches at least had a level of consensus, and what was realized was that the system and the structure in which the Commission of Enquiries Act, Chap. 19:01, which I believe was drafted and passed back in 1892, having had a slight adjustment in the year of 1976, definitely needs a level of reform, maybe in adjustment, maybe in a radical look as to how Sen. Wade Mark had proposed based upon the independence of the bodies in Trinidad and Tobago.

However, allow me, since so much time has passed since then, I would just like to read a part of the Motion that Sen. Vieira brought forward:

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;

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;

I see it as a different concept, in a different light, because my concern for the nation of Trinidad and Tobago, we are already aware when we come to budgeting time, we speak about terms as wide as trickle-down economics, but my wider concern here is that if we continue on this path without seeking the betterment of the nation at hand, we will be facing a scenario which we will be snowballing to trickle-down lawlessness and trickle-down injustice.

The reality is that no Prime Minister, and no Cabinet, and no President has not done their job. The reality is that the framework in which it is allowed to exist needs amendment. We hear of figures being thrown around in the last four commissions of enquiry only, only, has amounted to over \$600 million in expenditure. We hear of the terms of value for money. Mr. President, the last speaker has mentioned that overall he believes it is closer to \$800-plus million. Sen. Deeroop Teemal in his contribution, in his delivery in this debate, he mentioned two mains things. He laboured over the cost and he laboured over the time. Albeit every enquiry has different scopes of works, the reality is that we need to reel it in.

Overall, we have had commissions of nquiry into the 1990 Coup, into the Clico HCU affair, we have had most recently to the unfortunate issue that happened in Paria, we have also had commissions of enquiry into the construction sector. But we have to understand why we need commissions of enquiry.

A commission of enquiry is not a political tool and it is not to be used to be taken away and to brush an issue under the carpet. A commission of enquiry, if it is we were to research since 1960 to now, the 69 commissions of enquiry that have occurred from our republican time, you would hear topics that need further

ventilation, topics that irk the society and its members. The Prime Minister and his Cabinet, understanding very well that there is public discourse on a matter, then and only then, seeing that, courts, the judiciary, and joint select committees only have a certain purview of investigative powers. A commission of enquiry allows the entire country and allows a wider ventilation of the issue at hand.

It is an important tool in our society. Trinidad and Tobago being a blessed society, a society that we feel up to this day, thank God, sectors of society feel the pinch and the pain of the suffering of others. We are not, Mr. President, a vacuous society where we do not care about our fellow citizen. We genuinely care and we genuinely seek justice, however if it is you raise the word “commission of enquiry” the public reacts, “a commission of enquiry, waste a time”. That is the line. The only people who benefit are the specialists, the specialized witnesses, the commissioners.

And then for the sake of time we have a scenario whereby every commission, albeit it is a new topic, have to start up from scratch without infrastructure, without provisions placed so that they can hit the ground running, even if it means at the very beginning they have to formulate their mission, they have to formulate their concerns and they have to formulate their line of questioning.

2.15 p.m.

A commission of enquiry goes wider because the questioning is actually inquisitive, as opposed to being pointed down upon, as opposed to being admonished for actions. However, the response—I must take into consideration the response of the Prime Minister of the Republic of Trinidad and Tobago in

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2016, where in response to the Commission of Enquiry into the CLICO—was it the CLICO? Yes, to Anthony David Colman's report, which was laid in the Lower House. This was the CLICO Commission of Enquiry, and this is to quote the Prime Minister. He states:

“The Commissioner made a number of recommendations with respect to legislation...or legislative amendments that the Government will study and consider adopting in short order.”

Areas in the Commission of Enquiry Act—“...with respect to the enforcement of evidential orders...the attendance of witnesses...”—in a commission of enquiry.

I quote:

“I have instructed the Ministry of the Attorney General and Legal Affairs to study these recommendations and to advise the Cabinet on an appropriate way forward...”—with respect to legislations to the appearance of—“...witnesses...the provision of documents in a more pragmatic and effective manner than currently exists.

They are probably necessary and cathartic, if only they can be executed in a reasonable time frame and more importantly...”—if persons can be—“...held to account and lessons learnt...for future benefit.”

Sen Vieira, this statement by the Prime Minister echoes, in essence, your Motion, and your Motion is timely.

The public needs to feel that although Lady Justice may be blindfolded, that justice is not blind and justice can be served. When we have to lament—when we lament and we listen to our friends and family, and even those who are not our friends and family, when you speak to a businessman or an individual who may

have lost a building or a business in the 1990 insurrection, or a family member, and then the horrible occurrence which happened in February 2023, the Paria incident—which we must state and it must be placed on record that the report is in the hands of the DPP and we await action.

And if it is we have to take any comfort in the speed of response, only today in the newspaper, the DPP pushed action on a recent event that happened in a Valsayn South home, so I am looking for responses as well from this. I am looking for actions from this as well. The country needs it. When we hear of a child dying, when we hear of children passing, when we hear of lives going, when we hear of businesses being eradicated, when we hear of health and safety issues, the question being is, yes, these are occurrences—the Minister of Labour was here just 20 minutes ago lamenting over the effectiveness and efficiency of the OSHA Inspectorate.

I come from private practice and I come from a business background, and in an environment where to serve the public, one has to have all their issues—checks and balances. You have to be compliant with fire, you have to be compliant, Mr. President, with health and safety, you have to be regulated. The citizens of this country must feel that when they go into public spaces of the Government and when it is that they are in the process of living within our country, that if anything untoward happens that brings the public cry, that there is recourse for justice; that there is recourse for justice.

Mr. President, Sen. Mark spoke about taking the models of the USA and Canada. The Attorney General took the recommendations and listened with open ears to Sen. Vieira's contribution. But if we were to take from our limited research, a local body back in 2013, the TTCIC, Trinidad and Tobago Chamber of

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Industry and Commerce, in 2013, did a retroactive study of—a research paper on commissions of enquiry from 1938 to 2013. And this is a great starting point because it points towards not even looking outside of our jurisdiction, whereby we have bodies, such as CEDA in the UK, but the 2013 report of the TTCIC had a look at three things. It also echoes what the Prime Minister stated in the Lower House. It also echoed what Sen. Vieira stated just about a month ago, and the three aspects that showed a certain level of weakness was, one, the provision to compel persons to appear.

We have had commissions of enquiry where 53, for example, members of the public were brought to give statements, and 33 to 32 came. That was in the CLICO. We have had the Commission of Enquiry into the 1990 coup and the main witness, the key person, the gentleman behind it all, refused to come and the Commissioner had no power. The Commissioner had no power to ensure the appearance of the individual and further to that, the Commissioner—they do not have the power of enforcement or the power to ensure that the actions of those can be brought to justice if justice is necessary.

The second aspect that the TTCIC, in 2013, raised was the exorbitant cost to the taxpayer. They named the coup, CL Financial and HCU commissions of enquiry. The both of them costed \$127 million. And up to this very day, not one person called in, not one person reprimanded, not one organization pulled in, questioned, interrogated, action taken. They also said that the Act is absolutely outdated and it needs reform.

Mr. President, I will be venturing into repetitive—in the Standing Order for tedious repetition if I were to go on about this again because it is not a debate whereby we need to rehash all that is said. It is one of those beautiful debates that

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happens once in a while. I have been here for about three short years and I have never experienced that level of comraderie and that level of agreeance upon all Benches. I can only hope that we can continue this debate seeing that it affects our citizenry. The Government, whoever it may be, needs to act to be able to reform this so that the citizens see the justice that they hope for. I support your Motion, just as how the Attorney General supported your Motion, and I thank you for giving me the time.

Hon. Senators: [*Desk thumping*]

2.25 p.m.

Mr. President: Sen. Lutchmedial-Ramdial.

Hon. Senators: [*Desk thumping*]

Sen. Jayanti Lutchmedial-Ramdial: Thank you, thank you, Mr. President, for the opportunity to contribute to this debate here today. As the speaker before me would have indicated we have a general consensus in terms of, we all agree that, you know, a review of the public enquiry process in order to improve efficiency and effectiveness is a worthy matter for our consideration, and it deserves our support. What that process will look like, and what we hope to achieve is, you know, a matter that we are here to give our respective views for consideration.

Mr. President, I will start off by saying, I think that all laws should be kept under constant review. And specifically when you have laws that have not been amended since 1976, but date back as far, as previous speaker said, 1892, definitely there is a lot of room for us to examine whether or not this piece of legislation really serves the intended purpose, whether it serves the needs of the society as we stand right now, and to really examine what the shortcomings are. Now, it is very easy—and I hear people make the comment all the time about the

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laws not being sufficient to deal with a problem, but sometimes we actually have things and mechanisms in place in the law, but it is the implementation where we fall short. And I will give you a very simple example.

Because the speaker before me spoke about being able to compel witnesses to attend, and that is one of—I think based on the last day's debate, I identified basically four broad areas that every speaker has kind of touched on to some degree or measure. And one of the main ones is the attendance of witnesses, cost, the suggestion being made that we should have some sort of a permanent secretariat, I think somebody mentioned whether the High Court has certain powers, and then, of course, we have all dealt with the implementation of recommendations.

Now, these things do not necessarily involve simply an amended Commissions of Enquiry Act, because those areas, some of them are covered, and some of them are really just mechanisms to monitor things as you go forward, and things that have to happen after the enquiry occurs. And some of these things you simply cannot legislate for. So, when we are considering as the Motion requires us to do to improve efficiency and effectiveness, it has to go beyond the scope of simply making amendments to the Commissions of Enquiry Act. And I will get back to the example, because like I said, sometimes we do not even know what we have and how to use it.

The previous speaker mentioned that in the Commissions of Enquiry into the 1990 Coup, that the main person at the centre of the enquiry could not be compelled, and that the commissioners had no power. That is not true, and I want to correct the public record. It may not be effective and it may not be efficient, but the fact is that proceedings under section 12 and 16 of the existing Commissions of

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Enquiry Act were initiated against Yasin Abu Bakr, they went unfortunately—and the shortcoming is here, they have to go through by way of summons to the Magistrates Court, that process started after the consent of the DPP was obtained, and they had reached the stage of a prima facie case being made out against Mr. Abu Bakr, and him being called to answer the case against him. Where is the shortcoming? And this might be a very good place to start if you want to look at legislative amendments, the shortcoming is that the penalty is something like \$2,000 for failing to attend as a witness.

So, it is not that the power is not there, it is that we have a power that was created in 19- or 1892, or somewhere around there that obviously does not serve us anymore. But the power is actually there. So, commissioners do have a certain amount of power. And this is a healthy debate, and I agree with everyone who has said so, this is a healthy debate because we can put forward suggestions, for improvement. And as I said a good place to start might be to increase the penalties, or when it comes to the attendance of witnesses and the production of information, because a lot of these enquiries are very document intense.

I instructed counsel on behalf of one of the agencies that participated in the CLICO Commission of Enquiry, and thankfully we had technology that allowed us to digitalize the bulk of those proceedings. But there were boxes, and boxes, and boxes of documents that came into that room every single day by various organizations and counsel. And at the end of the day, the amount of documents that have to be produced, and if people are not producing the relevant documents, and if the commissioner requires them to produce additional documents and they are not doing it, you really want commissions to have the power to compel those things.

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If you look just to the UK, we adopt, you know, so much of our legislation from them, and their 2005 Inquiry Act has for example, the power of the commissioners to issue a notice that requires someone to produce evidence including documents, and if they do not do it, it can go to the High Court. And all the enforcement powers of the High Court which are far superior than enforcement powers in a magistrates' court, when you proceed by way of summons to compel someone to attend, you want to be able to invoke those powers of the High Court. So, there are models that exist around the world, and I support the need for us to examine all of these different models and to find the best solution that can really serve us moving forward.

With respect to the suggestion of a permanent secretariat, and I think this will tie into the issue of cost, the issue of counsel and so on, I do not know that because enquiries by their very nature, they arise from time to time, you know, something will happen. Who could have contemplated that four men would have died in a pipeline and that we would have to have an enquiry? You know, there was no indication that something like that could have even possibly been on our horizon but the need arose. But to have a permanent secretariat is also very costly, because I know there is, you know, the need for space and then each enquiry has different requirements.

So, again, when you talk about the CLICO enquiry for example, they had like 13 or 15 parties or something like that, and each one of them with three and four lawyers. Sizing of the physical space for that hearing to take place was a huge challenge at that point in time. Whereas you might have other enquiries which can function in a smaller space, the composition of the secretariat and the administrative staff, usually these people are pulled from the public service,

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because they are experienced in the rules and the ways that things operate in the public service. But to set up a secretariat of persons who would be permanently employed to fulfil that role may be a bit challenging.

What I would say though and what I would support is if we have a revision of the Commissions of Enquiry Act, that some basic procedural rules be established. As rules, perhaps, they could be made by the Rules Committee of the Supreme Court. But procedural rules are generally when we are dealing with enquiries, they are generally produced at the beginning of the appointment of the commissioners, when they are given their terms of reference, they come up with their own procedural rules. And that has certain challenges, and I think a basic set of procedural rules would expedite the process of getting the commission off the ground. Because the first thing when there is a public outcry for an enquiry is that you have to come up with terms of reference. And after you come up with the terms of reference and you actually find the people to serve, competent people, people who have expertise and so on, and they are given their instruments of appointment, then they have a huge administrative task on their hand to come up with the procedural rules.

But there are some basic things and the jurisprudence that has developed over the years because of challenges and so on, would kind of give you an indication of the general procedural rules that you need to follow. So, for example, and I am sure Sen. Vieira is familiar with it, the use of the Salmon letter. That is something that arose out of litigation coming out of the UK and how we use it, when we use it, who makes those decisions, timeframes et cetera, perhaps those things could come into a procedural rules that could be, as I said, handled by the Rules Committee. They are accustomed with making procedural rules that govern

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civil litigation, now we have criminal litigations rules, procedural things, that would certainly expedite and minimize the cost associated with us having to start from scratch—so to speak—every time we have a commission of enquiry set up.

I spoke already about the inputs of the High Court, but I also think because commissions of enquiry have a certain criminal component in a lot of them, that we need to perhaps involve the Director of Public Prosecutions at a very early stage. One of the things that has led to a delay in the public publication of the CLICO report, and why it was not made public is that because it has been sent to the DPP. Now, a lot has been said about these commissions of enquiry and the cost, and the lawyers get beat up on because of their fees and so on, right. I want to say that commissions of enquiry are a lot of work but they do serve a purpose, they do serve a very important purpose. And one does not have to look further than statements made by no less than the Prime Minister about this particular report, even though it is has not yet been made public. But I want to quote from an article written on or published on July 27th, 2016, in the *Trinidad Express*, captioned:

“Cluco COE report will not be made public”

And even though the public has not yet had the opportunity to read this report, listen to what is said in this article quoting the Prime Minister:

“The Prime Minister also stated the report contained ‘a number of adverse findings of criminal conduct of a kleptocratic nature...’”

And he went on to say:

“...Having perused the report myself, I can advise the population that it contains very serious allegations of criminal misconduct on the part of a handful of privileged individuals who were associated with the CLICO/CLF

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Group of companies...”

Now, can we say that an enquiry—yes it probably cost a lot of money, it took a lot of time and so on—that has produced findings that would lead a Prime Minister to make these public statements, has no value? The problem lies in the fact that since 2016, nobody knows what has happened since the report was sent to the DPP'S office. The problem is not the enquiry, the problem is the follow-up. And that is why I started off by saying the amendments to the legislation, unless you give the Government or some—and which is really impossible to do—but give other public officials who have a duty to perform thereafter, unless you give them some sort of timeline or timeframe, I do not know that you can fix these issues by simply looking at changes to our legislation. But that brings me to my next suggestion.

I recently participated in one of our committees where we looked—I think it is Finance and Legal Affairs—at unproclaimed legislation. And we had a number of pieces of legislation where we only have partial or no proclamation at all. We called before us a number of government bodies, and we examined the challenges that they were having. I would like to suggest that perhaps, as parliamentarians and representatives of the people, elected or appointed, that a committee of Parliament, perhaps, be tasked with examining from as far back—we can go back to—there was a commission of enquiry into the administration of justice. I was in primary school when that particular—maybe high school—enquiry took place. And to date, if we go through the recommendations, and we call before a committee of the Parliament, all of the agencies tasked with implementing those recommendations, we may see just how short we are falling in terms of implementation of those recommendations.

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If we take the Las Alturas report, which has something like, you know, I think several recommendations, and we place those recommendations of that report as well as the Uff Commission Report into the construction sector. We place those reports in the hands of a committee of parliamentarians, perhaps, even we can call different experts to question them on different things. But we call the agencies of the State to whom those recommendations relate, like the HDC and ask them, how many of these recommendations they have implemented? That will give the public some satisfaction that they are getting as I have heard the phrase repeated over and over, “value for money”.

Because we have a situation right now that is eerily similar to the situation that was considered by the Las Alturas Commission of Enquiry, taking place in Trestrail where you have reports and engineering reports being made public, and the media is publishing the findings of those reports. And they have made their way into the public domain, where proper geotechnical surveys were not conducted. And so, you have a total wastage of public funds, you have contracts not being—

2.40 p.m.

One of the recommendations coming out of the Uff Commission of Enquiry Report was the use of standard contracts for the construction of houses. And that is to ensure that you have accountability from contractors and that you have a defects period that they can be forced to fix things, and so on. Now we are hearing that we have an almost identical situation taking place and they fired the contractor, and HDC has to find the money to do the corrections. So, that is where we do not get value for money.

We do not get value for money because there are reports produced after a lot of hard work by commissioners and lawyers, I daresay, that are sitting and collecting dust and nobody wants to take the responsibility to do it, and I say that we as parliamentarians should take the responsibility to call these bodies before us, as we have the power to do, and ask them to account. It could be a Standing Committee of the Parliament that can take reports one by one and go through them, and have follow-ups on an annual basis. Because a lot of these reports call for major overhauls. They call for massive changes. It cannot be done overnight.

The 1990 Commission of Enquiry, the Coup Enquiry, called for a whole set of major changes to be made in our national security apparatus, and that is an area where you have things being done, names being changed. We had something called a NOC. I think that was actually one of the reports. First it was called a NOC. It was called something else. It is called something else now, but the powers, the powers keep shifting. The intelligence, who gathers the intelligence? How they deal with the intelligence? Who reports to whom? We keep having changes, but are we any better off today?

We have a scandal playing out in the public domain now, dealing with the intelligence community, and people wondering if this is how we run national security in this country and whether we are vulnerable, again, as a country, due to shortcomings and a lack of, perhaps, I do not know. We do not know yet. But all of these things, if you measure them against the findings that come out of these reports, you would see why they are so critical. Because it is easy for things to go

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through the 14-day, I think—I do not know if it is a 10 or 14-day news cycle that we have in Trinidad right now. It might be getting shorter; it might be coming down to seven, where we forget. So, something blows up as a big controversy, a lot of propaganda plays out and we do not know.

But, should we not as a Parliament—we do not have to wait on a piece of legislation, we do not have to copy the UK legislation—although I think that there are good suggestions coming out of there—for us to do those things. There are practical things that we can do. And we must go back, when you have a scandal at the SSA or when you have a housing issue like Trestrail, when you have something in the financial sector where we are lacking oversight on the part of our regulators, we can go back to the 1990 Commission of Enquiry. We can go back to the Uff Commission. We can go back to Las Alturas. We can go back to Clico and Hindu Credit Union, and we can look at those recommendations and compare how those recommendations might have addressed issues going forward and we should be asking those hard questions here at the Parliament if we really want to make a difference and make commissions of enquiry very useful.

So, I want to say that another thing that I think would be useful to give the population some satisfaction is that when we give terms of reference on commissions of enquiry—and this could be included in the procedural rules that I have suggested, and so on—we should have interim reports. Because I know, again, from experience and from observing what has happened over a period of time, that even when hearings commence, those hearings sometimes take very

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long. I confess that the availability of attorneys who are juggling their work on the commission as well as their other commitments, sometimes affects those hearings.

So, again, procedural rules can treat with that. Because you should have a timeline, at least a general timeline, and you should have established sitting days and hours and those sorts of things. Because what you do not want to have—sometimes lawyers get briefed to participate in a commission of enquiry, but they are running their private practice. They keep asking for adjournments. That is not something unique to commissions of enquiry. That happens all the time, and it delays.

I was involved in a trial that lasted two years; two years, because there were a number of parties and different parties were available at different points in time. So, that is a challenge that even the High Court has and judges, of course, have discretion to give allowances, and so on. But when it comes to the commission of enquiry, because we are dealing with things that have created a sense of urgency on the part of the public to get answers and because they are generally broadcast now and heard in public, we should have fixed times to regulate the time that it takes to complete hearings.

Of course, you may have to—there are always unforeseen events that you may have to extend that time, and so on. And, of course, that discretion can lie with a commissioner, but you should also have a time or need, just like we do with our joint select committees. Do we not have to produce interim reports and say well, we have had this number of hearings and we have had—what we have done

so far, and how many persons have appeared, and what we propose to do, and why we are asking for an extension of time?

I think those interim reports would serve the country well. It would serve the overall administration and the management of costs. Because, of course, the longer something takes the more money is involved. You are continuing to pay rent for a secretariat's accommodation. You are continuing—the Government has to find space. If they do not have it, they would have to undertake to rent a space where the hearings are conducted, and I know those costs are exorbitant, sometimes because of the size of the space that you need. So, there are measures that you can do; again as I said, practical measures, put things in place procedurally that will minimize the cost.

I also think that, perhaps, Sen. Mark's suggestion of special counsel. I am a big fan of the American system—as I would mention in a lot of my contributions; the way that they do things across there—the reason being is that I think they always have their eye on two things. One is cost, which has been raised here, and so they utilize the established offices, so to speak, within their Federal governmental system as much as they can to minimize the cost of having to, as we say, brief external counsel, and so on. But apart from that, they have a very keen understanding of separation of powers and what it requires. So, you are not going to have handpicked attorneys by the Government of the day being appointed as counsel to a commission of enquiry in the United States system. They have that insulated independent office of special counsel.

And I highly recommend that whatever action is taken after this Motion is completed in this House today, I would highly recommend that whoever the powers that be, really consider something like that. Because, again, it would not be the feeding frenzy, as people have described for attorneys. You can address the cost issue and you would have—a lot of what happens in a commission of enquiry, happens on the advice of the counsel to the commission who are put there to advise the commissioners.

Not all of the commissioners are attorneys. We have had some very distinguished retired jurists, and so on, sit as commissioners. But some of them are—and again, if you have independent counsel advising them, then you could have more technical people and technocrats who may bring more value as commissioners than lawyers. There are lawyers generally because they understand procedure and how hearings should run, and so on. Retired jurists, they are the preference when it comes to commissioners, especially the chairman of a commission of enquiry. But I do not believe that the absence of technocrats is something that we should encourage, when it comes to commissions of enquiry. And if you have independent counsel to advise them, it might encourage more technocrats to step forward to serve as these commissioners.

So, those are my very brief comments that I wish to make. I would say that this Motion has a lot of merit in it. As with all pieces of legislation, constant review. That is why we have a Law Reform Commission, that they should always be looking at legislation. But this one in particular, because of the public concern

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over cost, time and the lack of implementation, it certainly is an area that we should have our public officers and those who are tasked with the responsibility of reviewing legislation, treat with as a matter of urgency.

There is no doubt, and I do not think there is any disagreement, that commissions of enquiry serve a very useful purpose; whether the public needs to just get information, whether it is fact-finding, whether it is some sort of catharsis that persons need to go through. But if we do not tackle the issue of implementation and accountability by the powers that be, for utilizing, no one can say today, no one has publicly said as of today, that any of the recommendations contained in the Uff Report, any of the recommendations contained in the 1990 Coup report, any of the recommendations in the Las Alturas report, that those things are incapable of being implemented. And if they are incapable of being implemented, the population should be told why.

And so, the most important thing that needs to come out of any review here, is some system of accountability by the State bodies who are named and who are involved in these enquiries. I would repeat my call, the Parliament and a committee of the Parliament may be the most appropriate forum for something like that to take place. So, I thank you for the opportunity to contribute, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Maharaj.

Sen. Sunity Maharaj: Thank you very much, Mr. President, for allowing me to join this very important debate. I think we can all thank Sen. Vieira for putting the

review on reform of the Commissions of Enquiry Act on the national agenda. It is overdue by over 100 years. Anything that could be over 122 years and just survive, must be flying under the radar. So, I completely support this Motion and would just like to add to it what I consider the building-out of the architecture of accountability and transparency and justice, which are things that were required to be in the transformation and reconstruction of the State as we entered Independence.

We somehow thought we could just take over from the British and continue as is. And in many ways the Commission of Enquiry Act mirrors the Royal Commissions of Inquiry that we used to have. So that something would flare up in Trinidad, mostly in Trinidad, and it would be quelled by an announcement that there would be a Royal Commission of Inquiry into that incident and the public would be pacified by that. And it would take about how many months for them to set sail on a steamship from London, the Lords, to come to Trinidad.

And by the time, as happens with the modern commissions of enquiry, by the time they arrive they select the people, they make the long journey from London, they arrive here; that matter has more or less, the energy has dissipated and they will do their enquiry; take the ship back, another month or two to get back; write a report; it would be a few years later and that matter would have long gone. And in very many ways, this is how the commissions of enquiry function now. There is a moment of great public anguish and anger, and it is quelled by an announcement, and then we go about establishing, finding the persons to conduct

the enquiry, finding the locations, finding the lawyers, whatever.

So, what we get at the end is often just the public's satisfaction of seeing the mighty fallen before our eyes, the humiliation of CEOs and various other persons of great authority, but not really the action that would follow wrongdoing. The justice is not there and we settle for something has been done to those fellas who have a lot of power, they have been cut down to size, but that is really not a functional way of governing a country.

What a commission of enquiry in my view ought to be, it ought to be at the apex of a system of ongoing enquiry in a governance system that is of a pyramid where at the bottom you have points of accountability from the lowest level, that at every level of the governance system, there are opportunities and requirements for accountability. So that many of these things or these issues that turn into public demand for a commission of enquiry could be satisfied if there was an architecture, an overall architecture of accountability that was transparent and that delivered justice. And when you get to that point where something warrants a commission of enquiry, it would have been that either at every point it failed or that it is just too big to have been handled at that point.

2.55 p.m.

We have to think, why have we not made that transition? Why have we not anchored a system of accountability, even at the front desk level where somebody goes and says—a member of the public goes and says, “I came to collect so and so today,” and they say to you, “It is not ready.” “But I was told to come today?” “It is not ready.” “Is there anybody I can talk to about this?” “No,” and you go back

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home. At the very most basic point where the public engages the Government or the public sector, there must be built in the public's right of explanations and of redress. At the other level, there should be an even higher—and it should go on that way.

If we were to design—if I were to ask anybody to draw a map, an accountability map of the public sector and identify where those points of accountability stand, and not just where they are, but the extent to which the public is aware of where they are and how they are to be used, we would have—we would see the deficiencies very, very clearly. And those persons are not there to defend the public sector or not, they are there to respond to the public's needs and they should be as anxious, as a lawyer for the member of the public, to see that service was delivered unless there is a reasonable excuse—there is a reasonable condition, in which case you explain that to the public. We are seeing far too many—there are so many issues of recent vintage that could, on any date, be turned into a cause, and a call, and demand for a commission of enquiry.

Sen. Richards talked about the issue involving the babies. That could become one. We had the Salaries Review Commission, it has already been stated that the whole methodology and the hiring of consultants did not deliver on the money spent. We do not know how much money but it did not deliver. Where is the accountability? Who is going to be held accountable for something that is a fiasco? Similarly, with the property tax thing, that the Minister had to reduce the payment from 3 to 2 per cent, something went wrong with the assessment. Who is being held accountable? What is the explanation? Right?

Hon. Senator: [*Interruption*]

Sen. S. Maharaj: Sorry?

Hon. Senator: [*Interruption*]

Sen. S. Maharaj: Okay. What is the—those are the things—there must be a structure and a system to account for things that affect the public, account for—accountability, transparency, and we must see coming out of that, that some action has been taken. It does not have to escalate to a commission of enquiry. It is built into the system, but that is—when we embrace a culture, what we should all be—to transition from a colony to an independent nation and a republic is a transition for taking responsibility for ourselves and delivering justice, and that requires a whole change that we have not yet begun to embrace. This is why we have continuous calls for constitutional reform. And we are not even asking the question yet, even in this current incarnation, what is the cause of the failure of each commission of—of each constitutional reform, whether it is a commission or committee? We need to start there before we start to try to prescribe again.

And I do not think that this is a fault to be ascribed to one or the other. I think we did approach independence with a certain amount of innocence and we thought it was easy, that it required just a change of leadership, and a flag, and an anthem, but a colony is a very different thing from an independent nation. It is top-down—the whole concept of how power is exercised is top-down. How do we transform the society into one that is governed from the ground up? And for this reason—this is one of the reasons, for example, that I think that the problem with the ineffectiveness of constitutional reform committees is that they are appointed by governments. I think the best the Government should do is to ask for interests—the broad section of interests to nominate persons and let people take hold of the process, see where we go with that. There are no great wise men or women that could just prescribe for a society.

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So I believe if we invest, if we begin to understand the challenge of independence, the challenge of self-responsibility, I believe—and we design architecture—governance architecture that locates accountability from the ground up, I believe the money that we are spending—the massive sums of money that we are spending in commissions of enquiry can be better deployed in sustainable points of accountability that are manned by human beings, but we have to reverse our view of the public. We have to see—power has to see itself as accountable to people. When they see themselves as accountable to people, they will acknowledge—it will acknowledge the right of people to ask questions and our responsibility to give them answers no matter how small their question is. There will be no privileged elite. There will really be a responsible elite, and that is what governance is.

Therefore, I am going to say to this—about this Motion, that it calls for reform and review to deliver a more efficient and effective public enquiry process. I want to stretch the term there, “public enquiry process” to mean the public’s need to enquire, to get answers at every level of governance. We cannot just have the media report that the DPP’s—\$55 million was spent for new offices for the DPP. We need to know who is—what happened there to take—get \$55 million? And I think it is still continuing, is it not? I do not know if the contract is ended. There must—do we need a commission of enquiry?

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

If we had the points of investigation, enquiry throughout and the independence—it has to be—the public sector has to have a culture where people have the right to do their jobs as independently and without fear of repercussions, without fear of being fired, sidelined, or whatever it is. We need people to have

the right to do their work properly because governments benefit when you do. It is the fear that if I do my job as it should be done, somebody might not like it, somebody might hear I am the problem, whatever.

So we need independence, we need the protection and I mean, things like whistle-blower legislation and so on are coming, but we need the protection of people in doing their job. All of it would benefit everybody. That will move up the chain. Governments will not have—to the extent that everything is the Government's fault, everything is the Prime Minister's fault. No. We will know along the chain something went wrong and somebody was held accountable. We need not be afraid of saying something went wrong. Right? So we need a reconstruction of the State and we need a reconstruction that anchors in each one of us the values and respect for accountability, and for our own—for us to be held accountable.

So, I think that is the contribution I would like to make to this debate. And again, I want to thank Sen. Vieira for putting this on the agenda. Thank you.

3.05 p.m.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Minister of Digital Transformation, Sen. Bacchus.

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

Thank you. Thank you, thank you, Mr. Vice-President, for the opportunity to contribute on what I think is a most important and timely debate. It is not often that as alluded to by some of my colleagues that we have this level of alignment in terms of wanting to do something. So I want to start by, through you, of course, extending my thanks and appreciation to Sen. Vieira for bringing this Motion and his extremely, lucid, and logical, and compelling case that he put forward in

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presenting this to us, and specifically, and I will quote what it is for the:

“...review...”—of—“...the Commissions of Enquiry Act, Chap. 19:01 and the public inquiry process in Trinidad and Tobago...”

So, I want to start with a disclaimer that unlike many of my colleagues in the House, I am not a lawyer, far from it. We have Senior Counsels and we even have as normal a lawyer, I am sure Sen. Mark will agree with me when I say I have heard him many times describe himself as a “bush lawyer”.

Hon. Senators: [*Laughter*]

Sen. H. Bacchus: So we have many, we have all. I am not even of the level of “bush lawyer”. So please take my contribution as one of that. Sen. Richards touched on some things, having said we started this debate a month ago, and that gave me the opportunity to ask some of my friends in different places what they thought about what was happening with public enquiries and commissions of enquiries and what did you expect out of it? And I think Sen. Richards hit on quite a number of those.

What I found is not that they did not like what they got; is that they expected something else. And I think that is part of the issue that we have. And in the study of marketing we run through that. So the way that it is handled in the technology way is that we create what we call a service catalog. What is a service catalogue? A service catalogue is really something that defines what a particular thing is supposed to do. But it also does something that is equally as important, it defines what it is not going to do. And I think as much as the terms of reference are spelt out and they are explained by the commissioners in the way they are and so on, the people who listen to this have already formed an opinion of what they want out of

it. Is either they want somebody to go to jail, they want to find out who it is; they want to find out why it happened. They want to find out—and the thing is, not all of that is accomplished depending on what the terms of reference on it is. So I want again to again say that it gave me that opportunity to do that.

I also got in listening to some of the previous—the recently previous contributions about the compositions, and I think, coming from the technical space, we find ourselves in that type of dilemma sometimes, in that a number of times the people that you have to put to sit as commissioners on this have to pass a screening test that is almost invisible. People have to look at them and consider the composition of it as being “legitimate”, using it in inverted commas. And legitimacy is sometimes in the eye of the beholder. Do you need a subject matter expert? Do you need an esteemed lawyer? Do you need a lawyer who was never involved in politics? Do you need one that is aligned with this cause? What do you really need? And so, the compositions go a long way towards determining how these things are read, even when the reports are done or even when they are not published.

Now, I am going to add—for purposes of being diverse, I am going to try to add some of my technical background to this problem. And you would have heard many conversations about this, saying that, if we want to get value out of something, or we want to change something, we want to transform something, we normally look at four key places. And that tried and tested rubric would be people, process, the legal pieces that we do here, of course, and the technology. And I think it represents that all cases a frameworks for analysis, and planning, and implementation of the things that we want to do, particularly if you are looking at them within specific timeframes.

So if we use that, I think it makes it simple, at least for us in the technology space to identify gaps, some of the fixes that you need, consider changes that you have to get with, its relevance and currency, et cetera, et cetera. And you do all of that in the context of those four areas of doing it. How people see it, what processes you have to change to adjust it. As Sen. Maharaj was talking about the fact that you may have to make changes to the way people work. Not just what they do but how they do what they do as well. All of those things have to be considered. And then, of course, what we do here in terms of the legislation itself. And lastly, of course, the use of technology in the employ of that.

We saw—and in part of the debate, we discussed a secretariat. And the word that made the secretariat somewhat unpalatable was the word “permanent.” And I think that is part of the problem that we have. In the modern world, you really do not build permanent strictures of anything. So what would a commission of enquiry need? Well, they handle a lot of documents, so you need a document management solution. You need a place to securely store them. You need a place to be able to retrieve them. You need a place so that if they need to be referenced you could find them. Yeah, but in the modern world, there is nothing permanent about that. That exists in cloud. You spin it up as you need, it could be 50 people in the enquiry, 10 people in the enquiry, one person in the enquiry. All you do is turn up the resource as you need it. “Yuh doh even pay for it when yuh not using it.”

It also gives you a place to put things of permanence because I will tell you, having tried to read some pieces of paper that I had in doing something recently, having had it sit in fluorescent light, I could not read it. And if Sen. Lutchmedial-Ramdial is correct, the tons of boxes of information that come in has

to be stored somewhere at some point. If you get those things into proper digital formats with the necessary security, with the pieces on top of it, they become something that you can have there for all time.

So the introduction of technology into it gives a level of flexibility, scalability, a level of permanence, a level of security that you do not have in just the general paper-based thing. And you will find that because it is pay as you use, et cetera, et cetera, that these things tend to be a lot more inexpensive than some of the things that we do now. So, the implementation of technology normally means that things can get a lot cheaper. So effectively, what I am talking about creating is an ecosystem for commissions of enquiry. That is really what I am talking about.

And the hon. Attorney General, when he put his contribution in, he mentioned a couple things specific to the nature of the enquiries, and he was talking about that they need to be inquisitorial and investigative by nature as opposed to somewhat of the adversarial nature of the court system. They need to be policy-driven and have a mandate, et cetera, et cetera. All of these things when I ran through it, and I listened, and when I reread what he said, I got it.

But Sen. Dr. Richards, in his contribution, talked about Justice Gomery of Canada, who emphasized three functions of an enquiry, in the 2006 lecture that he did in McGill University, and Sen. Dr. Richards permit me to steal a piece of it, but the three that he had was that the commissions were there to investigate, educate and inform. Now, all of those things mean different things to different people. And so, when we cast our net in terms of how we are going to do what we do, and in the considerations of some of the recommendations as for example that were made by multiple speakers before, we have to look at fulfilling those functions, if those are the key ones that we agree to, in ways that it spreads across all of society,

because the customers, as I defined it, the customers of commissions of enquiry are varied.

You have the entities involved; you have the people responsible for the implementation of recommendations. You have the people who are seeing what is going on. You have the people who want to understand how this affects me. You have the people who just “macoing” the thing. All of them form part of the constituents that will cast how they view what we are doing here and what it has done and how it works.

The separation of powers is something I was going to speak about, Sen. Lutchmedial-Ramdial dealt with it quite adequately, and using the examples that I was going to use from Canada and the US really spells the differences in the ways in which you could do it, so I would not go through that again.

We had a conversation also, Mr. Vice-President, I sit currently as the representative of Trinidad and Tobago at the CTU, and sitting as the President of the Council of Ministers there, and we have similar types of things that we have to do, and sought to do something that, to me, was almost impossible. We tried to regionalize some of this. Now, in doing all the research, you would recognize that we all point to similar types of things that are happening across not just in the Caribbean but all over the world, with South Africa, with North America, and one of the things that the US does well, is that it capitalizes on existing functions. I call them functions that they have and then we use them for various things, so you do not have to reinvent them all the time, once they fit within the rubrics that they set up to do.

When we looked at this—when I was looking at it and again, I am not a lawyer, in that there are a lot of similarities on what we are trying to do, what

Barbados is try to do, what Grenada is trying to do. There must be a way in which we can harmonize some of that as well. And I think even that will lend to us being able to come up with some of those procedural rules and so on, that are common that will make some of this work in an easier way. It is not easy, like I said because I sit at the CTU; I know it is not easy to do, but it is something I think we should consider looking at and see if there is a way we could do it.

The easiest thing I would have pointed to would have been the Caribbean Court of Justice but that is not a good example to use because of where we are with that, but something similar, or having body like that address some of the things we have to address, I think would help.

When I—again try to go back to when I was reading through all of the contributions that we had before, I want to suggest a couple of things. One, that we approach what we are doing not from what happened in 1892 or even what happened in 1976, but by starting from the position of what is required in the now. And the reason why I say that is, we have seen in the past when we go through these transitional, or transformational, or even revolutionary ways of doing things, we start with the foundation and try to adapt the foundation to what we need. I do not know that we need to do that if you are starting in 1892. I think the hard work in this is to ascertain what you really want as it is with any transition. And then once you ascertain that, then start to figure out what functions you need to bring it into things, and then you build all the other pieces behind that, the HR, the technology, the puzzle, all of that is how it works.

So you have to take a fresh look at this thing. I think, too often, because the parent legislation is so heavy, and because it is so entrenched and has now become strictures of law, to start to do it a different way seems onerous. This is one I

suggest that we start looking at it almost afresh, that would be one of the ways I would look at it.

The mechanisms for monitoring, which I think, from the example given, still is something that we need to look at. And while it is not under the purview of the enquiry itself, I think we have to find a way to identify what happens to these recommendations when we are done with them. How do we create a level of—once accepted, of course, that the recommendations are things that need to be implemented? How do we monitor that and how do we ensure that it gets done? And how do we ensure that it gets done in a way in the spirit in which the recommendation was done?

I think that is also something that happens. We tend to go overboard sometimes, particularly with when it comes to the implementation of things coming from recommendations that were written, meaning that the spirit goes out the window. You see it in the interpretation of regulations. The Minister of Public Administration will tell you, there are regulations that govern the public service, the regulations turn into rules, the rules turn into strictures, they tell you this is what is happening.

We want to have an appointment-only system. I do not know how many people, when they had it at the—one of the places you could pick but let us use one, Ministry of Works and Transport, Licensing Division, we are going to do appointments. So by appointments only. So Thursday, you show up to the office and you notice there is nobody in the office. People made appointments, did not show up.

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So we are following the rules, we are implementing the rules to the inconvenience of the people that you are trying to serve. This is the danger in some of the things that we do in this particular place. We have to be careful. So how do you monitor common sense in implementation, versus what is meant, when people write something and you tell them to do? I think that is something we have to look at, when we are going through what we are doing.

Again, this is not from a legal background perspective, so please, if I am saying anything wrong, I am sure the Attorney General will talk to me about it when I am finished. The high degree of consensus demonstrated, I think is something that I find quite refreshing. In other words, I am not standing up to rebut and find ways to deal with what was said by the previous speaker. In this case, if I have to find ways to support what was said by the previous speaker without going into tedious repetition, it is refreshing, and I dare say, very, very, heartwarming to be able to do something like that. And I think it is because this particular topic has generated so many different types of reaction in the public and other domains; that if we were seen to be fighting over this, I think it would be—it would put even us, in the eyes of our own discerning public, in a very bad way.

So, again Sen. Vieira, my congratulations and thanks for bringing this thing in the way in which you did. Probably, I could take it a little bit further that this “kumbaya” thing that we have going on now—

Hon. Senators: *[Laughing]*

Sen. H. Bacchus:—that if we carried it a little further, we could—just think about this. So, if we are doing this for the public enquiry process, you could imagine if we really did this, to do more efficient, effective, resilient, create this enabling environment where we could work to fix a whole lot of other problems.

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Mr. Mitchell: Get rid of the UNC.

Hon. Senators: [*Laughter*]

Sen. H. Bacchus: Mr. Vice-President, I am pleased to align myself, very pleased to align myself with the views expressed by Sen. Vieira, the Attorney General, Leader of Government Business, other Senators, Members of the Independent Bench, the Opposition, and I am sure, my colleagues to come. With this Motion, I think the conversation that supports what Sen. Vieira said about the right sets of rules. I think if we get the right set of rules, have some common sense in the application, and create an enabling environment that supports, nurtures, encourages, and provides relevance and further legitimacy to the public enquiry process, I think we would have done what you set out for us to do. With those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. David Nakhid.

Hon. Senators: [*Desk thumping*]

Sen. David Nakhid: In the name of God, the most gracious, and the most merciful. Thank you, Mr. Vice-President, for what will be a very—perhaps my briefest intervention. Of course we agree—and this might be the end of the “kumbaya” moment.

Hon. Senators: [*Laughter*]

Sen. D. Nakhid: Of course we agree with this excellent Motion brought by hon. Sen. Vieira.

Hon. Senator: “Kumbaya.”

Sen. D. Nakhid: But, Mr. Vice-President, it is a famous statement, philosophy of course, that says stupidity and evil produce the same bad results. And I do not

know—and this is not casting aspersions on any side of the House—but I do not know if we in Trinidad and Tobago, on which side of those two categories we fall. As someone stated here before, we have had over 169—I think you yourself stated that—enquiries, commissions of enquiry. How? 169 or 69—69 enquiries into some of the most delicate, heart-wrenching, country-defining moments in our history. And we have had little or no results to show for it.

And we talk about the 1990 coup, which had a devastating impact on the country, or we could go even further back into an inquiry that was laid as the Scott Drug Report in the Parliament. And for me, when we talk about lasting impact, the impact of the drugs flowing into our country has had more of an impact on this country and the youths of the country, more than anything else that has passed. What came of that report?

And it goes back to what everyone said. But no one really goes into detail, as to what are the alternatives in order to enforce implementation. Because if you leave legislation to lapsed, especially in a country that we admit is rife with corruption, from inception, what are you going to expect people to do? When we leave it in the hands of Parliament, as people have suggested, where there is political influence, what do we expect to achieve? Are we stupid, or are we evil? Because it produces the same, bad results. So, I am here to make a few suggestions. That might sound harsh, but we live in a harsh time, and our reality has become harsh in Trinidad and Tobago. And I will keep it “kumbaya”.

The Scott Drug Report, names were mentioned, people that still exist. Billionaires, at present, who came from middle class means—I know them, my father knew them, being of Lebanese origin or whatever origin. And we never prosecuted that case as we should have. Why? You do not appear—and I will say

it for the layman to understand. You do not appear—Sen. Lutchmedial pointed to section 16 and section 17—\$2,000 fine. Why do we not bring legislation where the fine becomes a million dollars, and imprisonment? Because you do not have a commission of enquiry from trivial matters. We hope not.

We have a commission of enquiry when you have an abundance of drugs. I remember coming into Trinidad and Tobago from university in Washington DC, and I was shocked. Because I left in '82, and when I came back, '87/'88, I could not believe the crack epidemic that was present. I could not believe—some cousins of mine succumbed to it. People close and dear to me, who came from solid families, went to St. Mary's, et cetera, et cetera [*Inaudible*]. Can you imagine, Mr. Vice-President, had we had laws that were relevant to our day and age, relevant to that time, relevant to that era, that epoch that devastated Trinidad and Tobago, what we may have prevented?

So I say, anyone in public life who refuses to attend a commission of enquiry, not only fined and possibility of imprisonment, should be barred from public life. This is a serious matter. We cannot keep pontificating as to commissions of enquiry, and then come and raise \$2,000 fine, to \$100,000 fine. Come on. Are we evil, are we stupid to produce the same bad results? I think it has become a bit anachronistic, the commissions of enquiry.

Let us make use—and it is quite appropriate, I come after the Minister of Digital Transformation—let us make use of the technology available to us. We talked about cost. Why not have people who are abroad and cannot come down, witnesses and so, let us have that virtual interrogation. We have it now in the courts. Why not?

3.30 p.m.

Let us not give an excuse to ourselves to not examine our horrible condition that we are in presently. We are in a horrible condition. I will give you an example. Had we prosecuted that case, maybe—and this is why I say, no parliamentarian should be involved because of political slant. We should have retired jurists, people expert at law, but fiercely independent—not people who preach the gospel of any particular party, people who are fiercely independent, and they can be sourced in Trinidad and Tobago. They can be sourced. Why? The number of cases, which I have followed, of child abuse at homes, in particular a case that I followed since I was in university, since I was coming back and writing in the *Express* editorials and so, until now, if we had fiercely independent people prosecuting for a commission of enquiry, we would have examined the case of Akiel Chambers. Imagine what that would have done for our country. Imagine that stain on the conscience of this country until now.

All the cases—I was just recently involved in a Justice Judith Jones report. I was apparently the main witness who was referenced quite liberally in that report, but given a pseudonym for some reason. Imagine if we had independent people in charge of that, proper enforcement, where we give a timeline for the DPP, a timeline, six months, no more, to enforce—six months—would we still have problems ongoing? Will the Prime Minister, the Member for Diego Martin West, would he have been able to just brush aside that report as he has done? Impossible. Impossible, because it is in the hands of the DPP and he has six months to act upon it or heads will roll.

We just spoke about it here. We had the very wordy, bloviating Minister of National Security talking about whether we have equipment in the fire stations. Do you know how many people have died in the last decade because of fires? I

will give you an example. Right in Tunapuna, a house burned down with two people inside. You know where the fire station was?—Fifty metres, no equipment. So when the Minister of National Security comes and speaks in these contemptuous tones, I have to laugh, because are we evil or are we stupid?

Sen. Gopee-Scoon: Point of order, 46(1).

Mr. Vice-President: Senator, the Standing Order has been raised for relevance and I ask that you make your contribution towards the Motion, which is reform for commissions of enquiry, or at least bring it into the framework that you are trying to go with.

Sen. D. Nakhid: Thank you, Mr. Vice-President. This is exactly what I am doing. I see some people are getting nervous.

The point, Mr. Vice-President, is that very soon, if we had an independent commission who determines the COE and not a political slant on it, we might very well have to have a commission of enquiry into why fire stations do not have equipment and people are dying of fires 50 metres from their homes.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: This is not something political and that is why I knew the kumbaya movement will end, because, if we look at it, we will find who is mainly responsible for all of this devastation that we see in the country. So do not get touchy, let us keep it nice and delicate. I am capable.

Sen. Lyder: Breathe deeply. Breathe deeply.

Sen. D. Nakhid: So coming back to the relevance of this Motion by Sen. Vieira, which is so timely—it is so timely, it is unbelievable, because I see this—and let us try and think out of the box a little bit—well, at least this side. Let us try and think out of the box a little bit. Imagine if we feel, and we have independent jurists, and

they feel that the governance of the country has not been sufficient, appropriate in matters of national and public importance, urgent, because of their independence, it will be like a national referendum where they represent us, who cannot find proper governance, in matters that matter to us.

I will give you an example on that. There was an interception of a merit list, which threw this country into turmoil, until now maybe—I do not know, I have no brief for who was recommended, who was not recommended. That is not the point. The point is that of democracy and the upkeeping of the Constitution. Imagine if we had an independent—we may have had an enquiry into that to see who intercepted that merit list—well, someone admitted to it and what were the consequences of that. These things, Mr. Vice-President, fracture, if not break the psyche of the people of Trinidad and Tobago. It breaks us slowly. One, then two and three—we have had 69, many of them unattended, unenforced, brushed aside. So when we think that, you know, there is some result of it, no one needs to look further than Paria's commission of enquiry. Where are we with that? We cannot continue to be either evil or stupid because it produces the same bad results, where our country finds itself with little or no value from the Government; little or no value, and that is where we come to.

So I said I would not be long, but somehow when I get up to speak and I have this side in front of me, I find things to talk about, so I will make a few more suggestions. Let us allow, Sen. Vieira, for evidence to be taken in camera, out of public view, where its disclosure can lead to adverse pretrial publicity where a charge is laid. So what we want to have is absolute confidence in the process so that people would feel free to come forward, because I know people in the commission of enquiry, the one into the 1990 coup, they were afraid, just plain out

afraid. People in the Scott Drug Report, plain out afraid. These are people I have spoken to.

Trinidad, in my opinion, Sen. Vieira—Mr. Vice-President, to Sen. Vieira, and through you, is too small to allow a one-man commission of enquiry; in my opinion, too small. It opens one to an influence that we cannot account for, and I do not want go into those things because definitely the kumbaya movement would be done. We cannot allow that one-man commission of enquiry to be influenced, and I mean that with all sincerity, because what happens if that chairman dies before the conclusion of the enquiry? What happens? We have to go through it again? Find a new commissioner? You see, these are things—if we want to show a certain seriousness towards fixing the country through this excellent Motion, we have something now at hand that could fill certain gaps if we look at it in a different way, just outside of the box, not the typical thinking, just come and put a few amendments and so. We have to look at this as probably something that could cover our lack of prosecution of white-collar corruption that inevitably destroys the fabric of society.

So, Mr. Vice-President, in encapsulating basically what most people believe, that this is a Motion that serves us well and that will serve the country well if we tighten, we have strictures on the legislation, we make it so relevant to where we are now as a country, I think we all recognize that this is a Motion that can take the country forward, fill in the gaps of corruption and fill in the gaps that has hurt this country to the core. I mention again, the abuse of children; I mention again, Akiel Chambers in particular, which has been a particular case of mine that I will take to my grave; and other events, maybe an enquiry into the closing of Petrotrin, and I am just thinking out loud here.

So, Mr. Vice-President, we are in support of this Motion. I hope the goodly Senator takes on some of my recommendations. I think if we make those punishments, not only severe, but the punishments must send a message that we are not wasting the people's time, that we are not wasting our own time, that we are truly interested in fixing what has gone so wrong in this country, I think we can all agree that we will all support this excellent Motion. I thank you, colleagues.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Dr. Dillon-Remy.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Maria Dillon-Remy: Thank you, Mr. Vice-President, for allowing me to make a brief contribution to this Motion piloted by Sen. Vieira, which I think is very—I would agree with the other speakers who would have gone before, that it is timely. There are a lot of points that have been made already that I had had in my jottings that I would have made, but I want to address a few issues here that I think I should have a say on. The Motion calls for—in the third paragraph of it, it says:

“...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;”

—and I think we agree that this issue that we are facing here, it is not a partisan one in terms of any specific government that has failed to, but successive governments that have failed to address the concerns.

I too am heartened by the fact that we do have consensus from Government, Opposition and Members of the Independent Bench that something needs to be done. Mr. Vice-President, I would say that I am a bit concerned that as a nation, we

would be comfortably doing the same things over and over again and expecting to get a different result. For instance, there have been areas that have been identified as deficient in the Act, not now, but years ago, for instance, that the summoning of witnesses—that if someone does not want to come, as Sen. Lutchmedial-Ramdial pointed out, the fine is \$2,000, and therefore the person just does not turn up. What was also identified is that, at the end of the day, there is no—the commission does not have any powers to ensure that what their recommendations are—what recommendations they made are implemented.

3.45 p.m.

So for years, different reasons have been given as to why things have failed and as has already been pointed out, there have been many enquiries, many emotional issues, many areas that have been investigated that have had significant impact on our nation and at the end of the day nothing came out of it. Nothing in a sense that people were not confident that anything happened as a result of it. So, it is not unreasonable for people to have the view that it is a “waste of time”. I do not think it is an unreasonable position to take.

However, we are today in 2024, we are in the Senate, a Motion has been piloted, we have agreement that something needs to be done and it is my hope that after this it will be taken from here and the necessary comprehensive—the Motion called for “comprehensive reform to the Act”. In other words, not just tweaking a little thing here by increasing a fee from \$2,000 to \$1 million, comprehensive reform be taken to Act so that at the end of the day, in the near future, that we see results come out of it.

Mr. Vice-President, I think it has been said already, but I would just like to quote from an article, it is from the McGill Law Journal of 2006. I am quoting this because this is not—the issues related to the commissions of enquiry and the lack of effectiveness are not just our issues in Trinidad and Tobago. The article was done by Justice John H. Gomery, his contribution, and it was published as a lecture in Volume 51 of the McGill Law Journal of 2006, and on pages 784 to 798, the title of the comment was, “Pros and Cons of Commissions of Inquiry” in which he explained and I quote:

“One of the primary functions of public inquiries is fact-finding. They are often convened, in the wake of public shock, horror, disillusionment, or scepticism in order to uncover ‘the truth.’”

And this is in inverted commas:

“...the three functions of...”—the commissions are—“inquiry, to investigate, to educate and to inform.”

Let me repeat that:

“...the three functions of ...”—the—“... inquiry are, to investigate, to educate and to inform...To these benefits should be added the benefits deriving from recommendations for change designed to prevent a recurrence in the future of the errors or faults being investigated. Such recommendations coming from an independent and impartial source, free from political bias, will not only assist the government in taking remedial action but will tend to restore public confidence in the industry or process

being reviewed.”

End of quote. The document went further to clarify that:

“...Commissions of inquiry are not supposed to be determining civil guilt or civil responsibility or criminal guilt, they are supposed to be fact-finding investigations leading to recommendations.”

And I think that is one of the issues. That people expect that a commission of enquiry will find somebody guilty and action is supposed be taken as a result of it. For instance, what is happening now, now meaning or most recent, the Commission of Enquiry into the Paria diving tragedy. People expect that the enquiry produces report, people should be charged today, tomorrow and action being taken, and that is not happening. So it does—one of the things I think Sen. Bacchus, Minister of Digital Transformation spoke about is what do people expect of the enquiry, and I think this is where great dissonance—people expect that this enquiry especially being public and especially the quality of the enquiry, people expect that action will be taken and they do not get it and as a result people are disappointed. So, back to the statement from Justice Gomery:

“But in the minds of the public I can tell you that there is confusion on this issue, a confusion that I try very hard to dispel by saying over and over again, I think I said it today again that the objective of a commission of inquiry is to report upon the facts, to investigate and report upon the facts, and not to determine guilt. But I have to tell you that the public just doesn't really understand that, or many members of the public don't. I can

tell you that we got a tremendous amount of feedback from individual members of the public and the general theme was ‘when are you going to stop listening to witnesses and start putting people in jail.’ I mean, that’s what they wanted me to do and of course that was not my role at all. But I think those expressions represent some of the frustrations that occur and perhaps still exist.”

I continue:

“...commissions of inquiry have one objective, the justice system has another objective and the two shouldn’t be confused but I’m sorry to say that they are confused.”

End of quote. I think that is one of the problems we have here, in terms of what we understand needs to come out of a commission of enquiry and one of the dissonance that we have right now. And there have been many suggestions as to how this can be in other public education as to exactly the role of the commission and what to expect from the commission et cetera, that was already mentioned.

Mr. Vice-President, the matter concerning whether—people talked about things. I think it was Sen. Vieira SC who talked about the terms and conditions as being so important. I think many people spoke about the terms and conditions of the enquiry, because one of the most important areas is that if you decide that the—what people want to see and the terms and conditions you give to the commissions of enquiry. If they are dissonant, then what the enquiry is supposed to bring out will never meet people’s needs and you will continue to have complaints.

Sen. Vieira SC mentioned that one of the key witnesses of the 1990 coup appeared before the commission and did not give anything that was important in terms of a submission because he was not questioned on those things, how is that supposed to make sense? So, what I am saying, it is more than just that this government did or this government did not do. So, we really need to get into some of the reasons why things have failed so that we can put the remedies to what we are seeing right now.

I would just like to mention that the fact that the people have talked about the legislation of 1892, and then some changes made in 1976, what was the reason why the two Bills that were presented in 2003, why were they allowed to lapse? I think that needs to be looked into, was it that—there were changes that were being recommended. We are talking about 2003, we are now in 2024, why they did not—somebody at that point in time, said that something needed to change, but nothing changed. The Bills were allowed to lapse.

So, Mr. Vice-President, was it that people did not think they would have gotten the support when the Bill was brought? I do not have a clue. But, all I know is that if we leave things as they are, then we are going to continue to get the responses that people are giving. And everyone here has said that we should not leave the things the way we are, but where will we go as a result of what we would have done here today in terms of this examination is what I am really very interested in. And I do hope that it is not allowed to just go the way of other Bills that indeed action is taken where the Government does take the recommendations

from this Motion.

And at the end of the day, I heard the Attorney General say that he was going to invite Sen. Vieira to sit on the committee before the Law Reform Commission. Sounds very good, but at the end of the day will we see any change as a result in terms of the legislation? And that is what I would hope to see, in other words our “kumbaya,” our sitting here and being very happy that we are all agreeing on something. Something that is very rare, where we all agree on something. It would not just be a nice feeling, but at the end of the day will result in action being taken so that we do not have to come back here next 10/15 years saying the same things all over again. I do commend Sen. Vieira SC for bringing the Motion and I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

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

Hon. Senators: [*Desk thumping*]

Sen. Laurel Lezama-Lee Sing: Thank you, Mr. Vice-President. Mr. Vice-President, I believe that we are neither evil nor stupid but rather we are all patriotic, level-headed, committed people—

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing:—of this land dedicated to serving the people of Trinidad and Tobago here in this Senate and in the other place, despite the rancour, the ridicule, and sometimes the fluff that may come out in this sacred space and outside, Mr. Vice-President.

Mr. Vice-President, this Motion brought by the esteemed Sen. Anthony Vieira SC, is in fact a Motion that can take this country forward. Permit me please, to take just a minute to highlight key words that came out of the Motion as written and presented in the Senate and I want us to reflect upon these words throughout the remainder of this debate.

In this Motion, it speaks to the commission of enquiry being a tool for social investigation and for addressing matters of public concern. It speaks to the notion of perception that successive governments have failed to adequately address public concerns or effectively carry out the mandate of the commission. And then the Motion calls for it to be resolved that there is a review of the Act of Parliament and a review of the public enquiry process, so as to improve the efficiency and effectiveness of the existing legislation.

Mr. Vice-President, it is therefore my pleasure to join in this debate to contribute and lend my full support to this Motion presented by Independent Sen. Vieira SC. You know, when I started doing my research on this Motion, I actually had a very interesting moment and I did not know whether to laugh or cry. If you put in a quick Google of commission of enquiry into Trinidad, one of the things that would come up is a letter to the editor, dated November 28th, 2022, in the Trinidad *Express* newspaper and the author is one Philbert Gervais. Now, people might say, who still reads newspapers and letters to the editor, they are an outdated tool. But they are in fact a very effective mechanism to feel the pulse of the people

or at least the people who certainly care sufficiently to put their opinions out into the public domain.

4.00 p.m.

I know that with the onset of social media, letters to the editor and traditional media, really and truly, have somewhat fallen to the wayside, but that does not diminish the credibility or the importance or the sentiment transmitted via letters to the editor. So permit me please to read some excerpts from this letter to the editor into the *Hansard* this afternoon. The title is, “Needed...a CoE to probe all CoEs”. The author starts:

“With the latest Commission of Enquiry into the Paria tragedy and all the brouhaha, angst and surreal things unfolding, we have to pause and ask ourselves what will become of this?

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 on advice from the Cabinet pursuant to the powers under Section 2 of the Commissions of Enquiry Act. Has anyone paused and asked the status of the 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?—“We many need a Commission of Enquiry to investigate the outcomes of every Commission of Enquiry formed.”

The author continues to go down memory lane and he lists six—oh, more than six. He lists eight historical Commissions of Enquiry in Trinidad and Tobago. He ends in a very Trinidadian way, whether he was being sarcastic or humorous or

downright fed up, said:

“The Government of the day should think about setting up a Commission of Enquiry to investigate and probe the state all of the former Commissions of Enquiry.”

Mr. Vice-President, this ties very, very nicely into exactly what we are debating today. So this is not just a Motion brought up on the whim of Sen. Vieira. It is a very real sentiment that permeates the national population, and it is a conversation whether or not we are aware of it or whether or not we want to accept it, it is a conversation that is happening in the public space.

Many of the contributions today and last month have been very outstanding insofar as the content and the recommendations, but the one thing that stands consistently is the fact that the outcomes of the commissions of enquiry are simply notes and reports without action, and at the end of the day, it really is a matter that the people want or dare I say, demand action. As Sen. Maharaj, I believe, referred to, I could be misquoting the Senator or I could be referencing the wrong Senator, but one speaker spoke about basically wanting a pound of flesh from the managers who—Senator, it may not be you—who were the people who appeared by the commissions of enquiry, and it has to be beyond wanting a pound of flesh. It has to be that there is tangible evidence put forward before the commission of enquiry. It has to be that when the report comes out and the findings are concluded, that a decision is taken and action is taken to ensure that nothing of the like happens again. I believe that is what the commission of enquiry should really be.

So this then takes me therefore back to our commissions of enquiry in Trinidad and Tobago. One of the first commissions of enquiry in Trinidad and Tobago, Mr. Vice-President, was in, coincidentally, 1892 which was a judicial

enquiry commission, and it was a commission issued under the Trinidad and Tobago Ordinance No. 2 of 1892. It was an enquiry into the charges against the senior puisne judge and the administration of justice in the colony, 1892.

Here we are in 2024, governed by almost the exact legislation that would have been prescribed in 1892. What did Trinidad and Tobago look like in 1892? Not one person here can actually bear testimony to that. We know, for instance, that air condition was not a thing. We know, for instance, that smart phones and apps and WhatsApp and ChatGPT and things of that nature would not have been a thing. We might have still had fire-lit street lamps. I do not know, I really do not know, that is well before everyone in here, well before our time, but most importantly, what did our systems of governance look like? We certainly would not have been an independent nation. We would have been still a colony. It would have been shortly after slavery which means that the slaves were only now recognized as being more than legislatively three quarters of a man, because the laws prior to slavery stated that a slave was counted as three quarters and not a whole human being. So we have evolved significantly here now.

We are here in 2024, we do not report to the Crown. We have our own President. We no longer have a premier or a governor general or a chief Minister. We have our own Prime Minister. We have our own head of state in the person of the President. We have our own independently elected and appointed bicameral Chambers. We have our municipalities, et cetera. The Trinidad of 2024 looks nothing like the Trinidad of 1892, and as such the legislation absolutely should not look the same over a 100 years later.

If we take a minute to just look through what the legislation looked like or looks like, rather, because we did not go, in fact, through the details of the

Commissions of Enquiry Act
(Government's Need Review)
Sen. Lezama-Lee Sing (cont'd)

legislation, so I just want to briefly glimpse into it. It is a very, very short Act. For instance, section 2, the power to issue the commissions of the enquiry. It speaks about the President being the person responsible for putting forward the commission of enquiry, and:

“In the absence of a direction to the contrary, the enquiry shall be held in public, but the commissioners shall nevertheless be entitled to exclude any particular person or persons for the preservation of order...”—et cetera.

But, Mr. Vice-President, this does not prescribe actual form or process or otherwise. It just says that there can be a commission of enquiry that the President can appoint these people. It does not state exactly how the commission of enquiry should be worked. It does not state how—what is the process for selecting the commissioners for the enquiry. It does not state the numbers of persons. It says it can be one or more.

We have heard extensively throughout and this refers to section 6 now of the Act.

“The President may appoint a secretary...to the sittings.”

Then lower down it speaks about the secretary has to—“...be paid out of moneys...” from the—“Parliament” out of section 14. If we were to have—and this therefore leads to a lot of institutional knowledge, because if for each commission of enquiry you bring one person here for this commission, one person here and then there is no real precedent set for us to reference for subsequent or successive commissions of enquiry. In Parliament we have a very robust parliamentary staff working here, and without the parliamentary staff, we would stand up here and really have a grand old time doing what we want, how we want, “lahaying” and being good Trinidadian people who just like a very good time. But

there is structure and order, and therefore the Parliament turns out to be one of the most effective spaces in Trinidad and Tobago for the work of the people of Trinidad and Tobago.

Similarly, should a secretariat be established, this would be a space where there is order, where there is institutional knowledge, where there is consistency in the execution, and where there is a space where you can reference things as to how processes should be. So, Mr. Vice-President, we go to section 9 of the Act, and it says:

“Commissioners acting under this Act may make such rules for their own guidance, and the conduct and management of proceedings before them...”

This basically means that we could do what we want, how we want, why we want. I want us to go back to that judicial enquiry that I referenced just now from 1892.

Now, if we are doing a judicial enquiry into a senior puisne and the administration of justice in the colony, under these laws, this is fresh out of slavery, under these laws where we are talking about:

“Commissioners...”—can “...make such rules for their own guidance, and the conduct and management of proceedings before them...”

I cast no aspersions against commissioners past or any future commissioners, but really and truly, given the times, given the time that they were living in under colonial rule and the Crown was in charge, and whoever would have been, if somebody brought up a case against the puisne judge, the puisne judge certainly, most likely was not a local person, therefore, who did this benefit? Who did this legislation really and truly benefit back in 1892? Was it just to pacify the public to ask them, you know, to say well, look, you ask for this? “Here take it, take it”. It reminds you of Jesus. Crucify him, crucify him. Here, take him, when Pilate said,

he washed his hands off of this. “Take him. Take him”. So, similarly, who was this really set up for? Was it really set up to bring clarity and results and penalties and a change in behaviour, because there is no point in doing things if there is no learning and no change in behaviour afterwards.

Sen. Dr. Dillon-Remy referenced the three points, but it did not speak about the change afterwards that the professor from Montgomery spoke about. It talked about to educate, to inform and the other one, but it never said what the actions going forward should be, and I think that is one of the critical things that we really, really need to look into as we continue with this discourse on this Motion presented by Sen. Vieira.

Of course, we have—I do not wish to belabour the point about the \$2,000 as a penalty, but that is really is pretty much absurd and almost laughable at this in point in time because \$2,000 back then may have been a significant amount of money, but right now people could put \$2 million in a box and just rest it somewhere and it is “easy peasy” pittance and cents for some people. So, Mr. Vice-President, we really, really need to revisit this because this is not relevant, this law, in my humble opinion is not at all relevant to current times right now.

Mr. Vice-President, we talked about the legislation and I just want to reiterate that the legislation we have to take into context purpose, form, construct and most importantly the impact. A short while ago a few of us went to—many of us including you, Mr. Vice-President, but not to bring you into the debate, attended the presentation, the Masterclass on Data and Statistics for Decision Making, and one of the terms coming out of that masterclass was data justice. Data justice speaks to fairness in the way people are made visible, represented and treated as a result of digital data. Data justice is necessary to determine ethical paths through a

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data-filled world. Mr. Vice-President, similarly there needs to be some sense of justice coming out of the commissions of enquiry, and it cannot just be a report laid in Parliament. There has to be some way to ensure that it is fair, visible and people are represented and issues are treated with, Mr. Vice-President.

And that whole notion of justice is critical to what the commissions of enquiry set out to do. It is always somebody, or some team, or some people, some group, some interest group seeking out interests and justice for some situation that may have felt to have been an injustice set upon an individual or a group. We know that the scope of commission of enquiries varies incredibly from any end of the spectrum. So, we must keep in mind that there must be the outcome. There has to be some form of justice.

So, Mr. Vice-President, I do not wish to belabour the debate any further, but I just wish to commend this Motion brought forward by Sen. Anthony Vieira who continues to distinguish himself as a really, really civic-minded human being in every sphere and in every attempt. He always comes here with constructive things—

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing:—which is reflected, not to digress, which is reflected very often in joint select committees if you look at the comments of people watching the live stream. You would see they talk about Sen. Vieira bringing these very sensible things forward, and so this is something continued in your good stead to bring really good governance to Trinidad and Tobago, non-political, of course.

Hon. Senator: Sage wisdom.

Sen. L. Lezama-Lee Sing: Sage wisdom, that is right. Sage wisdom, not evil and

absolutely not stupid. So, Mr. Vice-President, I want to reiterate the words of my Prime Minister where he says that this Government is not afraid to take decisions to act in the best interest of this country.

The Attorney General has given the commitment in his contribution in his response to you last month where he said that he would like to invite you to sit with the Law Reform Commission and I think you would represent the views articulated here very, very well when that does, in fact, take place. You said in your—Sen. Vieira, sorry, said in his presentation that this has to be a holistic reassessment of both the law and process.

As I close I wish to endorse that sentiment. I wish to endorse the sentiment that as we discuss these commissions of enquiry, that they are not necessarily more heavily weighted on the adversarial side, but more on inquisitorial side. So, I look forward when this legislation, the amendments to this legislation, in fact, come forward as a result of this Motion here, I look forward to when the national population can breathe a sigh of relief that the Government is committed to ensuring that rights are—that wrongs are righted, yes, in Trinidad and Tobago. So, I am very happy to have been a part of this watershed moment of “kumbaya-ism” in the Senate, and I just wish to remind everyone that it would take all hands on deck, all Benches, Government, Independent and Opposition to make this a reality for the people of Trinidad and Tobago. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

4.15 p.m.

Mr. Vice-President: Sen. Anthony Vieira SC.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. Vice-President. Well, let me begin by thanking everyone who has participated in this debate for sharing your perspectives. The debate has yielded rich views and insights and some kumbaya moments for which I am very grateful.

The Attorney General is not here, but I would tell him that I am very grateful for his positive outlook and support, his recognition, that in contrast to the adversarial process, the nature of inquisitorial proceedings can allow for a deeper search for truth, and his acknowledgment that this is one of the areas in need of sensitive and comprehensive reform, especially in terms of making the enquiry process more efficient.

Sen. Mark, I want to express my appreciation for your words of encouragement. I am open to considering alternative models when talking about accountability, transparency and holding public officials to account. I agree with you that the country cannot afford to be running on the same spot, feel we are going somewhere while actually going nowhere.

Sen. Teemal, in your contribution, you raised some very important issues which are germane to the importance and the role of commissions of enquiry, including the principle of independence; when considering the cost involved, whether we can put a price on truth and justice; and the importance of post-commission of enquiry action.

Hon. Minister Browne, he is not here either, but I would like to say that his commitment to positive action on behalf of the Government, coming in the wake of the amount of research he had actually conducted, that was really gratifying. I was very impressed, first with the way he was able to identify and treat with the number of enquiries conducted in this country between 1960 and 1924, and then

secondly, with the useful comparisons that he made between our approach vis-à-vis what is happening in CARICOM and other Commonwealth jurisdictions, I think just putting those facts on record goes a long way for making this Motion meaningful.

Sen. Dr. Gopeesinghis also not here but he has my appreciation, and I want to thank him kindly for the amount of research he also carried out and shared with us. I agree with Sen. Dr. Gopeesingh that while commissions of enquiry conserve a tremendous role in terms of governance and accountability, the country is not getting the value it deserves, and we cannot keep making the same mistakes. I particularly liked his observation that commissions of enquiry should not only come about as a result of public pressure, but that it is incumbent on all administrations to address public concerns in a proactive manner.

Sen. Dr. Richards, as always, his contributions are on target and insightful. I agree with him that we need to up our game with the enquiry process, lest the public lose faith, especially if they do not feel justice is being or will be served. I am thankful for his recommendations and about the need to be open to different perspectives to help us learn. Sen. Dr. Richards asked whether the same standards applied. Well, of course, the answer to that is an enquiry is not the same as litigation. In litigation, one side is always trying to rubbish the other side and there is a clear winner and a loser, but in an enquiry, it is really about getting to the truth or as close to the truth as possible.

Sen. Dr. Ibrahim, Vice-President, I also found it gratifying, like you, to see the level of consensus that was exhibited on the three Benches during this debate, and I agree with the observation that people work hard, but the framework needs amendment and the Act needs a level of reform.

Sen. Lutchmedial-Ramdial made several points with which I wholeheartedly agree, you may not need to change the entire law. What is important is to address the concerns relating to cost, time and the lack of implementation. Commissions of enquiry do serve an important purpose. The problem really is the follow up. A basic set of procedural rules, I think, would go a long way to expediting future process. I particularly—well, we are on the same page here because I also wanted to make a recommendation that Parliament could or should have oversight of the implementation of recommendations to call on the agencies of the State on the matter of implementation.

Sen. Maharaj placed commissions of enquiry at the apex of a system of ongoing enquiry. I liked her language. We are talking about a pyramid of accountability at every level, an overall architecture of responsibility, and about the public's right of explanation and redress. She was seeing this as one of the ways in which we can go towards transformation and reconstruction of the state apparatus. So thank you for that.

Sen. Bacchus, as always, very helpful observations. I like what you said about the need to create an ecosystem. There was no need to diminish yourself as a non-lawyer.

Hon. Senators: [*Laughter*]

Sen. A. Vieira SC: [*Laughter*] I value your contributions all the more.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: And I do not think any lawyer was going to make the point as competently as you, about using technology towards making commissions of enquiry better vehicles, and about how technology can give a level of flexibility, permanence and security. And if we get this right, people will know what to

expect, as well as like what they get.

Sen. Nakhid—I appreciated Sen. Nakhid's recommendation about robustly beefing up the penalties for those who refuse to participate when called upon, meaningful fines, imprisonment. The barring from participation in public life was a bit of out of box thinking, but certainly worthy of consideration. Like Sen. Lezama-Lee Sing, I hope none of us here are stupid or evil. I think we are just all doing the best we can and I would say is if we are changing nothing, nothing will change. So I thank him for his kind words his recommendations and support.

Sen. Dr. Dillon-Remy, I agree, it is important to meet people's needs. We really need to get into the reasons why things have failed in order to work out the appropriate remedies. Where do we go from here? That is really the question. Indeed, action is taken. Will we see any change in the legislation?

And Sen. Lezama-Lee Sing, I agree, people want action, not just notes and reports. I agree with your call for a permanent secretariat and there is no reason why that could not be on a hybrid basis. So thank you all for your contributions.

Mr. Vice-President, since the last time we spoke on this Motion, the country has been gripped with the unfolding tragedy of 11 baby deaths at the Neonatal Intensive Care Unit at the Port of Spain General Hospital. I am aware that litigation is pending via a proposed action—a class action claim, so I am not going to speak about any claims or response. I thought though that I could raise the matter as one which is causing deep public concern and if a public enquiry were to be called for, then to imagine what that might look like using the CEDA recommendations.

4.25 p.m.

So first, does it qualify? Well obviously the answer is yes, given that the

public enquiry is a general commission to look into matters of great public importance, and requiring a rigorously independent but fair and efficient approach to the issues involved. Next, in terms of ascertaining what happened? Who or what is responsible, and how to ensure it would not happen again? It would be important to match the terms of reference to outcome and success. The terms of reference should be absolutely critical as they would define the enquiry's purpose and parameters, and they would provide the commissioners with the authority to probe particular areas and lines of enquiry

Now CEDA recommends that the terms of reference should consider all groups who might be affected by the enquiry, and it should allow for consideration of all mechanisms for change management. Some of the purposes of the enquiry would include:

- Investigating each death to establish what happened;
- addressing the particular concerns of the families who were directly harmed by the events;
- establishing whether there is a need for change or reform and if so in what respect and in what manner and reporting to the appropriate bodies for them to take responsibility and action to prevent further and future recurrences or to improve future outcomes

The terms of reference would state how the enquiry is to be conducted, they would identify the interested parties and the groups likely to be affected, they would give an indication of planned time scale for the enquiry and budgeting and they would indicate who will take responsibility for overseeing the implementation of recommendations

[MR. PRESIDENT *in the Chair*]

Now according to CEDA, there are nine groups affected by any public enquiry, all of whom should be considered when compiling the terms of reference and designing the process. So these nine are:

- The Government;
- the victims;
- those in responsible position;
- direct witnesses;
- experts who may draw inferences and conclusions;
- the professional community—often times it is legal but in this case it would be medical;
- communities of interest;
- the media; and
- the wider public.

And central to the remit for a successful enquiry, as we have heard, is the need for independence, objectivity and fairness, in relation to both the subject matter and the people or organizations involved. So in this regard, selection of the appropriate commissioner or commissioners whose manner would support these qualities is always critical.

Process management should also allow for the venting of emotions. So to paraphrase the CEDA guidelines, there is always emotion involved, because emotion is intrinsic in matters of public concern and sometimes this can be intense due to the fact the victims will be involved in the enquiry process. And further when dealing with emotions it is important to note that they do not only occur when the witness is giving evidence, they are occurring before, they are occurring

while the witness is watching evidence being given. Just listening to the enquiry can be very distressing.

So it would be important for the chair of the enquiry to have the means to be able to direct victims and members of the public to appropriate resources and support groups at times other than when formal evidence is being given. Public enquiries should avoid the image of a mock trial. They are not trials. And of particular importance, and this is one of the things that I like in the CEDA recommendations, of particular importance is the need to ensure that the enquiry respects the public interest because one of the key purposes of an enquiry is to alleviate public concern over an event by investigating it appropriately and making recommendations. So public engagement is important, and this goes beyond just making the enquiry room open to the public.

CEDA recommends that thought must be given on how to create active public engagement. So, for example, prior to the terms of reference even being drawn there could be a call for comments from the public, and with a view to determining the most pertinent questions and what the public sentiment is, data could be gathered using surveys, focus groups, and citizen juries, allowing the commissioners to consult with representatives from interested communities, in terms of what their particular views are, what kinds of questions might need to be asked, would also promote public engagement.

What about having a public panel as a sounding board, or using a focus group to consider the evidence of the enquiry, and to assist the commissioner, or having an advisory panel from a major stakeholder groups such as the affected families to be consulted on the enquiry process and the areas to be highlighted? How would that have played out in the Paria enquiry, I wonder? So public

engagement requires that the public is also kept informed via the media, and according to CEDA an enquiry should ideally have a media professional on the team who is able to create press strategy so that those working on the inquiry know how information is being presented to the media and then to the public.

There should also be an enquiry website which is sufficiently detailed and updated using an appropriate team to ensure this. So that just supports Sen. Lezama-Lee Sing's call about the usefulness of having a permanent secretariat. And of course the bane, there must be efficient and effective follow-up. If recommendations are made but not implemented, the enquiry would be seen to have failed. So recommendations must be translated into successful outcomes, and in this regard in addition to the enquiry's conclusions being reasoned, comprehensive, succinct and practical, there should be a mechanism following the enquiry to check whether or not these recommendations have been implemented, and to support the implementation of recommendations.

So as regards the implementation of recommendations, ideally a body should be identified to oversee the recommendations. Alternatively it may be practical for the Government to report back to the President or to Parliament a year or so after the report was delivered as to what actions have been taken in relation to the report in the preceding year. There is a lot more I could elaborate on, I could speak about, but time does not allow, suffice to say an enquiry report will necessarily be both backwards and forwards looking. It will have to explain what happen and why, but it would also have to make recommendations for the future.

So, in conclusion, may I express the hope that this debate has afforded us a more refined understanding about commissions of enquiry as well as highlighting some of the shortcomings in the current system, everyone agrees. Everyone agrees

Commissions of Enquiry Act
(Government's Need Review)
Sen. Vieira SC (cont'd)

we are not getting value for money and there is an overwhelming case for reform. We can consider the research paper of issues relating to commissions of enquiry that was put out by the Chamber of Industry and Commerce some years ago. We can consider the guidance with chairs and commissioning bodies put out by the Centre for Effective Dispute Resolution, CEDA.

Certainly we should look at what is good elsewhere and use it to our advantage. But when doing so, however, it behoves us to remember that the ultimate test of any reform is not only the effectiveness in eradicating defects, but also its discriminatory preservation of what is good and valuable. So in the event, we may not have to jettison commissions of enquiry at all. This is really about reimagining them and making them work better, refreshing rather than completely overhauling the system. This debate, Mr. President, this debate shows that we can collaborate to create change.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira: Mr. President, I beg to move.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

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.

Hon. Senators: [*Desk thumping*]

ADJOURNMENT

Mr. President: Acting Leader of Government Business.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, April 23, 2024 at 1.30 p.m.

Mr. President: Hon. Senators, before I put the question on the adjournment, leave has been granted for one matter to be raised on the Motion for the Adjournment of the Senate. Your matter will go across to tomorrow right, Sen Mark?

Sen. Mark: Yes.

Mr. President: Sen. Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

**Mandatory Reporting of Child Abuse
(Need to Enact Legislation)**

Sen. Hazel Thompson-Ahye: Thank you, Mr. President for allowing me to speak on this matter at this opportune time, this being Child Abuse Month. The need to enact legislation for the mandatory reporting of child abuse and neglect. Some months ago on *Eye on Dependency* a Children's Authority staff member advised the public of their legal duty to report child abuse. Wanting to know about that law I called the show, then I posted in the chat to no avail.

Goal 16.2 of the Sustainable Development Goal require States to:

“End abuse, exploitation, trafficking and all forms of violence against and torture of children.”

In 2006, the Child Rights Committee to whom we report our progress in implementing the Convention on the Rights of the Child, the CRC, recommended that we take the necessary measures to prevent child abuse and neglect by inter alia, introducing legislation making reporting obligations mandatory for suspected

cases of abuse and neglect for all professionals working with children. In 2011, the said Committee in General Comment No. 13 on Article 19 of the CRC, the Right of the Child to freedom from all forms of violence stating in every country reporting of instances suspicions or risk of violence should at a minimum be required by professionals working directly with children of violence.

In 2018, the Children's Authority recommended to the then Attorney General to amend the Children Act to make mandatory report of offences against children. Long before the so-called Valsayn horror story broke, I have heard police officers, the media, workers and others speak in public of their having a legal duty to report child abuse. As in the olden days when people sought the Scarlet Pimpernel, or Shylock looking in his bond_for mention of blood, I searched everywhere for that law to no avail.

Let us examine our laws: The Children's Authority Act established our premier Child Protection Agency, the Children's Authority with one of its core functions being to investigate complaints or reports of mistreatment of children. Section 22(2) states:

“A police officer or any other person having reasonable grounds for believing that a child is in need of care or protection may seek the assistance of the Authority for care or protection of such child.”

The words “any other person” includes the public, but the words “may seek” speak to optionality, not obligation. All the elastic in the world cannot stretch those words to create a mandatory duty on the public to report child abuse.

Section 5 of the Summary Offences Act contains sanctions against child abuse, but has no provision mandating reporting child abuse. The Children Act details ameliorable offences against children, all punishable by fines or

imprisonment, or both. Section 15 refers to a complaint on oath of child abuse or the potential for abuse being made by an approved public officer experienced or qualified in social work, and a complaint by a person who in the opinion of the Magistrate is acting in the best interest of a child or a young person. Such person may be a member of the public but there is no mandatory duty on such person to make a complaint.

Section 50 of the Children's Authority Act provides for certain designated persons to notify the Authority, the parent, guardian or person with responsibility for the child, a children's attorney, the police, where an offence has been committed against a child or there is reason to believe has been or is likely to be committed, the persons designated are —

- “(a) a public officer experienced or qualified in social work;
- (b) a person employed on contract by the Government, experienced or qualified in social work;
- (c) a person who, in the opinion of the Court is acting in the”—best—
“interest of the child; or
- (d) a constable”.

There is no mention there of an obligation on members of the public to report.

4.40 p.m.

When you look at section 31 of the Sexual Offences Act it says:

- “(1) Any person who—
- (a) is the parent or guardian of a minor;
- (b) has the actual custody, charge or control of a minor;

- (c) has the temporary custody, care, charge or control of a minor for a special purpose, as his attendant, employer or teacher, or in any other capacity; or
- (d) is a medical practitioner, or a registered nurse or midwife, and has performed a medical examination in respect of a minor, and who has reasonable grounds for believing that a sexual offence has been committed in respect of that minor, under this Act or section 9, 10, 18 or 19 of the Children Act, shall report the grounds for his belief to a police officer as soon as reasonably practicable.”

The word “shall” indicates a mandatory obligation on named professionals. Members of the public are not named among the duty-bearers.

Section 26A (1) of the Domestic Violence (Amdt.) Act, 2020, states:

“...a person—

(a) who—

(i) has actual custody, charge or control of;”—a child—

“(ii) has, for a special purpose, as his attendant, employer, teacher or caregiver, or in any other capacity, temporary custody, care, charge or control of;

(iii) resides with; or...

(b) who is a social worker.

(2) ...who has reasonable grounds to believe that a person has engaged, is engaging or is likely to engage, in conduct that constitutes domestic violence against...a child, shall report the grounds for his belief to a police officer as soon as reasonably practicable.”

No mention is made of the general public.

In Trinidad and Tobago, therefore, mandatory reporting of child abuse is found in the Sexual Offences and Domestic Violence Acts and their provisions govern only the prescribed person's name in the legislation, not the general public. Mandatory reporting of child abuse and neglect is not universal. Most countries in Europe, Canada, Australia, most of the United States, Israel, Rwanda, Sri Lanka and others, including some Caribbean countries, provide for mandatory reporting of child abuse and neglect and some of them mandate the public to report.

When you look at Jamaica, their Childcare and Protection Act, 2005, in section 6(1) imposes a statutory duty to report on certain prescribed persons. Medical field including:

“...teaching professional;

...social worker...

...operator or employee of...”—childcare—“centre...

...any other person who by virtue of his employment or occupation has a responsibility to discharge a duty of care towards a child;”

Section 6(2) now places a similar duty on members of the public. It states:

“(2) Any person who has information which causes that person to suspect that a child—

- (a) has been, is being or is likely to be, abandoned, neglected or, physically or sexually ill-treated; or
- (b) is otherwise in need of care and protection, shall make a report to the Registry.”

Guyana also in their Protection of Children Act, section 7 imposes a:

“Duty to report” —on—“...a person”—who—“has direct information that a child is...in need of protective”—or—

“intervention...to the Director, a probation officer...a police officer.

6. A child...
 ...at risk of, being physically...
 ...sexually or emotionally abused...”—in need of medical attention has been—
 “...abandoned...”—has no—
 “...parent...
 ...living in a situation...”—of—“violence...”—has—
 “...killed or seriously injured another person or...caused...”—injury or in fact has—
 “...threatened...”—with—“weapons, to cause injury to another person...either with the parent’s encouragement or because the parent does not respond adequately...”

The Cayman Islands too imposes a duty on:

“32A.(1)...

- (a) a person to whom this section applies has a reasonable suspicion that a child has been or is being abused or neglected;
 and
 (b) the suspicion is formed in the course of the person’s work...”

So it is not just any member of the public but if you are involved in some department, you know, dealing with children.

So it applies to the usual professional who works with children, and strange enough it includes, which the other jurisdictions do not do:

- “(i) a minister of religion;

(j) ...an employee...formed for religious or spiritual purposes..."

Belize too, has a public duty imposed on:

"3. Every person who reasonably believes, or who learns of facts and circumstances which give rise to a reasonable belief, that any child has suffered or is suffering child abuse..."—that person has—"a social and moral obligation and duty..."—

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

Sen. H. Thompson-Ahye:—"to report the suspected child abuse..."

So you have a duty on medical personnel, it also places duty on family members and so on, to report. St. Lucia again, there is a public duty on members of the public. Grenada also has a public duty, and all of these countries in fact do impose strict obligations and fines and imprisonment.

In the United Kingdom there is currently no general statutory obligations for individuals in England to report child abuse, but there has been a report in England and their independent report says that they are going to do something about it in the very near future. So that although England does not have it you find that Ireland has had since 1967, imposed in the criminal law, a mandatory duty when a three-year-old child was killed after chronic physical abuse that was well known to family and neighbours.

So there is need for a law in Trinidad and Tobago by not only professionals, making them have to report, volunteers working with children, but the public and it is must contain the core components, who is covered by the duty, what not to be reported, who the report must be made to and sanctions for failure to report. So states have used different formulas. Some of them, where they impose the duty on certain specified persons who work with children, do not impose punishment on

members of the public. So they have done it that way. So they have different formulas to achieve this goal and it is for us as a society to decide which route we wish to take, but act we must.

The United Nations Child Rights Committee has told us since 2006 that we ought to put it in place. So I look forward to us doing it even before England because I was very proud when we were at the Commonwealth Law Conference, to say we had child marriage, we did it before England. So let us do that before England does it—

Mr. President: Senator.

Sen. H. Thompson-Ahye:—so that we can feel proud. Thank you very much, Sir.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister in the Office of the Prime Minister.

Hon. Senators: [*Desk thumping*]

The Minister in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):

Thank you, Mr. President, I promise the Members of this Senate, I would not keep you long. I wish to reassure Sen. Thompson-Ahye and all those who may be viewing on, that this matter is indeed receiving the urgent attention of the Government. As a matter of fact, Mr. President, the Office of the Prime Minister - Gender and Child Affairs has already taken steps in this direction and has tabled the issue of mandatory reporting of child abuse by members of the public with the legislative review committee to be placed on the legislative agenda of the Government.

Mr. President, as you are aware there is a standing committee on child protection and under that standing committee on child protection there is a specific sub-committee, that is the legislation and enforcement sub-committee, which has

met eight times since the inception of these standing committees. That committee is currently reviewing with a view of looking at the deficiencies and weaknesses within the various Acts. They are currently reviewing the Children Act, Chap. 46:01; the Adoption of Children Act, Chap. 46:03; Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04; Children's Authority Act, Chap. 46:10; Child Rehabilitation Centre Act, Chap. 13:05.

Apart from that, Sen. Thompson-Ahye and for all the Members of the Senate, what I want to point out is that while it is good to have legislation to force the citizenry to do the best for our children, I believe it is more important for us all as citizens not to be legally forced to report instances of child abuse, but for us to be morally, spiritually and ethically compounded to report instances of child abuse.

Hon. Senators: [*Desk thumping*]

Hon. A. Webster-Roy: And because of that we have been working alongside with various civil society organizations. We have been working alongside corporate Trinidad and Tobago. We have indeed been calling all of Trinidad and Tobago to stand united with us as we work towards ending all forms of abuse in Trinidad and Tobago.

As a matter of fact, just recently, the Office of the Prime Minister - Gender and Child Affairs in collaboration with TTPOST once again would have developed and designed a series of brochures to be distributed to every household in Trinidad and Tobago. The first time we did that, Mr. President—I almost said Mr. Speaker—Mr. President, I remember sitting in a JSC and a Member of the Senate was the chairman of that JSC and we were going to interrogate TTPOST and before we could have started he said, just a minute I want us to pause and I want to commend TTPOST for an initiative that was done in collaboration with the Office

of the Prime Minister. He would have said to the committee at that time and those who would have been viewing, I encountered a young person in a rural community and that person would have indicated that they knew what to do in an instance of abuse because of the information that came to the home.

So we have been working to empower not only the adults in our communities but also our children through our Child Rights Ambassadors programme, teaching children their rights but also the responsibilities that accompany those rights and helping our children to become empowered so that they become the advocates of their rights. Going out into the communities and also educating other children, as well as adults, because thousands of adults would have been impacted by the work done by our Child Rights Ambassadors programme. We have also started the going into communities, a roving caravan, educating the public on the different signs of abuse, what is abuse, how can you spot it, how can you treat with it, but most importantly, encouraging the citizens of Trinidad and Tobago to set aside the culture of abuse that is prevalent within Trinidad and Tobago and to start respecting and protecting our children.

So Sen. Thompson-Ahje, I want you to know that this matter is indeed receiving the full attention of this Government. As a matter of fact, Mr. President, just recently we would have collaborated with the Member of Parliament for Cumuto/Manzanilla. He would have developed, Mr. President, he would have identified within his constituency that child abuse is indeed an issue. And in collaboration with the staff at the Office of the Prime Minister, as well as his constituency, we would have developed a programme specifically targeting his constituency, understanding the various cultural nuances within his constituency and being better able to empower everybody in the constituency to treat with

instances of child abuse. We intend to roll this out throughout all constituencies. We are not taking it from a government level but asking MPs to work with us, to develop it to target their specific unique circumstances so that our children are indeed protected.

Mr. President, I want to assure the citizenry that even though we may not have a specific legislation as yet, every citizen must report. There is a moral duty, a spiritual duty for all of us to report. Children are messages we send into the future. If it is that we ill-treat our children, what message are we sending to future Trinidad and Tobago. I want to call up all of us, all hands on deck, the Government cannot do it alone. We need all hands on deck, we need duty-bearers to stand up to their responsibility.

We need adults in our communities to understand that abuse is not just sexual abuse or physical abuse, there is something called neglect, and too often we are seeing our communities where parents are neglecting their children, where guardians are neglecting their wards. I want all of us to stand united as we launch this campaign to end all forms of child abuse in Trinidad and Tobago, even as we work towards strengthening the laws but develop that attitude, to develop a mindset where we respect and protect each and every one. I thank you, Mr. President, and I thank the hon. Senator for this opportunity.

Hon. Senators: [*Desk thumping*]

WORLD EARTH DAY, 2024

Mr. President: Hon. Senators, before I put the final question, I wish to inform you that today, Monday April 22nd, 2024, the world observes Earth Day 2024, under the theme: “Planet vs Plastics”. One of the priorities of Earth Day is educating the public on the environmental issues that our planet is facing,

including the plastic crisis. In this regard the Office of the Parliament has adopted the theme: “Planting Seeds of Knowledge”, and undertook several initiatives in partnership with the Environmental Management Authority and the Port of Spain City Corporation. These events all targeted schools within the Port of Spain area.

A series of tree planting exercises were selected as an appropriate venture to commemorate this important day. To this end, three public squares in Port of Spain all with a rich educational history were chosen for these exercises. The Office of the Parliament also equipped three Port of Spain schools at the preschool, primary and secondary school levels with a vertical drip irrigation system to encourage innovation in the field of sustainable food development. These rewarding initiatives were led by the hon. Bridgid Annisette-George, MP, Speaker of the House and myself as President of the Senate.

It is our hope to continue this undertaking with the similar initiative in another part of our country to commemorate World Environment Day in June 2024. Furthermore, we encourage Members to take up the challenge to rescue our planet and encourage others to commemorate Earth Day 2024, in their homes and communities. Thank you all and I wish you a Happy Earth Day 2024.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.55 p.m.