

SENATE

Tuesday, April 23, 2024

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

**PAPERS LAID**

1. Motor Vehicles and Road Traffic (Persons With Disability Parking Permit) Regulations, 2024. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]
2. Delegation Report on the 148th Assembly and related meetings of the Inter-Parliamentary Union (IPU), March 23 - 27, 2024, Geneva, Switzerland. [*The Vice-President (Sen. Dr. Muhammad Yunus Ibrahim)*]
3. Immigration (ICC Men's T20 Cricket World Cup 2024) (Mutual Recognition of Visas) Regulations, 2024. [*The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne)*]
4. Annual Report and Audited Financial Statements of the First Citizens Investment Services Limited and its Subsidiaries for the year 2023. [*Sen. The Hon. Dr. A. Browne*]
5. Ministerial Response of the Ministry of Rural Development and Local Government to the Thirteenth Report of the Public Administration and Appropriations Committee on an Examination of the Management and Operations of the Housing Development Corporation (HDC) including the Restructuring of HDC into the Three Distinct State Enterprises. [*Sen. The Hon. Dr. A. Browne*]

URGENT QUESTIONS**UNREVISED**

**Neonatal Intensive Care Unit - Latest Death
(PAHO Investigation)**

Sen. Wade Mark: To the Minister of Health: In light of reports of the death of another baby at the Neonatal Intensive Care Unit of the Port of Spain General Hospital, can the Minister state whether this latest death will form part of the PAHO investigation?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. President, for the question. Mr. President, in discussions, through the PS, with PAHO on this issue—because I have not inserted myself into the investigation. I did not interfere with it—I am advised that PAHO can include it on two counts, one, time/proximity to the original cluster, and two, if the case definition—the clinical case definition of this case matches those. That is how they may include it.

Mr. President, before I take my seat, and I condole with the new family on this, I want to recognize the intelligence of the average man in the street who is not being swayed by irresponsible arguments. I want to also recognize the sober voices, like the Trinidad and Tobago Medical Association and those more responsible voices who are now adding their weight to this matter, they are bringing a sense of clarity to the issue. And whilst we focus on those who have passed, and we must, I want to thank health care workers, doctors, nurses, technicians, lab techs—

Hon. Senators: [*Desk thumping*]

Hon. T. Deyalsingh:—patient care escorts, security guards, because we still bring to life all those preterm babies, 500 grammes and more, that goes unnoticed. And whilst we must recognize that we have one major issue in one ward, in one hospital, the entire health care system continues to function

because of the dedication—

Hon. Senators: [*Desk thumping*]

Hon. T. Deyalsingh:—of all our professionals. And I think the country should recognize that, and I think the average man in the street—

Sen. Nakhid: Shame!

Hon. T. Deyalsingh:—by their responses to me have—

Mr. President: Have a seat. Minister, one, the time for answering the urgent question has ended; two, Sen. Nakhid, please control your outbursts. Sen. Mark.

Sen. Mark: In light of the confession of negligence on the part of the Minister, can I ask—

Hon. T. Deyalsingh: I made no confession of negligence. I ask for that to be withdrawn.

Hon. Senators: [*Desk thumping*]

Sen. Mark: Mr. President, he is interrupting me.

Mr. President: Have a seat.

Sen. Mark: He cannot do that.

Mr. President: Have a seat. So again, you have a supplemental to ask. Ask the question.

Sen. Mark: Mr. President, through you, I would like to ask the following question, can the hon. Minister indicate what immediate steps will be taken, given what he has just indicated, to avoid further trauma, pain to parents through what I would like to call—

Mr. President: Minister.

Sen. Mark:—the implementation—

Mr. President: We got the question, Sen. Mark. Minister.

Hon. T. Deyalsingh: Thank you. And, Mr. President, it is exactly that type of rhetoric that the country is starting to see through as been self-serving, and ought to be condemn—

Hon. Senators: [*Desk thumping*]

Hon. T. Deyalsingh:—in the most vigorous manner. As both North Central and myself said when this issue first came to light, North West went through above and beyond their usual sanitization cycles to ensure, as far as humanly possible, that there is no reoccurrence. But what is happening now, there is so much misinformation being put out there—and I will give an example because it is important that the public knows this. What made it into the media was that a private sector hospital called “Sanjivani” may have been the cause of the infection. And as I said yesterday, Sanjivani had nothing to do with this, and that is what is being perpetuated by this line of reasoning from those opposite.

They have already poured scorn on the PAHO report. It has not even been submitted, but they are already questioning the veracity and independence of PAHO, much as they did with the Seemungal report. And when they found two items in the Seemungal report that they could latch on to, all of a sudden the Seemungal report became their cause célèbre. But before, a doctor called Tim Gopeesingh was pouring scorn on the Seemungal report even before they submitted it, and this is the same playbook being done now with the PAHO report. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. Mark: Has the new Minister of death—

Mr. President: No, Sen. Mark, have a seat.

Hon. T. Deyalsingh: Mr. President—

Hon. Senators: [*Desk thumping*]

Hon. Senator: Minister of death.

Mr. President: No. Do not—do not do that. Sen. Mark, rise to your feet, retract that statement and apologize. That will not be tolerated inside here.

Sen. Mark: Well, I withdraw, Sir.

Mr. President: All I want to hear at this point in time, Sen. Mark, is a retraction and an apology for that statement.

Sen. Mark: I withdraw and I humbly apologize.

Mr. President: Ask your supplemental.

Sen. Mark: Let me ask the Minister, who I will describe on a platform as what I just said here—let me ask, through you, Mr. President—

Hon. Senators: [*Interruption*]

Mr. President: Sen. Mark, ask your question.

Sen. Mark: Mr. President, can the Minister indicate what concrete steps, measures, have been taken by his Ministry and himself to ensure that he is not involved directly or indirectly in navigating this report that will finally be produced by PAHO?

Mr. President: Sen. Mark.

Sen. Mark: We would like the Minister to indicate how—

Mr. President: Sen. Mark, I will not allow that question. Have a seat. Next question on the Order Paper for Urgent Questions.

Sen. Mark: Yes. Babies are dying here, man.

Mr. President: Sen. Mark, when I call for the next question on the Order Paper, just move to it. Leave all of the extra stuff out. Continue.

Sen. Mark: I am a parent, you know, Sir, like you.

Mr. President: Sen. Mark, continue.

Sen. Mark: It hurts my heart.

**Point Fortin Fire Station
(Postponement of Opening)**

Sen. Wade Mark: To the Minister of National Security: Given the assurance made by the Minister at yesterday's sitting of the Senate and the subsequent news release issued by UDeCOTT, can the Minister provide the reasons for the postponement of the opening of the Point Fortin Fire Station?

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very much, Mr. President.

Hon. Senators: [*Interruption*]

Mr. President: Have a seat, Minister. Members, allow the Minister to answer the question as posed by Sen. Mark without the crosstalk getting to a level that I cannot hear him. Minister of National Security.

Hon. F. Hinds: Thank you very much, Mr. President. Mr. President, I am more than happy to report that although today's ceremonial opening of the Point Fortin Fire Station has been rescheduled, the officer in charge of the men and women who will be stationed there has moved in, and the men and women continued—they began recently the process of moving in. So ready for business, the place is.

I am advised by UDeCOTT that due to event logistics, they had to reschedule the ceremonial opening to a short new date and I, as Minister, complied. This was a UDeCOTT—or this is a UDeCOTT project. Meanwhile, again, as I did yesterday, and reaffirm today, the Trinidad and Tobago Fire Service remains available. The station, because of the dilapidated condition of building in which it occupied, the officers, they moved to another location in the vicinity. So they remain, as I speak to you,

available to the calls, and emergency calls in particular, from the people of Point Fortin and environs. I thank you.

Mr. President: Hon. Senators, the time for urgent questions has expired.

ORAL ANSWERS TO QUESTIONS

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. President. Mr. President, the Government is in a position to answer Question No. 63, No. 93, No. 94, No. 95, No. 65, No. 66, No. 67, No. 92, No. 96, No. 97 and No. 98, all of the questions for oral answer on the Order Paper. Thank you.

Hon. Senators: [*Desk thumping*]

1.45 p.m.

Mr. President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

Sen. Mark: Guide me, Mr. President. I see a number of questions coming before me. So can you tell me what question—

Mr. President: Question 63.

Sen. Mark: Thank you. Thank you, Mr. President.

ORAL ANSWERS TO QUESTIONS

Contract Killings by Prisoners

(Measures to Address)

63. Sen. Wade Mark asked the hon. Minister of National Security:

In light of January 2024 reports of approximately 20 contract killings being ordered by prisoners, can the Minister indicate what measures are being taken to address this situation and its impact on the wider justice system?

The Minister of National Security (Hon. Fitzgerald Hinds): Mr.

President, based on the information received from the Commissioner of Prisons, I advise as follows. In the prison service's ongoing attempts to ensure the safety and security of the nation's people, the prison service continues to introduce, upgrade and maintain security systems which would be effective in deeming our establishments as secure, but mitigating any and all avenues for the passage of illegal contraband and unauthorized communication.

Our most recent efforts are inclusive of the following: installation of jammers at our prisons in the second half of 2023. However, cell phone jammers in the prisons can only prevent unauthorized communication via cell phones since other means of communication pose innate challenges such as personal visits and letters. During these visits, inmates find more innovative ways using coded language to meet their desired needs. The prison service is acting daily to prevent illegal communications.

Targeting of suspected officers: Regular and thorough searches are conducted randomly in response to intelligence received. For the year ending 2023, six prison officers were arrested and charged for possession or prohibited articles under the Miscellaneous Provisions (Law Enforcement Officers) Act, which we brought and passed here as Act No. 25 of 2019. For the year 2024 to date, two prison officers are currently before the court charge with position of prohibited articles.

Prison searches: Searches are conducted on a routine and ongoing basis. At times, these searches are conducted with the assistance of other law enforcement agencies. For the year ending 2023, there were 411 cell phones confiscated. This contrast with previous years when numbers were in the thousands. And this cell phone problem in jail, as I read up to this

morning, is not confined to Trinidad and Tobago. It exists everywhere in the world. It is a real phenomenon and problem.

Searching of prison officers: Regular searches of prison officers—because we are sure from the records of the even recent past, that prison officers as officers of the State have been time part of this problem. So we search them, we scan them on a regular and an ongoing basis. We have established the prison interdiction team and their purpose is to pay attention to their colleagues who fall prey as some previous Government Ministers have in this country, and others in many disciplines and professions. So that is one of the ways we treat with them.

The issue of drones: Drones have become a medium to transport contraband items—a new development, including cell phones into the prison. They pose particular challenges given their speed, acceleration and capacity for covert operations. Collaboration with the Trinidad and Tobago Police Services Air Support Unit has been an initiative to help alleviate this issue and we have other ways in dealing with it to relatively strong and good success. Mr. President, those are some of the ways in which we are treating with the matters raised by the hon. Senator. I thank you.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, can I ask the hon. Minister, given all the measures identified by the hon. Minister, how has this—or how have these measures contributed to a reduction in the issuing of hits or contract killings from behind prison walls? Can the Minister indicate to this Parliament what has been the efficacious effect or outcome of the measures?

Mr. President: Minister.

Hon. F. Hinds: Mr. President, to me it is basic that these measures are

largely interdictory and preventive. It is difficult, I would admit, to measure the preventative aspect of the work that the security forces do. Similar to what I heard with the Ministry of Health. They deal with babies by the thousands. They deal with many babies, hundreds who have physical challenges at birth and the neonatal unit is to deal with them to varying levels of success.

So I understand that we do like every other State have a problem with murders, with hits being called, and the actions I have described have been and are being taken to treat with it to as I say great success. And one just has to imagine that without these measures, whichever government is in power, in the absence of these measures, God knows what our circumstances would have been like. Thank you.

Sen. Mark: Mr. President, seeing that the Minister has indicated that drones have become a very powerful device to transport contraband goods, including cell phones into our prison walls or behind prison walls, so that prisoners can have access to say—

Mr. President: What is the question Sen. Mark?

Sen. Mark: Can the Minister indicate Mr President, what concrete measures are being taken by this State to ward off the abuse and misuse of these instruments to undermine national security in T&T.

Mr. President: Minister.

Hon. F. Hinds: The Senator is inviting me to tell this Parliament and the world including those who use drones to breach our security systems, what we are doing to deal with it. I have given some indications, he wants to—it sounds to me like the Senator wants to encourage the undermining of the national security. I could not say all of that. I have already indicated that it

is a problem and we are attending to it with great levels of success. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: That is why I say criminals have friends everywhere.

Mr. President: Sen. Mark.

Sen. Mark: Yes Mr. President—

Sen. Nakhid: [*Inaudible*]—to not have friends everywhere. This inefficient and incompetent—[*Inaudible*]

Mr. President: Sen. Nakhid. Sen. Mark.

Sen. Mark: Mr. President, may I ask the hon. Minister, given the number of reported contract killings as reported, and never denied by the State, coming from behind prison walls, can the Minister share with this hon. Senate what efforts have been made to get at the source of those particular deadly contracts that have been issued, resulting in the deaths of people? What activities have the State engaged in to get to the source of this?

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

Sen. Mark: Okay, he said it has been—I will pause at this time and I will ask Sen. Dr. Richards to [*Inaudible*]

Mr. President: Sen. Dr. Paul Richards.

Sen. Dr. Paul Richards: Thank you Mr. President. Good afternoon colleagues, it seems our “kumbaya” moment from yesterday did not carry through today.

Hon. Senators: [*Laughter*]

FUL’s Approved/Granted to Private Security Companies

(Details of)

93. Sen. Dr. Paul Richards asked the Minister of National Security: With regard to Firearms Users Licences (FULs) approved/granted to private security companies in Trinidad and Tobago as at December 31, 2023, can the Minister 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?

Mr. President: Ministry of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you Mr. President, it is important to note that the approval and or grant of the firearm users license to private security companies is done by the Commissioner of Police in accordance with part two of the Firearms Act Chap.16:01 of the laws of Trinidad and Tobago. In this regard, each private security company can only be granted one FUL from which the Commissioner of Police can then grant several FUECs, Firearm Users Employee Certificate for their respective employees.

Accordingly, with respect to Item (i) of the question, part (i), the Commissioner of Police has advised that a total of 89 private security companies have been granted FULs. In relation to part (ii), the 10 private security companies with the largest number of Firearm Users Employees Certificates granted under the FULs as I explained are: Amalgamated Security Service Limited with 570; Allied Security Limited with 282; Elite Security Consultants, 195; Executive Bodyguard Services, 176; Fortress Security Services Limited, 167; G4S Security Services Limited, 142; Imjin Security Services Limited, 129; Innovative Security Services Limited, 113,;

SWAT Estate Police Company Limited, 109 and Telecom Systems Limited, 102; totalling 1,985 altogether. Thank you.

1.55 p.m.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Thank you, Mr. President. Thank you, Minister for the response. Given the numbers that the Minister has articulated which I appreciate, of the 89 private security companies having received FULs and their consequent FUECs and the fact that those are just the top 10 you identified resulting in 1,985 FUECs, which does not contemplate the remainder of the 89; is the Minister satisfied with the level of oversight, monitoring and management of the weapons and ammunition reposed with these companies identified and others, given the consequent FUECs and weapons and ammunition that would be disbursed and used by these private security companies?

Mr. President: Minister.

Hon. F. Hinds: Thank you very much, Mr. President. This Minister in the generality is aware of the concept of the phenomenal diversion, meaning where legal arms and ammunition stockpiles are inadvertently, illegally, criminally sometimes, negligently even, they move from legal hands and use, to illegal hands; misuse and abuse. So in that circumstance, I would never be satisfied.

In addition to that, we have had experiences in Trinidad and Tobago where lawful law enforcement-held firearms and ammunition have been diverted as a matter of fact and we are working with our international partners on that. You would have seen some time last year, I did the symbolic destruction of a firearm at the police academy. That was one of

about 7,000 for physical destruction and that destruction process is ongoing in order to ensure that these arms and ammunition are no longer in use, the end result of court cases ordered, destroyed by the court, are destroyed so that they will not be diverted to criminal hands. In answer to the Senator's very useful question, yes there is an issue of diversion, yes, action is being taken.

Even this Government and we have on the Senate Order Paper a Bill to regulate the private security industry. I presented it. We went to a joint select committee with the UNC. They sat in that committee for nine months, agreed with everything and when we came back on the Parliament Floor to debate that Bill as we must, to regulate the industry, dealing with regulating the firearms and ammunition that they hold, that United National Congress, this is why it is said, the criminals seem to have friends everywhere and I say so without apology—

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds:—they stood up in this Parliament and signalled their objection to that law, but we will persist in order to ensure that—

Hon. Senators: [*Crosstalk*]

Mr. President: Member, Members, Members.

Sen. Mark: Do not mislead the Senate, please.

Hon. Senators: [*Continuous crosstalk*]

Mr. President: Again, the Minister of National Security has the Floor, Sen. Richards is the one who is on the Floor to ask the supplementals. Minister, are you finished with your response? Continue.

Hon. F. Hinds: Just have a few more words in conclusion. Simply to say that we will continue in the protection of the State and the protection of the

people in simply doing that which is good and right to ensure that we continue to take action to prevent the concerns quite properly raised by the Senator in the question in front of us. I thank you.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Thank you, Mr. President, for the response. Given the Minister's response in the present crime scenario in the country, and the acknowledgement of the phenomenon of divergence as the hon. Minister has described, and the potential for criminality being exacerbated by that phenomenon, and the Minister's response about the work with external partners, is the Minister satisfied with the level of resources and mechanisms presently in place to monitor and interdict those occurrences and diversions in the country?

Mr. President: Minister.

Hon. F. Hinds: Mr. President, we have a serious crime problem in Trinidad and Tobago, and the region and the world. We do have a problem. As Minister of National Security, as a citizen of this Republic and as a man, I cannot say that I am satisfied with the problems that beset us. What I can also say is that as Minister, as a citizen, we will continue to exert the best efforts. This Government gives the assurance from our record, from our efforts that we will continue to work and exert best efforts at creating a safer and more secure environment for the citizens of Trinidad and Tobago to live, have fun and operate in. I thank you.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Final question in this set. Through you, Mr. President, can the Minister indicate if given his acknowledgement of this phenomenon of divergence and security companies who have lawful FULs and

consequent FUECLs, if any charges have been proffered or criminal prosecution entered into regarding the identification of such security companies that are engaging in this, what I presume is criminal activity and dangerous activity of divergence?

Mr. President: Minister.

Hon. F. Hinds: Well, criminal liability largely is about personal liability. In other words, if a police officer, if a soldier, if an estate constable belonging to one of the firms I have dealt with here today, commits an offence, in all cases, when something untoward happens, an investigation ensues. For example, recently a soldier is reported to have gone down in the West and took the lives of two citizens, all other matters of that nature would be investigated. The divergence where that applies will be identified and prosecution will not be in that case against the Defence Force or against a security firm but against the individual. And I would want to remind the Senator that there are many officers, estate police officers, police officers, prison officers who have been the subject of investigations, charged in prosecution in Trinidad and Tobago in these respects.

Mr. President: Sen. Richards, you have one—Sen. Mark.

Sen. Mark: Mr. President, may I ask the Minister of National Security that in the absence of legislative framework and the absence of proper monitoring, is it safe to conclude that a private security industry of which we are talking about, 85 having access to FULs and—89, can it be concluded and the Minister can advise on this matter, that the armada of weaponry controlled by the private security industry exceeds that of the State's security services in Trinidad and Tobago?

Hon. F. Hinds: I think not. But I cannot say with any greater accuracy than

that, but I think not.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Thank you, Mr. President. Question No. 94 to the Minister of National Security.

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

94. Sen. Dr. Paul Richards asked the Minister of National Security:

Can the Minister 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?

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you yet, again, Mr. President. On the basis of information received from the Commissioner of Police, I here state that the existing registers at the Firearms Permit Unit were not designed to capture the occupation of an applicant firearm user's licence holder. Additionally, due to the records not being fully digitized, every approved file pertaining to FULs must be physically scrutinized to ascertain the requested information.

In this regard, as it pertains to information requested as at parts (i) and (ii) of the question, the following information can be provided:

FULs approved for the period 2011 to 2023, insofar as business owners are concerned amounts to 1,145. In respect to other private citizens, 2,168, with a total of 3,313.

The Trinidad and Tobago Police Service is currently undertaking a firearm user's licence renewal process which requires persons to indicate

their occupation on the renewal application form. As such, the present figures for both categories will only be known when all the FUL holders have completed the renewal process. As such, the actual figures for currently active FULs in both categories may vary from the quoted figures as the FUL holder's status may have changed. Thank you.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Thank you, Mr. President. Can the Minister indicate in similar fashion to the question posed and the question regarding the oversight mechanisms given now we have information about private security companies and the phenomenon of divergence, and that potentially being transferred to private citizens and/or businesses excluding private security companies, if the oversight mechanisms are sufficiently in place to monitor these FULs and the attendant ammunition reposed with these individuals?

Mr. President: Minister.

Hon. F. Hinds: Under the Firearms Act, the Commissioner of Police and those to whom she delegates some of her authority and power, the police are mandated to monitor the stock of arms and ammunition, the use of arms and ammunition in the country. One of the ways in which they do that is to visit regularly and observe the records of the firearm dealers, those who import under licence and distribution in the country, always watching to see that which they have in stock and how they distributed those that have gone out of their stock.

And of course, for the firearm user's licence holder or FUEC holder, again, the private security companies are similarly monitored and audited and the Bill that I spoke about, the Private Security Industry Bill is specifically geared towards that, allowing an inspector an office who would

come into existence under that Act if the UNC lends it its support, would be able to go and visit and check upon on the private security holders to see what they have, how they are using it and how they keep them safe. As for private persons with FULs and FUECs, the individuals, they have to come in from time to time on an annual basis for the licensing of the firearm and every three years for a renewal of the licence.

So this allows the Police Service to see the weapon, check the serial number, check the number of rounds, and there is a record of what you used whether it was in training or otherwise and what you would have purchased. So there is that overall monitoring that ought to take place in respect of the valid concerns of the hon. Senator. Thank you.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Thank you. Can the Minister indicate if it is taking place effectively?

Mr. President: Minister.

Hon. F. Hinds: Well, from where I stand, I pray, I am confident that it does but I do have information that in some cases, for example—I do not think I want to get into it now because some of those matters are before the court, but there are several examples of where that kind of monitoring was not successfully executed and the results of that monitoring had not been secured. Thank you. I can give examples if he wishes.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Minister, final question in this set. Can the Minister indicate if an intonation at a recent joint select committee suggesting that the monitoring of in particular, levels of ammunition disbursed by dealers is not being accounted for as effectively as it should, posing danger to citizens

should that ammunition get into the wrong hands.

Mr. President: Minister.

Hon. F. Hinds: Based on information available to me in the three enquiries that this Government initiated when news came to us about abuse and mismanagement and a white-collar criminal enterprise under the nose of a former Commissioner, I have reason to believe that it has not been properly monitored and I agree with the implication of the question that things in some ways fell a stance.

2.10 p.m.

Sen. Dr. Richards: A supplemental—

Mr. President: Supplemental? Yeah.

Sen. Dr. Richards: A final supplemental on this. Can the Minister indicate what steps are being taken to rectify that very dangerous situation?

Mr. President: Minister.

Hon. F. Hinds: I did indicate a while ago that the Commissioner of Police has, for the first time I understand some people to be saying, implemented a provision of the law that requires renewal—written in the law, you know—every three years. That is a part of the process.

Apart from this, I am aware the police are mandated under the law and under the direction of the National Security Council, as part of the Government's policy on behalf of the people of this country, to carry out their duty in terms of interdicting firearms, in terms of retrieving illegal firearms and all the other things that form part of proper policing activity in a modern society, that they must do in order to achieve the kind of safety and security that the Senator is alluding to, quite properly.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Thank you, Mr. President.

FULs Approved/Granted to Private Citizens

(Details of)

95. Sen. Dr. Paul Richards asked the hon. Minister of National Security: With regard to Firearms Users Licences (FULs) approved/granted to private citizens for each year during the period 2018 – 2023, can the Minister 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?

Mr. President: Minister of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Again, I thank you very warmly, Mr. President. Again, on the basis of information received from the Commissioner of Police, the following data is relevant. The registers utilized by the TTPS firearms permit unit were not created to capture—oh sorry, Question No. 95?

Sen. Dr. Richards: Question No. 95.

Hon. F. Hinds: Yeah. They were not created to capture the occupation of new applicants—existing firearm—

Hon. Senator: [*Interruption*]

Hon. F. Hinds: Yeah, yeah, yeah—firearm holders at the time of the application. Consequently—

Sen. Nakhid: [*Inaudible*]

Hon. F. Hinds: [*Member raises his voice*]—the figures supplied by the TTPS represent overall applications, comprising private citizens, business owners and private security companies.

Sen. Nakhid: [*Inaudible*]

Hon. F. Hinds: In this regard—

Mr. President: Sen. Nakhid—

Hon. F. Hinds:—the total number of FULs—

Mr. President: Sen. Nakhid, allow the Minister to proffer his answer, please. Continue, Minister.

Hon. F. Hinds: In this regard, the total number of FUL applications made during the period 2018 to 2023, amounted to 13,042, which is disaggregated as follows: For the year 2018, there were 1,722 applications; in the year 2019, 3,217; in the year 2020, 3,337; in the year 2021, 3,190; in the year 2022, 651; in the year 2023, 925. While the Trinidad and Tobago Police Service's overall digitization process is underway, the FUL files have not yet been be fully digitized, which means that every one of the files pertaining to FUL applications would have to be physically scrutinized to ascertain the category of the applicant. One would appreciate the time-consuming nature of this process. In addition to digitizing the existing files, the TTPS has informed that the capturing of this information at the time of the application would be done.

In respect of part (ii)—as regards to part (ii) of the question, sorry, TTPS records relating to the approved FULs revealed that during the period 2018 to 2023, a total of 3,547 private citizens were granted FULs, disaggregated as follows: 2018, 216; 2019, 534; 2020, 1,462; 2021, 1,271; 2022, 47; 2023, 17. Mr. President, story is being told, thanks.

Mr. President: Sen. Dr. Richards.

Sen. Dr. Richards: Thank you, Mr. President. Can the Minister indicate—given the fact that the balance of FULs awaiting renewal in the time period

expressed, 2018 to 2023, with the 13,042 applications and the 3,000 or so granted, there is the disparity of—well, an abeyance of 9,495. Can the Minister indicate, those that are awaiting renewal, what is the policy for those FUL holders who are awaiting renewal? Is it that they are supposed to give their weapons and ammunition back in? What is the policy practice related to that?

Mr. President: Minister.

Hon. F. Hinds: It is not within my understanding that while these matters are pending, the citizens are required to return firearms. It is not within my understanding that that is the case, but I can have that matter specifically clarified if the Senator would permit me the time to do that.

Sen. Dr. Richards: Through you, Mr. President, can the Minister indicate if there is a concern, given that while these 9,000-plus persons are awaiting renewal, that these firearms, initially legally reposed with them because of the FULs they would have been granted before, are now staying with them, in addition to the consequent ammunition in their possession, potentially, in some cases, posing a danger?

Mr. President: Minister.

Hon. F. Hinds: Quite admittedly, I lost you. Could you restate the problem you were aiming at?

Sen. Dr. Richards: Thank you. The concern—through you, Mr. President, is that these 9,000 persons would have had legal access to own firearms and ammunitions through your FULs, and now they are awaiting renewal. In the public domain, there is information that the renewal process has been protracted, and you indicated that the procedure or practice may not have been to return or to repose those firearms and ammunition with the TTPS. Is

there a concern that those firearms are now reposed with the owners without the requisite legal Firearm User's Licence active?

Hon. F. Hinds: Well, they are now, from my understanding, in possession of a firearm holder's licence—a Firearm User's Licence. They are in possession of that. So it is not that the possession, as we speak in the context that the Senator raised, is improper or illegal. The administrative process for the renewal, there would have been a timeline for the application to be made. Once the citizen did that, if it is pending, meaning it is the being dealt with in the police service, protracted or otherwise—and it ought not to be protracted—but if it turns out that it is, meanwhile, it cannot be deemed that the person is not legally in possession of a firearm. That is my understanding and again, that is, to my mind, quite logical, quite sensible.

Sen. Dr. Richards: Through you, Mr. President, can the Minister indicate if additional resources have been provided or supplied to deal with the backlog—if I can classify it as that—of 9,000-plus renewal applications?

Mr. President: Minister.

Hon. F. Hinds: As Commissioner of Police, that office-holder is set with the responsibility to administer the Firearms Act and to manage the police service. How she does that is entirely a matter for her. I am not in a position to say what she has done. What I can say is that from her public utterances and from any other source, that she is making efforts, serious efforts, sometimes inspired by court judgments, to get the business of the administration of these issues done expeditiously.

Mr. President: Sen. Mark.

Sen. Mark: Thank you, Mr. President.

Oil and Gas Reserves

UNREVISED

(Government's Plans to Convert)

65. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

Can the Minister advise whether the Government plans to convert this country's probable oil and gas reserves into proven reserves?

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

Hon. Senators: [*Desk thumping*]

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you, Mr. President. On behalf of the Minister of Energy and Energy Industries, the response is as follows. The progression of this country's probable and possible reserves into the proved P1 category is contingent upon the continued investment of operators in the oil and gas sector, in technical and geological data, such as seismic surveys, seismic reprocessing and well testing, or by the approval of investment plans that may unlock reserves associated with compression, appraisal drilling or infill drilling, to name a few.

The Ministry of Energy and Energy Industries, as part of its continuous management and development of the country's hydrocarbon resources for the benefit of the people of Trinidad and Tobago, continues to facilitate plans for such work being pursued by oil and gas operators. The Ministry encourages operators to fully replace or increase their proved P1 reserves by regular adjustments to the tax regime to improve development economics by enforcing technical work commitments within the production sharing contracts and by facilitating the removal of contingencies that obstruct the exploitation of our reserves. For example, the Government successfully negotiated an agreement with the Venezuelan Government in

2019, that set the maximum allowable recoverable volume of the Manatee development on the Trinidad side of the international boundary.

This arrangement and the approval by the Government of a field development plan by Shell allowed the conversion of gas from P2 plus C2, and P3 plus C3 resources into the P1 and C1 category. A further demonstration was the 50 per cent upgrade of Woodside's P1 plus C1 resource category in the year ended 2021 gas audit due to technical data obtained from the Bongos-3 and Bongos-4 appraisal wells.

The Bongos field had the most significant addition to any P1 plus C1 resources category between 2020 and 2021. The Woodside Calypso project, which is expected to bring on production from the Bongos field, is currently in the defined phase of the field development.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, I do not know if the Minister is the Acting Minister of Energy and Energy Industries, but whatever he is at this time, may I ask, through you, can the Minister indicate whether he can share with this Senate what is the actual probable reserves of both gas and oil in the Republic of Trinidad and Tobago? Can the Minister give any idea or information on this matter?

Mr. President: Minister.

Sen. The Hon. R. Mitchell: Thank you very much, Mr. President. Mr. President, I did not walk with that information and I cannot provide that information now, but if the appropriate question is asked, I am certain that it can be provided—

Sen. Mark: But this is—

Sen. The Hon. R. Mitchell:—to you.

Mr. President: Sen. Mark, second supplemental. Next supplemental, Sen. Mark.

Sen. Mark: Mr. President, can the Minister indicate whether the Government has a strategy or a plan of action to speed up the conversion of our probable reserves into proven reserves, Mr. President?

Mr. President: Minister.

Sen. The Hon. R. Mitchell: Thank you very much, Mr. President. I stated in my original answer, the Ministry of Energy and Energy Industries, as part of its continuous management and development of the country's hydrocarbon resources for the benefit of the people of Trinidad and Tobago, continues to facilitate plans for such work being pursued by oil and gas operators.

Mr. President: Sen. Mark.

Sen. Mark: Can the hon. Minister elaborate on the plan of these oil and gas companies that the Government is prepared to facilitate? Can the Minister outline that based on what he has said?

Mr. President: Minister.

Sen. The Hon. R. Mitchell: I am not prepared to elaborate on that, I do not have that information with me.

Mr. President: Sen. Mark.

Sen. Mark: It is a pity and so on that, you know—

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, you know, it is frustrating sometimes but I will go through you. Mr. President, I would like to ask the hon. Minister whether the 900 million barrels of heavy crude oil reserves by Heritage Petroleum, which have already been discovered, whether that is part and parcel of this

strategy and plan of action to convert our probable reserves into proven reserves, and whether—those oil reserves, Mr. President, is off the Soldado field?

Mr. President: That question does not arise, Sen. Mark. Next question on the Order Paper. Next question on the Order Paper, 66.

Royalty Tax Placed on Gas Producing Companies

(Details of)

66. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

As regard the royalty tax of 12.5 per cent placed on gas producing companies in Trinidad and Tobago, can the Minister indicate:

- (i) whether said royalty tax is cost recoverable; and
- (ii) if the answer to (i) is in the affirmative, what are the implications of said tax on the revenues generated under this arrangement?

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Mr. President, on behalf of the Minister of Energy and Energy Industries, the answer is as follows: part (i): Royalty is not cost recoverable and, therefore, the question at (ii) does not arise.

LNG Prices

(Details of)

67. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

In relation to this country's LNG prices, can the Minister advise as to the following:

- (i) what is the 'basket' of market prices used by the Government to determine the prices of this country's LNG; and

(ii) can the 'basket' of market prices be published monthly?

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much. On behalf of the Minister of Energy and Energy Industries, the response to part (i) is as follows:

The basket of market prices used to determine the prices of the country's LNG is linked to several benchmark prices including, but not limited to the following:

- (1) the Japan Korea Marker, JKM;
- (2) Brent;
- (3) the UK National Balancing Point;
- (4) Henry Hub; and
- (5) the Spanish power pool system marginal price.

With respect to part (ii), the Ministry of Energy and Energy Industries obtains these prices via its annual subscription with S&P Platts Global and the Intercontinental Exchange. These prices are all international markup prices and are available via this source.

Sen. Mark: Mr. President, can I ask the hon. Minister, what is the role of the permanent Petroleum Pricing Committee in determining these prices that will go into the basket, if there is any role, as enshrined under the Petroleum Act of Trinidad and Tobago, Mr. President?

Mr. President: Just repeat the question. I am sure he is—

Sen. Mark: I am asking, Mr. President, through you, can the Minister share with this Parliament, what is the role of the permanent Petroleum Pricing Committee entrenched and enshrined under the Petroleum Act of Trinidad and Tobago that is supposed to determine prices for gas and for oil? So, I would like to ask my hon. Colleague, what role, if any, this committee,

under law, plays in this exercise?

Mr. President: Minister.

Sen. The Hon. R. Mitchell: Thank you very much, Mr. President. Mr. President, the question asked about the basket of prices. If the hon. Member wants to know about a specific committee that is grounded in law and in policy, well then the law would be able to tell you the role of the committee in these matters. I did not walk with the law with me. I know the Member has high regard for me, but I do not keep all these things in my head and I really cannot answer it at this time. If the Member poses the question on another occasion, I am certain that the answer can be provided to him.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, is the Minister indicating or stating to this Senate that the basket of prices for our LNG products are determined by outside forces as outlined by the Minister, as opposed to the permanent Pricing Petroleum Commission that is assigned that responsibility to safeguard the national interest? I am just asking the hon. Minister if he could clear the air for us on this side.

Sen. The Hon. R. Mitchell: Mr. President, I said no such thing.

Mr. President: Sen. Mark.

Sen. Mark: Can you tell this Senate what then is the law of the permanent Petroleum Pricing Committee in determining prices for this basket of LNG products that we sell on the international market to earn revenues for Trinidad and Tobago? Could you tell us what is the role, Mr. President?

Mr. President: So, Sen. Mark, that question is falling outside the boundaries of the original question. You can find the answer in the answers given before. Next question, Sen. Mark.

Sen. Mark: I think I—

Mr. President: Do you have another supplemental?

Sen. Mark: No. I think I am good.

EXPIRATION OF QUESTION TIME

Mr. President: Hon. Senators, the time for Questions for Oral Answer has ended. As such, in accordance with Standing Order 27(12), the unanswered questions on the Order Paper would be postponed to the next sitting of the Senate.

Question time having expired, the following questions (92, 96, 97 and 98) were not dealt with.

CSO Data - United Nations SDGs

(Breakdown of)

92. On May 20, 2022, the Government indicated that additional staff were recruited to assist the Central Statistical Office (CSO) to collect social statistics and other data pertaining to the United Nations SDGs, can the hon. Minister of Planning and Development provide a breakdown of this exercise including the following:

- (i) the status of said exercise;
- (ii) the timeline for the completion of the exercise;
- (iii) the SDGs targeted for the exercise; and
- (iv) the social statistics collected as at February 2024; and
- (v) the data collected on the SDGs identified at (iii) as at February 2024? [*Sen. Dr. S. Patasar*]

Privately-owned Legal Firearms

(Number Lost/Stolen/Missing)

96. Can the hon. Minister of National Security provide the number of privately-owned legal firearms reported lost/stolen/missing for each year during the period 2018 – 2023? [*Sen. Dr. P. Richards*]

**Firearms Assigned to National Security Officers
(Number Reported Lost/Stolen/Missing)**

97. Can the hon. Minister of National Security provide the number of firearms assigned to National Security officers reported lost/stolen/missing for each year during the period 2018 – 2023? [*Sen. Dr. P. Richards*]

**Number of Firearms Dealers Licences Approved
(For the period 2018 – 2023)**

98. Can the hon. Minister of National Security provide the number of firearms dealers licences approved during the period 2018 - 2023? [*Sen. Dr. P. Richards*]

**Principles and Practice of Democracy
(Government's Reaffirmation of Commitment)**

Sen. Jayanti Lutchmedial-Ramdial: Thank you, Mr. President. Mr. President, I beg to move the following Motion standing in my name:

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

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

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

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

Mr. President, I rise today in this Senate, because as a citizen of Trinidad and Tobago and being given the privilege to serve in this honourable Senate, it is my duty to raise matters which continue to be of concern, not to the Opposition, not to just Members who sit in these hallowed halls and who come here on a weekly basis, but to every single citizen of Trinidad and Tobago.

Mr. President, if we are to live in a functioning democracy, we must have recognition and respect for the doctrine of separation of powers. And whilst we often times speak of separation of powers in terms of the separation of the Executive, Legislature and the Judiciary, we must understand that in order to safeguard a citizen and their fundamental rights and freedoms guaranteed to them by the Constitution and to guard against tyranny or dictatorship, we must ensure that there is no concentration of power and that all the independent institutions that are set up; whether through the Constitution or separate pieces of legislation, that they are allowed and permitted to function efficiently and effectively.

We had a debate in this House just yesterday about commissions of enquiry and the role and function that they play, and there was agreement and consensus amongst the Members of this House, commissions of enquiry

carry out an important function. But what I highlighted yesterday and what I will mention again today, is that who is going to stand as the watchdog, the check and the balance on the Executive, when millions of dollars are spent on a commission of enquiry and there is no implementation. That essentially characterizes why we have separation of powers and it highlights the need for us to ensure that there are institutions, independent institutions, which cannot be starved of resources, which cannot have their power whittled away by the Government's majority in the Parliament, institutions which have to be given the teeth and the legislative authority to perform their functions.

If we look at what really is democracy and the separation of powers, it goes way back to centuries of philosophical thinking. And the French social and political thinker, Montesquieu, who said when the Legislative and Executive powers are united in the same person or in the same body of magistrates there can be no liberty. There is no liberty if the powers of judging are not separated from the Legislative and Executive. There would be an end to everything if the same man or the same body were to exercise those are three powers. And that is just a very high-level philosophical description of what separation of powers is supposed to mean, you must never have a concentration of power and no arm of the State should be allowed to interfere in the functioning of another arm. So, separate institutions are created as checks and balances on each other. And if we are to avoid bias, corruption, conflict of interest and to ensure that there is no perception of such, we must ensure that there is no concentration of power.

As again mentioned in the debate yesterday, there are different legal

systems. And in our Westminster style legal system we do not have clear-cut separation of powers. And mention has been made of the American system, where the President and the Cabinet completely separate from the Congress, their Legislature and also they have some overlap in terms of the appointment of judicial officers, but they also have elected judicial officers. And we do not really have that system here. But that just makes it even more important, that when we do have appointments to independent institutions that they are allowed to function properly.

The importance of our sovereign democratic state, as defined in Section 1, the beginning of our Constitution, the preamble, which recites the core believes that the authors of our Constitution agreed upon and encapsulated into that very important document, if we are to preserve that, then we must look at how any government performs its functions. And when we notice that there are things being done or things being said that does not sit well and does not accord with these fundamental principles that are enshrined in our Constitution, we must speak out about it without fear of criticism and without, I would say the typical tit for tat, who did what when, who did more and who did worse. Because if we are looking forward as a nation and we want to preserve our way of life and our liberty we must correct ourselves wherever we may have gone wrong.

In the much celebrated and well-known case of Khoyratty in the Privy Council it is said that:

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

Including:

“...first...that people must decide who should govern them.

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

The demarcation of these functions is well recited in many decisions. And, Mr. President, although the words separation of powers do not actually feature in our Constitution, the principle, as has been said in many cases coming out of our highest court, the Apex Court, the Privy Council, is that the principle of separation powers is not some overriding supra-constitutional principle but a description of how the powers under a real Constitution are divided.

In another well-known case of Chandler, they have said that they have taken the view that the doctrine of separation of powers is not an overriding principle that exists independently of a Constitution, but is implicit in a Constitution, having regard to the powers of the Judiciary, Legislature and the Executive, which are laid down expressly or by implication in the Constitution. So that, in everything that we do and in everything that each arm of the State does, they must be mindful that the separation of powers and the noninterference in the functioning of important institutions are in fact implied.

Where do we find ourselves here today, Mr. President? We find ourselves with a Government that unfortunately has been characterized, and I think will go down in history, as being defined by attempts to delay elections, criticisms and attacks levied against independent offices such as the DPP and the Integrity Commission; the bouffing of the media and

private citizens when they voice criticism or concern over particular matters; secret indemnity deals struck without the knowledge of the Director of Public Prosecutions; a merit list that can go missing and a Police Service Commission that can collapse; attempts to interfere with the process of appointing the Commissioner of Police; and utilizing their majority in Parliament to weaken watchdog institutions like the Office of the Procurement Regulator.

That is what we are facing here today, Mr .President, and it is the obligation of all right-thinking citizens to question these attempts. Because if we do not do that, these actions will erode the independence of our autonomous public offices and institutions. There will be a growing loss of confidence in our state institutions and we will—the efficient functioning of our state institutions and public offices, which seek to provide transparency and accountability on behalf of the citizens of Trinidad and Tobago will be no more. And that is why today, Mr. President, I am here to call on the Government to cease and desist from their blatant interference, blatant interference in state institutions, public offices and to cease as well—and I have to say, because of recent developments—the relentless attacks on those whose job it is to hold them to account. And that is what we are here to discuss by way of this particular Motion.

2:40 p.m.

Now, our Constitution says:

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

Have we seen a respect for the rule of law by this particular Government?

And how does the population—because at the end of the day, as I mentioned, I believe that public perception is just as important as what is actually happening. The Government tries to justify and explain away some of their missteps, but what does the public perception say?

Sen. Nakhid: I want to hear.

Sen. J. Lutchmedial-Ramdial: On the 18th of May, 2023, there was a report published, an article published in the *Express* newspaper captioned: “T&T scores low in Rule of Law survey”. I will quote from that article published in the *Express* on that day which says:

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

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

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

This was a study conducted by the World Justice Project and it was

published last year. Subsequently—and of course, this a debate that we began in the last Session. But subsequently, we have had even more international bodies coming out and levying criticism when it comes to transparency and accountability. In fact, the 2023 Transparency International Report on Trinidad and Tobago, I felt hurt and almost ashamed when I read the things said in that report about our ranking on the corruption perception index and the perception people had of our judiciary.

Now, the Law Association came out in defence of the Judiciary and of course, the Judiciary is trying to defend itself. But it was reported in the newspaper in February of 2024, 5th of February, 2024 this is in the *Newsday* newspaper where the report, Transparency International raised its issue, the 2023 Corruption Perceptions Index, and claimed that the Judiciary had not fulfilled its role to keep other branches of government in check. It said:

“A country’s failed judiciary, entrenched in corruption, negatively impacts the quality of life of citizens as persons are hesitant to avail themselves of its services for fear of retributions. Therefore, under an ineffectual judiciary, corruption will continue to thrive thus devastating the country as a whole.”

People tend to get defensive when these comments are made, and say we cannot levy criticism against the Judiciary, but at the end of the day, these reports are based on surveys, interviews, reports that come out from different persons in the media about people’s confidence. So, I am not saying that we have a judiciary riddled in corruption, I would never say such a thing. Never. I would never be so broad-brushed with my comments but what is the perception of citizens when it comes to the administration of justice in

Trinidad and Tobago and how has this Government affected it? That is a critical question which we must continue to ask.

So, I want to focus on a couple of these institutions because you see, if our institutions are not functioning, it whittles away at public confidence. It whittles away at the entire notion that citizens have rights and that there are institutions empowered to protect those rights. When you look at laws like the Freedom of Information Act, for example, that law was passed by a UNC Administration because it is seen as an important tool to give citizens access to information. As I heard one person once say, that is the piece of law that opens up the filing cabinets of every Ministry and state body and allows the citizen to get down into the granular details of the decision-making by state bodies and how they utilize their power.

And this Government has seen it fit to try to remove bodies from under the purview of freedom of information and exempt them. This Government has consistently gone to the court to object and to defend and to try their best not to disclose information under the Freedom of Information Act, depriving citizens of access to information. One very clear example is the issue of TSTT. There is the issue of TSTT being a 51 per cent majority-owned state enterprise that says it should not be subject to the Freedom of Information Act, even though they have members of a Board by the Government, even though the expenditure at TSTT is something that we are now looking at, and they are seeking to remove that level of oversight and accountability when you look at enterprises such as those.

The Government's removal of various areas of purview from the oversight of the procurement regulator is another critical issue and it will go

down in history that a very strong piece of legislation passed after decades of conversation about procurement in this country and several private bodies and lobbying groups and so on, were consulted and a piece of legislation passed by the Peoples Partnership Administration in order to bring more transparency and to try to get rid of some of the corruption that occurs when you have public procurement; this Government consistently whittled away at the powers of the procurement regulator, removing key types of services from the purview of that office. How could that be in the interest of democracy? How could we say that we have a functioning democracy when by simple majority the Government uses that majority in this Parliament to achieve such a, you know, I would say almost immoral purpose?

Sen. Nakhid: What!

Sen. Lyder: “Yeah, I feel so.”

Sen. J. Lutchmedial-Ramdial: Now, we have also seen attacks against the Service Commissions. The entire process of appointing a commissioner of police has found its way into the court system on more than one occasion under this Administration. The first was the case of when a retired police officer by the name of Harridath Maharaj had to bring a case because the Government sought to amend an Order that inserted the Minister of National Security into the process of recruiting and appointing a commissioner of police. And that had to be struck down by the courts. Thankfully, the United National Congress standing in the gap, put the matter to the court.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Because what the court says:

“There is no reason in logic why an independent Police Service

Commission cannot itself trigger the process for recruitment...

It is clear that his ability to influence and in fact control the decision as to whether or not an appointment process should be initiated, carries with it the ability to influence the outcome of that process.”

Those are the words of not the UNC but of then Justice Rajkumar who presided over that matter and that comes directly from his judgments.

Now, again thereafter, we had amendments to the same order or a different order, I cannot recall which one it was, where they sought to make appointments for acting commissioners of police and this is when the Government found itself in a pickle because a merit list was submitted and coincidentally on the same day there was a meeting and a merit list was withdrawn. Imagine a merit list produced after a supposedly independent service commission carried out its function of recruiting and selecting people and producing a merit list, could be withdrawn because of interference.

2.50 p.m.

And subsequently, an entire service commission collapsed and for the first time in the history of this country, we did not have a commissioner of police or a Police Service Commission.

Sen. Mark: Thanks to the Government.

Sen. J. Lutchmedial-Ramdial: Why? Because people do not have respect for the separation of powers.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: And they do not have respect for important and key institutions that are set up under our Constitution that are meant to

preserve our democracy. That is all. That is the fundamental underlying reason for why that entire process took place, or that whole scandal took place.

And then we move forward now and we see that the order that they passed, trying to appoint an acting commissioner of police, was bypassing the Constitution and the process, so we took them to court again. And I am very proud to say that, you know, in both those matters, this one as well as the one—the Harridath Maharaj one that was competently led by eminent Senior Counsels, Mrs. Persad-Bissessar and Mr. Ramlogan—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial:—and I am very proud to associate myself with both those matters because, you know, I speak to a lot of police officers in the course of my job, my duties, and you would not believe the feedback—and I think that that is the problem with this Government, you know, they live in a bubble and they do not listen to what people are saying. But the feedback that you get when you are involved in matters like that, from the average constable and corporal on the ground, is that they feel that they have no power when these things are being done and they are happy to see someone stand up for their rights, because they have to function as part of a police service that is constantly under political attack by this Government.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: They are the ones running down bandits, going to court, working 24/48-hour shifts, trying to solve crime with very little resources and they see themselves as being part of a system under

attack by a government.

So we took them to court again and we ensured that that whole process of bypassing the constitutional requirements for acting appointments and so on was struck down, and then we ended up with no commissioner of police because of them. They collapsed the whole service commission and we had nobody to carry out the recruitment exercise.

Did they learn? Well, last week we found out that they did not. Because believe it or not, they brought a Bill to the House of Representatives last week trying to do the exact same thing, trying to remove parliamentary oversight for acting appointments as commissioner of police. Why? What is their justification? It is an administrative burden. It is too hard. It is too much work to have to come here and bring a notification to the Parliament when you want to appoint somebody to act because they want to go to a conference somewhere.

I listened to that debate very carefully. Nobody identified a specific instance where the Commissioner of Police was required to go somewhere or do something, and could not do it because they did not have time to come to the Parliament, eh, but that is the reason and that is the justification. Having to come to Parliament to get somebody to approve an acting appointment in an office as important as the office of Commissioner of Police and allowing Parliamentary oversight in accordance with the Constitution is too much work for them to do, so they came to Parliament to try to remove it. Well, thankfully, the citizens of this country still have some right-thinking people holding public office in the form of the Opposition—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial:—and we do not allow it, and we will never allow that.

Because every time they come to this Parliament, whether it is for making—passing orders, regulations or whatever, they try their best to do away with parliamentary oversight, everything must be negative resolution. Everything should just—sometimes subject to no resolution at all. And that is one of the first things Sen. Mark and I look for when we get a Bill, how are they making regulations and whether there are any requirement for them to come to Parliament, because that is their modus operandi, remove parliamentary oversight, and that speaks directly to the separation of powers. It speaks directly to the whittling away of that level of oversight and accountability, and the checks and balances that the Constitution and the framers of our Constitution—and worldwide recognized principles of any functioning democracy.

And that is what this Government keeps trying to get rid of, and it is consistent, and it is blatant, and it is never-ending, and sometimes it is exhausting that I feel sometimes the six of us here alone standing up are thinking right. They come back again—every time we time have these debates and we raise these issues, they come back with their same attempts. On three occasions, Mr. President, there have been attempts to interfere with the appointment of a commissioner of police by this Government. They are so obsessed with getting control—

Sen. Mark: Control, control.

Sen. J. Lutchmedial:—over the Trinidad and Tobago Police Service, that they are relentless in their attacks.

Sen. Mark: Yes. They want a puppet, this Commissioner of Police.

Sen. J. Lutchmedial-Ramdial: When we have situations—let me move on from the office of the Commissioner of Police, and I will talk about the Office of the DPP.

We had a situation in this country where the DPP was left out and had no knowledge of Government Ministers, private attorneys and the Trinidad and Tobago Police Service being involved in the signing off of an indemnity agreement for a person to become a state witness. The person who occupies the office of Director of Public Prosecutions, the constitutionally enshrined office under section 90 of our Constitution, the person who must be the most, if I may dare say, independent office-holder in this country because of the amount of power that that person can yield, is not only left out of conversations, he is also deprived of financial and technical resources, and there are administrative lines through which there is direct interference in his office.

And I make no apologies for saying so, because subsequent to our discussions on these matters, Mr. President, the Director himself appeared before a Joint Select Committee of National Security where there were enquiries made of him. I had the opportunity to question the Director of Public Prosecutions at the time because there was a public—again, public attack against this man over a building, a public attack against what should be an independent office and an independent office-holder who must be free to exercise his powers without—free and fair, and free from fear, being publicly attacked on a political platform because security experts had raised concerns about a building, and so he did not feel that he should move his

staff into that building until those concerns had been addressed. And a person no less than the Prime Minister mounted a political platform to launch a scathing attack against this man.

So he came before the Joint Select Committee of Parliament and we had the opportunity to question him, and we moved from the building issue but we were dealing with the human resourcing of the office, because no office, regardless of how independent the head of that office might be, can really function unless they have resources. And I specifically asked about the hiring of contract staff versus permanent staff, and I specifically asked the Director whether or not he felt—because he expressed the view on a radio programme, I believe, that hiring of permanent staff for an office such as the DPP’s Office will be more appropriate, because people will not beholden to the political directorate to have their contracts renewed. That is common sense. That is common sense, quite frankly, but the fact that the man had to go and say that—because he was only being provided with contract staff by the Office of the Attorney General.

And this is what the Director had to say in response to my question for a comment on that matter. He said:

“...it has been more than 10 years now that I would have advocated for a budget for the DPP’s Office, so as to ensure that we could do certain things. What seems to me to be an anomaly is the fact that other so-called independent institutions have their own budgets.”

I then asked him about having his own line in a budget like some other institutions and so on. He said:

“My situation is different. Let me spectacularly highlight my

situation perhaps.”

And I am reading directly from the verbatim notes of this meeting:

“Some time ago someone who occupied the Chair of Attorney General had a conflict with someone who occupied the Chair of DPP. During the pendency of that conflict, the DPP’s Office would have—or before the conflict crystalized, the DPP’s Office would have arranged to have a retreat and a training session with...staff. Because of the conflict, that Attorney General, in his wisdom, then decided to indicate to the DPP that because of that conflict he is not...”—willing to allocate—“...any resources for the training...”—event.

“This is not fiction. I am not being hypothetical. This happened as a fact, and I am speaking from my own knowledge. So it stands to reason that if we are speaking truly about an independent office, and this is an office whose independence finds itself in the Constitution of Trinidad and Tobago, it cannot be that if we want a scanner that would turn on, what is to say, the complexion of my relationship with the incumbent Attorney General or any of his predecessors. That cannot...and should not be.”

The Director raised the issue because at the time, comments had been made about his office being underperforming, and I wanted to know how an office being deprived of resources, being criticized, not being given physical space that was appropriate for them to occupy in order to accommodate their staff, could be criticized for underperforming. But that is, again, part of this Government’s way of doing things. They deprive people of the resources that they need. They do not make appointments. They do not give the

financial or technical resources. They do not invest in training, and then they criticize these institutions and say, “This one is not working, that one is not working. We must get rid of all of them.”

Let us look at the TTRA. We had for all of eternity, Customs and Excise Division, yes, understaffed, not the most efficient. We had the Board of Inland Revenue. They said, “We have tax leakages. They are not efficient in doing their job. We must get rid of all the public servants who are insulated and protected by the service commission and form a TTRA with a board appointed by a Minister.” And the Minister must be able to come to the Parliament now and produce a name of a director-general, but he can veto the person who goes through the process, which he did, to be the Director-General, and then bring the name here and get it approved.

Sen. Mark: Yes.

Sen. J. Lutchmedial-Ramdial: Why? Because Customs does not work. Why does Customs not work? Again, when you ask questions, you realize scanners have broken down for over a year and they have not replaced them. The resources are not there to ensure that people are appointed to important offices. Everybody is acting. There are no permanent appointments being made. You have issues in the public service but it is because of the Government not doing what it needs to do to make the public service efficient.

Sen. Mark: Exactly.

Sen. J. Lutchmedial-Ramdial: So it is like you destroy someone and then you criticize them for their performance, and that is what happened, and that is all the justification that they have had and that they have used to disband

the Board of Inland Revenue and the Customs and Excise Division, and bring—you know, when we talked about the police service becoming a private army? We now have a private tax army. A private taxation army is what they want to create, where they will control revenue collection, they will control all of the persons working in the TTRA and they will control—and contract officers again.

The Director of Public Prosecutions made the point, contract officers are beholden to the political directorate for renewal of their contracts. And that has now translated itself from various arms of the public service into what will be known as the TTRA who will be collecting property tax, income tax and all the other taxes because, you know, that is part of their plan for the country, impose as many taxes as they can and collect them. Can people have confidence in a country that is being run in this manner? I dare say, no, and that is why we are here today to raise it.

The Integrity Commission, another feature of good governance introduced by the UNC administration; Integrity in Public Life Act, meant to hold government officials to account—Mr. President, I could not fathom how it is a sitting Prime Minister, and supported by Members who sit in this House and elsewhere, can criticize a public body for saying that they wanted additional funding to be able to carry out their functions. Their functions are very clearly defined within the law. And if a body needs funding, and they articulate that need by way of a report that they have to publish every year, a responsible government, a government with respect for democracy, with respect for the separation of powers, with respect for our Constitution, would address those concerns.

3.05 p.m.

Instead, what you have happening is, on the 4th of January this year and I am quoting from an article published in the Trinidad *Guardian*, titled:

“Rowley slams IC boss over founding complaint”.

And let me read what is said in this report.

“Prime Minister Dr Keith Rowley has hit back at Integrity Commission chairman Rajendra Ramlogan's complaint over reduced funding for the commission's work.”

Alright. It was not just a complaint about funding, it was a complaint about reduced funding. Happy I read that. Because they have actually cut funding I believe.

“In fact, the Prime Minister is suggesting that rather than being affected by smaller budgets, the commission's resources are being drained by ‘ill-advised’ and ‘politically motivated’ investigations, some of them aimed at him”.

So, what the Prime Minister chose to do in relation to the Integrity Commission, a body governed by legislation, a body included in our Constitution, one of those independent institutions that I have made mention of that is set up in our Constitution to preserve our democracy, is to launch a scathing attack against this body because they are investigating him.

When in 2023, in December, because this happened just after December. There was an announcement, or it became into the public domain, that there was an investigation into certain contracts and so on, involving the Prime Minister. This is what was reported again.

“PM Rowley, under Integrity Commission Probe for third time.”

This article by Jenson La Vende dated the 10th December, 2023. Again, I have to take a deep breath before I read some of these things.

“Prime Minister Dr. Keith Rowley has accused the Integrity Commission (IC) of “deliberately attempting to tarnish my reputation” after he was informed that he is now the subject of another investigation.”

And it goes on to say:

“Rowley, in response to Guardian Media on Friday evening about this latest investigation said...”

And this is what the Prime Minister of this country, the Head of the Cabinet, the Head of the Executive has to say about an independent institution.

“The Integrity Commission, acting in concert with others, is deliberately attempting to tarnish my reputation by attempting to find ways to associate me with contracts and awards that I have had absolutely nothing to do with.

This is a grand fishing expedition, hoping to slander me by associating me with contracts...”

Now, well whether it is correct or not, Mr. President, it is not for the Prime Minister to come out again. If a Prime Minister sees himself—if a government sees themselves as having a duty to uphold public trust and confidence in public institutions, it is not for them to make comments such like this

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Mr. President, it is not only our institutions that are under attack. We have situations where private citizens go to—they

are invited to speak. We had a situation recently where I saw the retired chairman of a large financial institution, in this country, make the simple point—the simple point, that I am making here today—that members of the public should not be mere spectators. That if we see things going wrong, we should speak out on it, make some comments about us being an oil and gas economy and questioning the plans we had and so on. I listened, I thought the man had some good points to make. I think he is a respectable member of the community. He was invited to this forum to speak.

Lo and behold, at the first opportunity utilizing parliamentary speaking time, the Minister of Energy and Energy Industries, launched, again, an attack against this private citizen. Saying what, once people become a former, they mouth does get big. That is how a government treats with concerns raised by private citizens. Is this a democracy or a dictatorship, when you cannot as a private citizen be free to attend a consultation or a forum of some sort, and express a view and speak, because you will be attacked in the Parliament of all places, where your elected representatives are supposed to be representing your concerns. You are the subject of an attack from a sitting senior government Minister. Can you say that is democracy? We are moving further and further away from the concept and the notion of what is democracy and freedom in this country, Mr. President, and if we do not act now—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: —everybody will be coming in for a tongue lashing. Everybody will be hounded. Everybody will be subject to criticism and slander, by this Government. You know they have a tendency

to jump up every time and talk about sub judice. Everything is sub judice, sub judice, but when people—

Mr. President: Senator you have five more minutes.

Sen. J. Lutchmedial-Ramdial: Thank you, Mr. President. But when persons, are seeking redress or are the subject of an investigation they will go to every panyard in this country and talk about them.

Mr. Nakhid: [*Laughter*]

Sen. J. Lutchmedial-Ramdial: “Dey going to every panyard in this country to talk about matters that are under police investigation. Dey going to every panyard, dey cannot come in the Parliament and give proper explanations.” They cannot communicate policy, but they will go and sit down in the panyard, and talk about issues and things that are under investigation. We asked for an investigation into—and I have been calling for information about this debacle that is playing out at the Strategic Services Agency, what is supposed to be the premier intelligence gathering agency in this country, that is tasked with upholding and supporting our national security efforts and our fight against crime. They do not want to talk about it in the Parliament. They do not want to answer questions. Everything is under police investigation. But they will sit down in the panyard and talk about it, because they have the opportunity to slander people's name and scandalize them. And that is their idea of democracy. And they so want to come here and talk about—we asked questions at the appropriate place, and the appropriate forum, not in the panyard.

Hon. Senators: [*Desk thumping*]

Mr. Nakhid: You are rolling now. You are rolling now.

Sen. J. Lutchmedial-Ramdial: That is what a parliament is for.

Mr. Nakhid: Yes. Yes.

Sen. J. Lutchmedial-Ramdial: Parliament is not to come here and spread propaganda, and make bacchanal. Right. That is what we are here to do. We are here to ask questions, and you are here to answer. Some people have to read the same answer twice because like they fall asleep today, and they could not even answer properly on key issues of national security. But, we come before committees of the Parliament and ask for answers, and we are shut down because there an investigation ongoing and we will not comment. But the next week they are in the panyard talking about it.

Mr. President, I raised this Motion because it is something that we need to discuss. We need to look at our institutions. We need to look at the consistent and persistent attacks being thrown at our public officers. We need to look at the way that this Government has decided to dismantle the public service, and by so doing, to try to get as much control as they possibly can. We need to look at public perception. We need to look at how the office of the President even, was dragged into disrepute by the actions of this Government, when it comes to the appointment of very important officers in this country, such as the Commissioner of Police.

We need to look at whether or not that there is a deliberate attempt to starve important institutions, like the Integrity Commission and the office of the DPP of resources. Because, Members of the Government know that those offices have the power to investigate them. And every time they get vex with a matter being discontinued, they cannot levy spite against the office of the DPP, because that is what happened when the Piarco matters

were discontinued, and everybody knows it. And when you have reports, such as those reports coming out from World Justice Project, such as the reports coming out from Transparency International and so on, where public confidence is at the ultimate low, I dare say our democracy, our way of life, and what we know to be the enshrined cornerstone principles of our constitution are under threat and are being consistently whittled away. And therefore, we as responsible parliamentarians must examine these issues, must try to find solutions, and must call on this Government. And this Motion is simply a call for the Government to cease and desist from this type of behaviour.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: At the rate we are going I expect by next week we might see another Bill where they are trying to interfere with the appointment of a commissioner of police. Because that seems to be something that is on their mind and occupying their time.

Sen. Mark: They want to [*Inaudible*]—

Sen. J. Lutchemdial-Ramdial: Whatever they want to do. And, so I have to say that, you know, as much as they have been corrected time and time again by arms of the state that have the obligation to correct them like the Judiciary. They are relentless and they will not stop in their attack on our democracy.

Sen. Mark: We will stop them.

Sen. J. Lutchemdial-Ramdial: And therefore, we are here to raise this Motion in an attempt to educate the population and remind them of what is taking place, so that they will make better decisions, when the time comes.

They will make better decisions when the time comes and that you do not have to participate or read about yourself and your country in international reports, where 80 per cent of people do not have confidence in the rule of law. Because that is a sad state of affairs for any person to be living in and it should not be the way that we are living in 2024. But unfortunately, that is what it is. And so, Mr. President, with those few words, I beg to move.

Hon. Senators: [*Desk thumping*]

3.15 p.m.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, I beg to second the Motion and reserve my right to speak at a later stage of the proceedings.

Question proposed.

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

Hon. Senators: [*Desk thumping*]

The Minister in the Office of the Attorney General and Ministry of Legal Affairs (Sen. The Hon. Renuka Sagramsingh-Sooklal): Mr. President, I thank you very much for the opportunity to rise to respond to this Motion, but before I do that, I want to quickly steal a few seconds just to, of course, wish happy Hanuman Jayanti to my Hindu brothers and sisters of the Senate—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—and of course the Hindu population as we celebrate the auspicious day of Hanuman Jayanti.

With that being said, Mr. President, I would now attempt to deal with

Sen. Jayanti Lutchmedial and her moving of this Motion. You know, Mr. President, I want to begin by simply stating, I thought the goodly Senator would have begun her Motion today by actually commending the People's National Movement and the Government and applauding us for upholding democracy, given the fact that, Mr. President, on the 23rd of May, 2023, at exactly 4.35 p.m., and then on June 27, 2023, this very same Motion, Mr. President, was brought to this Senate—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—and was debated.

As I went on, as I listened to the presentation made by the Senator, it was the same exact Motion, that she printed the *Hansard*, and she came here and she read word for word, for word, with no shame at all for wasting this Senate's time. I thought the Senator, knowing fully well that she came and she repeated her *Hansard*—granted, yes, the Standing Orders provides for Motions—I thought she would have applauded the People's National Movement Government—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—for understanding the rights of citizens, upholding democracy, and allowing her to come again and bring back the same, as I said before, 23rd of May, 2023, Motion, which clearly she printed and she came and she read out in the Senate today. But, I mean, it is what it is, and, again, because we believe in democracy, because our founding father, Mr. President, was where the Constitution—it was because of our People's National Movement that the Constitution—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—which deals with the principle of the separation of power was created, because that is how we operate our affairs as a party and as a Government; we will contribute, and I rise to contribute and, of course, to respond to some of the statements made by the Senator.

Mr. President, I have a serious difficulty with saying that, “As a government we will recommit to democracy”, because the People’s National Movement and our Government have always been committed to the notion of democracy and the separation of powers.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal: If I may, for example, Mr. President, read from, of course, a landmark case of *Barry Francis, Roger Hinds v The State*—it was actually a matter in which my senior, as Senior Counsel in a previous incarnation, Pamela Elder. In that particular case, Mr. President, the Court of Appeal, at paragraph 45 of that case, the Court of Appeal stated, and it reads:

“Dr. the Rt. Honourable Eric Williams in his address to the nation on 31st August 1962, the first day of Trinidad and Tobago’s independence from Great Britain noted that:

‘Democracy means more, much more than the right to vote
...Democracy means recognition of the rights of others ...’”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—and this was taken from a case. This was taken from a case, Mr. President, so it is very pertinent, and as I said, the Court of Appeal made reference to this statement:

“Democracy means the obligation of the minority to recognise the right of the majority. Democracy means responsibility of the Government to its citizens, the protection of the citizens from the exercise of arbitrary power and the violation of human rights and individual rights. Democracy means freedom of worship for all and subordination of the right of any one race to the overriding right of the human race’.”

—stated by the Court of Appeal in this Barry Francis judgement, making recognition of the words of our political father, our leader, Dr. Eric Williams—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—and therefore from the very inception, all the principles of the People’s National Movement, Mr. President, have been based on the concept of democracy.

If we move from Dr. Eric Williams to the honourable Mr. Chambers, to the honourable Mr. Manning, and now more so to our political leader, Hon. Dr. Keith Christopher Rowley—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—it will be clear for every sober prudent-thinking individual to know that the People’s National Movement and the Government of Trinidad and Tobago have always been committed to democracy.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Mr. President, before I respond, of course, to some of the statements made by the hon. Senator, and before I

make an attempt to correct the record, I just want to also now address the hypocrisy of this Motion, where statements were made and led from the other side about this Government and the Government's attack of people who hold public office; the audacity of the "princess of attack" who comes to this Senate—the hon. Senator, Mr. President, who comes here constantly irrespective of what Motion we debate and is known for attacking people who hold public office.

Mr. President, if I go through, and which I will attempt to go through now, as I look at the hypocrisy of this entire Motion, Mr. President, respectfully through you, I can take you through every single Senator, Opposition Senator that sits here, and I could make reference to *Hansard* and records on the *Hansard* in which each and every one of them, at every given moment, have used this Parliament—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrainsingh-Sooklal:—to attack people who hold public office, to undermine democracy and to attack the principle of the separation of power. But I will start with their leader first, most respectfully, Mr. President, and I will call it, in my own words, Kamla the critic.

Sen. Mark: [*Inaudible*]

Hon. Senators: [*Crosstalk*]

Mr. President: Members. Members. Members. Members. Members, allow me to rule.

Hon. Senator: [*Crosstalk*]

Mr. President: Senator, we refer to Members of each Parliament by their proper title.

Sen. The Hon. R. Sagramsingh-Sooklal: Of course, Mr. President, and I am guided. Mr. President, I take your guidance.

Mr. President, it is no secret that the Leader of the Opposition has, on multiple occasions, criticized independent offices and independent officer-holders. For example, Mr. President, in a media statement, dated 19th of February, 2024, the honourable Opposition leader, Kamla Persad-Bissessar, criticized our President, Christine Kangaloo, and the newly appointed Chairman of the Integrity Commission, accusing them both of not showing personal integrity—and these were words taken from a statement—not showing personal integrity in relation to his appointment. Additionally, Mrs. Persad-Bissessar claimed that the Government wanted a subservient and passive Integrity Commission. Mr. President, is that not an attack on the office of the Integrity Commission—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—the hypocrisy, and on the President and the independence and the role?

Mr. President: Just be mindful of the Standing Order in relation to using the President's office, title and name to influence a debate. So we do not do that, so you can continue with the narrative that you are indicating, just leave the Office of the President out of it. Continue.

Sen. The Hon. R. Sagramsingh-Sooklal: Not a problem. Thank you. I am guided again, Mr. President.

Mr. President, if I may move on to May 2015, so I am taking us back a little into the history books. Mrs. Persad-Bissessar who was then Prime Minister at that time, along with the then Attorney General, Garvin

Nicholas, attacked the Deputy DPP, *Joan Honore-Paul*, in relation to a statement she had made about the “emailgate” scandal. Mrs. Persad-Bissessar, through her attorney, Israel Khan SC, accused the Deputy DPP of crossing the line—and that was a statement—of crossing the line, and described the contents of her statement as irrational and prejudicial. Is that not, Mr. President, an attack on an independent office-holder again? Where was the separation of powers at that point in time?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: I ask the hon. Senator.

Mr. President, and now if I may go to—well, I had these little terminologies, but if I go to Mr. Volney—I had termed it “vicious Volney” during that time, another Member of the Opposition, this is where the Minister of Justice at the time, Herbert Volney, Mr. President, attacks the Chief Justice during a budget debate—attacks the Office of the Chief Justice. And, you see, I have to do this because I have to speak to the hypocrisy—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—again of the Motion that is before us, asking the PNM, asking the Government to reaffirm its commitment. I ask the Opposition who call themselves constantly “the Government in waiting”, I ask you to reaffirm your commitment to democracy.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: I ask you to cease and desist from attacking, personally, officeholders of Trinidad and Tobago, because I

do not think by winning an election you will just suddenly change your ways.

Mr. President, if I go on to this example, in his budget debate, Mr. Volney, on the 20th of September, 2010, instead of using his maiden contribution to enlighten the population about the endeavours of his new Ministry of Justice, parliamentary privilege was abused to attack and undermine the Chief Justice, and by extension, the independent Judiciary. I had to make mention of that, Mr. President.

As we move on, Mr. President, as I move on to the hypocrisy of this Motion, I want to go to hon. Sen. Mark, as his attacks continue on Independent Senators and bringing the independence—and I will stay away from that one, Mr. President—the Office of the President into disrepute. Mr. President, let us not forget the statements, and, again, it is there on the record, the acts and the conduct of each of these Senators, Opposition Senators, and I see them huddling now because they have to now regroup and determine how they are going to respond to the Government's—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—reaffirmation and this Government's commitment, continuous commitment to the right to democracy.

If I go to the *Hansard*, Mr. President, where hon. Sen. Mark, the 21st of November, 2021, at a UNC's virtual weekly Sunday news conference—not the *Hansard*—sorry—

Hon. Senators: [*Crosstalk*]

Sen. The Hon. R. Sagramsingh-Sooklal:—the 21st—

Sen. Mitchell: [*Inaudible*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—of November, 2021—

Mr. President: Senator, have a seat. Point of order.

Sen. Mitchell: A point of order—

Hon. Senators: [*Crosstalk*]

Mr. President: Allow the point of order to be made.

Sen. Mitchell: Point of order, most appropriately, section 51, please.

Mr. President: Say again, 51?

Sen. Mitchell: Mr. President, 51, yes, on speaking in silence, (e), (f), (g) and (l), Mr. President.

Mr. President: I was about to ask which of the subsections. So, essentially, the Standing Order is on the level of crosstalk and the noise in the Chamber as it relates to a Member speaking. Again, it is getting a bit loud. When Sen. Jayanti Lutchmedial-Ramdial was speaking, the Chamber was quiet, please afford the same courtesy to the Minister in the Office of the Attorney General. Minister, continue.

Sen. The Hon. R. Sagrarsingh-Sooklal: Thank you very much, Mr. President, and I will continue. As I examine the conduct of each of my honourable Senators on the other side who have come here to speak to this Government about its commitment to democracy—

Sen. Mark: Point of order—

Mr. President: All right. Yes. Yes.

Hon. Senator: [*Inaudible*]—point of order.

Mr. President: Point of order.

Sen. Mark: 46, Mr. President—

Mr. President: What is the point of order, Sir, 46?

Sen. Mark: With the conduct—

Hon. Senator: 46—what?

Sen. Mark: You are dealing with the conduct.

Mr. President: One second. One second.

Sen. Mark: The Member is saying—

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

Sen. Mark: She is dealing with the conduct—

Mr. President: Sen. Mark, I am on my legs.

Sen. Mark: Yes.

Mr. President: Number one, I did not hear the full point of order; it is 46—
what?

Sen. Mark: I think it is 46(8), Sir, if I am not mistaken. It deals with the
conduct of any Member of this honourable House. May I make it very clear,
this Motion is not about personal attacks against any Member of Parliament.

Sen. Mitchell: Mr. President, he is not allowed to give speeches.

Sen. Mark: Mr. President, if you want to raise a matter of conduct—

Hon. Senators: [*Crosstalk*]

Mr. President: Members.

Hon. Senators: [*Crosstalk*]

Sen. Mark: [*Inaudible*]—do not use this Motion to attack. You cannot do
that.

3.30 p.m.

Mr. President: Sen. Mark. So there are several things going on here. It is
good to see everybody engaging and listening as the debate is ongoing.

Number one, Sen. Mark, 46(8) does not apply in this particular circumstance. Number two, the Standing Order that you are actually seeking to raise also does not apply. The Member is responding to what the goodly Senator indicated in the moving of the Motion. Number three, the process by which we raise Standing Orders is very simple. You stand; you call out “point of order”; the Member speaking, sits; the point of order is raised and the Chair is allowed to rule. We do not need to go at each other in relation to executing that procedure. Minister, continue.

Sen. The Hon. R. Sagrainsingh-Sooklal: Thank you, Mr. President. And as I continue, of course, with the hon. Sen. Mark, Sen. Mark even questioned, of course, the independence of the Office of the President, which I will not belabour that point at all. But a statement was made that a gigantic—it was—a gigantic political conspiracy was in place and said that the so-called Independent Senators had been appointed by a President to undermine the Parliament and democratic processes. And these were statements, Mr. President, that are on the public record on the 21st November, 2021, which is recorded and it was stated by the hon. Senator at a UNC Sunday news conference.

Mr. President, if I respectfully—as I continue along the path of looking at the UNC’s hypocrisy, to the hon. Sen. Jearlean John, through you, Mr. President, a shame and a disgrace was how the Opposition Senator described an Independent Senator’s support for the Government when it passed the Public Procurement and Disposal of Public Property (Amdt.) Bill, 2020, Mr. President. And, Mr. President, I cannot say it better than hon. Sen. Dr. Richards who stated the following when he raised a Motion of

privileges on the 10th of December, 2020, based on Sen. Jearlean John's statement in this said Parliament, and Sen. Dr. Richards stated:

“The statements attributed to Sen. John seek to undermine the integrity of the Independent Senator, lower her estimation in the general public, as well as cast aspersions on her character. This damages not only the Independent Bench, but also serves to bring the entire Senate into odium and disrepute.”

And those were the words quoted by Sen. Dr. Paul Richards when he brought that matter of privileges on the 10th of December, 2020. And yet, the Opposition comes here and speaks about the People's National Movement and this Government not being committed to democracy. Again, I pose the question, through you, Mr. President, to this government in waiting, where is your commitment to democracy?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Where is your commitment to the independent offices?

Hon. Senators: [*Interruption*]

Sen. The Hon. R. Sagramsingh-Sooklal: Mr. President, if I may continue—

Sen. Lutchmedial-Ramdial: [*Inaudible*]

Sen. The Hon. R. Sagramsingh-Sooklal: If—as I ignore the hon. Sen. Lutchmedial-Ramdial—

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

Hon. Senators: [*Interruption*]

Sen. John: [*Inaudible*]

Mr. President: Sen. John.

Sen. John: Sorry, Sir.

Mr. President: So, once again, the level of crosstalk while the Member is making a contribution is reaching a level where it is becoming difficult to hear what she is saying. I am going to ask, again, to temper your emotions whilst the Member is contributing. Continue, Minister.

Sen. The Hon. R. Sagramsingh-Sooklal: Mr. President, and as I continue, if I may look at the hon. Sen. Mr. David Nakhid briefly insulting the highest office of Trinidad and Tobago. Mr. President, if I take the hon. Senator to a Facebook post that the Senator posted on the 11th of October, 20—

Sen. Mark: [*Inaudible*]

Mr. President: I am not—

Sen. Mark: [*Inaudible*]

Mr. President: Okay. Okay. Okay. Okay.

Sen. Mark: [*Inaudible*]

Sen. Lyder: I give way.

Mr. President: Sen. Mark.

Sen. Lyder: I give way. I give way.

Sen. Mark: This debate is—[*Inaudible*]

Mr. President: Sen. Mark.

Sen. Lyder: I give way. I give way. I give way to Sen. Nakhid. Let me pack up my bags.

Mr. President: So if I have to rise to my legs again, I will have no choice but to take a more aggressive action. Continue, Minister.

Sen. The Hon. R. Sagramsingh-Sooklal: Mr. President, so I will continue

on that post, the 11th October, 2021, where this goodly Senator shamelessly disrespected the independent office of the then President, Paula-Mae Weekes, by calling—

Mr. President: Senator, so again—

Sen. Lyder: Take some aggressive action.

Mr. President: Sen. Lyder. Member, just remember, the Office of the President is not to be used to influence the debate in any way. Continue.

Sen. The Hon. R. Sagramsingh-Sooklal: Well, in that statement, Mr. President, an attack was made on a high office-holder, in which that high office-holder was to referred to in that post as an “insipid jackass”, Mr. President.

Hon. Senators: “Ohhh!”

Hon. Senators: [*Interruption*]

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

Hon. Senators: [*Interruption*]

Mr. President: Members, Members.

Sen. Lyder: Aggressive action!

Mr. President: Sen. Lyder—

Sen. Mark: [*Inaudible*]

Sen. Lyder: Mr. President, take aggressive action!

Sen. The Hon. R. Sagramsingh-Sooklal: I am quoting—

Sen. Lyder: You have disrespected the Parliament.

Sen. Mark: My God.

Sen. Lyder: Aggressive action is necessary now.

Sen. Mark: I have never seen this in my life.

Sen. Lutchmedial-Ramdial: Rohan, “is you bring she here”.

Hon. Senators: [*Continuous interruption*]

Sen. Mark: [*Inaudible*]

Mr. President: Hon. Senators, this Senate will now stand suspended for 15 minutes.

3.36 p.m.: *Sitting suspended.*

3.52 p.m.: *Sitting resumed.*

Mr. President: So, hon. Members, it should be known by each and every one of you that the responsibility for the decorum of this Chamber falls to the Chair. I have indicated on numerous occasions that I take that responsibility serious. In the Standing Orders, to which we have all subscribed upon taking the oath of this office, we all promised to adhere to those Standing Orders. And in that little blue book, to which we have subscribed, there is a procedure for everything which allows for the decorum of this Chamber to be maintained at its highest level.

I remind all Senators that these proceedings are aired live to the citizens of the Republic of Trinidad and Tobago who expect a certain level of behaviour in this Chamber when we are conducting their business. As such, going forward, for the remainder of this Twelfth Parliament, what occurred here before the suspension will not happen again and I will aggressively uphold the decorum of this Chamber.

Senator, that type of language, whether quoted or otherwise, is not to be used. Members of the Opposition, when I am on my legs, all will fall to silence in this Chamber to allow me to rule and bring this Chamber back to the level of decorum that is required. Be so guided. Minister.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal: Thank you, Mr. President, and even in the absence—and I am guided, Mr. President. And I do want to apologize, Mr. President, for, of course, bringing into this most esteemed House, these hallowed halls, a direct quotation, Mr. President, made by Sen. David Nakhid, as I stated before, on the 11th of October, as he addressed the highest office-holder of Trinidad and Tobago at the time. And probably that is why I would have, you know, tread down that path, but I am guided, of course, by you, Mr. President.

Mr. President, again, I have to continue—of course, within the parameters of your guidance—but again, I have to continue in my response to Sen. Lutchmedial-Ramdial, who is not here, probably huddling and determining—you know, working out with her colleagues how they would respond to the Government’s response to her Motion.

3.55 p.m.

But, Mr. President, I want to again look at another Senator, another Senator who sits in this Chamber, Mr. President, who has constantly used and has shown, Mr. President, through this actions, of course, disrespect for officeholders, again, undermining democracy, again attacking the concept and the principle of the separation of powers.

If I may turn now to Sen. Anil Roberts, Mr. President. Sen. Roberts, Mr. President, it is no secret was referred to the:

“...Parliament’s Privilege Committee for comments he made about”—the then— “...Senate President Christine Kangaloo on his ‘dougLAR politics’ social media show.”

Mr. President, the record reflects:

“At the Senate sitting on Tuesday...”—

This is what was stated. The record reflects:

“At a Senate sitting on Tuesday Government leader Franklin Khan moved a motion seeking to have Roberts penalised for attempting to ridicule Kangaloo.

Khan referred to statements made by Roberts following a ruling by Kangaloo last Tuesday that he withdraw from further participating in the...” Senate sitting.

“Khan said on Roberts ‘*dougLAR Politics*’ broadcast on the same day...” which was “(Tuesday February 23rd) and on February 26 at 7.30 p.m...”—that—“Roberts ‘utilised satirical subtext’ to allege that Kangaloo was biased in dealing with him.

He said Roberts referred to himself as ‘booming voice’ and the “...Senate, as ‘Kangaroo’s court’ ”.

This was taken, Mr. President, from an *Express* article dated the 4th of March, 2021 entitled. This is what the article was entitled—Ms. Kangaloo at the time held another high office as a part of the principle of the separation of powers, and we have an article that states, the front page of the newspaper from the *Express* stated entitled “Kangaroo Court”. “Kangaroo Court” for a high officeholder and it was because of statements made by, again, another Opposition Senator. This matter, of course, was referred to the Privileges Committee, Mr. President.

Sen. Mark: Mr. President, again—

Sen. Lyder: 46(1).

Sen. Mark:—again, 46(6) and also, Mr. President, the conduct of a Member that has been already been determined by this Parliament, I think, it is out of order for a Member to be raising an issue that this Senate has already settled.

Hon. Senator: [*Crosstalk*]

Sen. Mark: No. But this matter has been settled. The Member was sanctioned, so why are we going back into—

Mr. President: Okay. Have a seat. So whereas I have heard the explanation and the Standing Order raised. The Standing Order raised does not really cover that far of an explanation. The Member is responding by way of what was indicated by Sen. Lutchmedial-Ramdial in the raising of this Motion and therefore, I will allow her to do so in that light.

Sen. The Hon. R. Sagramsingh-Sooklal: Thank you, Mr. President. So again, Mr. President, another example, another example of the Opposition's constant disregard, their constant undermining of high officeholders and therefore, and comes with a Motion again wasting, wasting this Parliaments time to ask for our Government to recommit. Well, I say to the hon. Senator, I say to the people of Trinidad and Tobago, the People's National Movement and the Government of Trinidad and Tobago, your Government who you voted for in 2015, who you voted for in 2020 and who I am sure you would vote again in 2025 continues to be committed to upholding the separation of powers—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—and we continue to be committed, Mr. President, to democracy in Trinidad and Tobago. As I continue to look at the hon. Sen. Roberts, Mr. President.

Mr. President, if we look at—I looked at *Hansard* dated 27th of June, 2023, page 31 and it is no secret, Mr. President, that the UNC has constantly over the years attacked the credibility and the motives of the Elections and Boundaries Commission, the EBC which is, again, an independent body, Mr. President. In that *Hansard*, Mr. President, dated 27th of June, 2023, page 31, Sen. Roberts in this debate on this Motion stated in speaking about the Chairman of the EBC:

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

That is on the *Hansard* records of Trinidad and Tobago. This insinuating that the PNM appointed the niece of a former Minister as the Chairman of the EBC, Mr. President. Mr. President, this could not be furthest from the truth. Mr. President, these are the types of baseless comments that the Opposition continues to spew, Mr. President. In fact, Mr. President, almost the entirety of Sen. Roberts’ contribution to that debate was an attack on the record that I referred to, was an attack on the independence of the EBC. And just for today I will give Sen. Damian Lyder a “bligh”, only for today because there are other pressing matters that I have to attend to, to respond to Sen. Lutchmedial-Ramdial, certain things that Sen. Lutchmedial-Ramdial would have stated later on.

So, Mr. President, as I started this debate was to start from a position of where we cannot agree with this Motion, Mr. President, because the Motion suggests that the Government has not been committed to the principle of democracy and the principles of the separation of powers, and

what I simply attempted to do, Mr. President, is to call out on those who sit on the Opposition Bench who again refer to themselves as the alternative government. I ask you because at the end of it I will be respectfully asking, through you, that Sen. Lutchmedial-Ramdial withdraws this Motion—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal:—because there is no merit to this Motion. And through you again, Mr. President, what she possibly needs, what the hon. Senator may need to do, is huddle with her five colleagues and, you know, determine and really explain to them what the separation of powers refer to, what democracy means and get them to buy-in into this Motion and agree that the separation of powers and the democracy is important to the people of Trinidad and Tobago.

So, Mr. President—mind you, I did not even waste time. There are so many other things that I could speak about. I could speak about Resmi Ramnarine, but I feel as if the public is tired of that. I could refer to the “silk sandal” where officeholders bestowed silk upon themselves and that is simply suggesting, again, interference in different, you know, arms. But I will step away from those, and for today’s Senate sitting, I much prefer to look at the conduct of the six Senators that sit opposite to us who come here, Mr. President, time and time again purporting to be the vanguards of democracy, promoting themselves as the knight in shining armour for the people of Trinidad and Tobago, when really and truly most respectfully, Mr. President, all I see is a “set ah people who vapsing, who vooping” left, right and centre, wrapped in tin foil not knights in shining armour, Mr. President. I just had to make out, Mr. President, the hypocrisy of the United National

Congress, the hypocrisy of the Opposition in bringing this Motion where they themselves, time and time again, continue to attack persons who belong to independent officeholders.

Mr. President, if I may now go to certain statements made and, of course, submissions made by Sen. Lutchmedial-Ramdial. There are about four statements that she placed on the record, the hon. Senator placed on the record, Mr. President, which I want to briefly respond to.

In her Motion, Mr. President, one of the points made by the goodly Senator was, Government attacked or attempted to discredit the media. It also seeks to limit which journalists attend news conferences. That was one of the points that the hon. Senator made during her contribution. In response to that, Mr. President, what I can simply say is, nothing is further from the truth, Mr. President. As a matter of fact, this Government has always been open to the media, Mr. President. Citizens of this country, Mr. President, will recall during the COVID-19 pandemic, for example, this Government, through the Ministry of Health, met daily. Even our Prime Minister met daily with the people of Trinidad and Tobago, with the media to provide updates, and we subjected ourselves as a government to the scrutiny of the media, Mr. President. This Government on a weekly basis, Mr. President, also until today continues to allow itself, whether it is a post-Cabinet press conference, whether it is after there is engagement or some major happening in Trinidad and Tobago, our Prime Minister is known for subjecting himself to the media.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Our Government Ministers,

Member of Cabinet consistently does that, Mr. President. So clearly that statement made by Sen. Lutchmedial-Ramdial as it relates to the media and our relationship with the media, Mr. President, is furthest from the truth.

A second point I want to briefly address that Sen. Lutchmedial-Ramdial made in her Motion was, Government sought to frustrate access to the freedom of information. Mr. President, how coincidental it is that 99 per cent of the Freedom of Information requests are spearheaded by the same individual, led by a previous Attorney General, in this country. There is one individual in this country that almost 99 per cent, 99 per cent, of the freedom information applications, and I can say that because I have had the opportunity to see some of those applications that particularly come to the Office of the Attorney General and Legal Affairs, and almost 99 per cent of it comes the same individual who is represented by a previous Attorney General, Mr. President.

You know, Mr. President, I recall from my time in office as I said before in 2022, there were a slew of requests for the Office of the Attorney General and Legal Affairs for over a six-month period by the same individual utilizing this freedom of information. Yes, the freedom of information is important. Yes, it is important for our citizens to have access to the filing—it does not mind you that was statement made by the previous Attorney General that I have made reference to, to have access to the Cabinet's offices of Trinidad and Tobago. But there is another thing that we have to bear in mind, which is the abuse of that same piece of legislation that the Senator refers to, Mr. President.

Mr. President, Sen. Lutchmedial-Ramdial also said, Government has

diluted important legislation, and that would naturally require a special majority to amend. But again, Mr. President, the Opposition stated very early, very early in their tenure as the Opposition again, that they were never going to support any Bill brought by this Government, Mr. President, that required a special majority. That is a very dangerous statement for any Opposition to make from the get-go of sitting on that side.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: They have made that. They had made that statement and as a consequence of that, Mr. President, as a consequence of that, what has this Government done? We cannot wait sometimes, Mr. President, just to get the support of the Opposition, so sometimes we have to review legislation with the intention of getting the support or with the intention of passing those Bills to bring about the necessary, you know, changes that we want in our society. Sometimes it does require us, Mr. President, looking at those, reviewing that legislation, reviewing special-majority principles, issues that may arise in the legislation and withdrawing it, simply because from the get-go—

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

Sen. The Hon. R. Sagramsingh-Sooklal: Thank you, Mr. President—from the get-go, we know they made it very clear, the Opposition made it very clear that they were never going to support this Government legislatively.

4.10 p.m.

And the fifth point that Sen. Lutchmedial-Ramdial made was that Government has weakened vital institutions, particularly the Office of Procurement Regulation and I believe it is necessary to clear that record.

Mr. President, if I may place on the record the OPR was established in 2018 to be the watchdog of procurement for public bodies with the process like tenders, contract management, and supply of goods, works and services. It also required, Mr. President, to investigate any wrongdoing and to take the necessary steps to nullify contracts.

Mr. President, the main aim is to clamp down on bad practices in procurement and the disposal of public property. Mr. President, the OPR, to date, under this Administration has met with more than 300 organizations, Mr. President, and we continue as a Government to support the independence, Mr. President, of the OPR. And if my memory serves me right, I remember it was the same head of the OPR, when that appointment was being made, that high public officer, the kind of bacchanal that happened in this court, the kind of disparaging statements again, that were made about this individual by the same six Senators, Mr. President, who come here and speak to us about having respect for those who hold high public offices.

Mr. President, on the point of the DPP, very briefly, Sen. Lutchmedial-Ramdiel speaks about this Government's attack on the DPP. Mr. President, under the *Public Sector Investment Programme 2024*, and I have to read into the record particularly under the:

“Administration—Providing Modern, Safe Public Buildings”

The provision of accommodation of the director of Public Prosecutions, North Office, Mr. President, advanced to 96 per cent completion and I am just reading it off the record, Mr. President. The sum of \$16.0 million was allocated of which the total of \$8.2 million was expended. Mr. President,

further to this about—and if I may just, because I know time is against me. The point that I want to simply make, Mr. President, is our Government continues to stand supporting all of these offices, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: We have not starved independent offices of resources, Mr. President. What we have to do as a Government of course, is work with the resources that we do have but it is never been an intention certainly during my tenure sitting as a Minister in the Ministry of the Office of the Attorney General. I say it for the public and I will continue to say it without fear of contradiction, I have the world of respect for the Director of Public Prosecutions. I want to even go as far as saying I have a good working relationship with the DPP. Mr. President, I know our Attorney General has continued since he took office to work with the office, as we continue to outfit and give the DPP all of the resources that are requires.

Mr. President, briefly too, if we look at legislation, the Police Complaints Authority Act, No. 8 of 2006. Mr. President, this was an Act that was passed under the PNM, in March 2006, it was an Act in which again we supported legislatively, Mr. President, independent arms of the State. Mr. President the *Hansard* reports relative to debates on the Bill which eventually led to the passage of the Police Complaints Authority Act, Chap. 15:01, hereinafter referred to as the PCA Act, that again represented, Mr. President, a meeting of the minds of the then Prime Minister, Mr. Patrick Manning and the Leader of the Opposition at that time, Mr. Basdeo Panday, Mr. President.

And together we saw leaders working together in order to support democracy and to support, you know, the principle of the separation of powers, not like the current incarnation of the Opposition, Mr. President, who will come again, and again and speak to us the Government about our shortcomings, who will come and speak to us and where they themselves are on the record whether publicly, whether it is on their Monday Night Forum, Mr. President, whether it is on their weekly meetings, whether it is publicly, whether it is in the Parliament, Mr. President, they continuously come to this Parliament, they continue to bring independent office holders into disrepute.

Mr. President, as I conclude I want to say to the people of Trinidad and Tobago, your Government, the People's National Movement, we stand committed as we have always been from the time of Dr. Eric Williams, to the time of George Chambers, to the time of Mr. Manning, and now under the leadership of the hon. Dr. Keith Christopher Rowley—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal:—we continue to stand committed to the principle of democracy, Mr. President, and we believe in the separation of powers, and I ask the Senator as I conclude, to withdraw this frivolous Motion, Mr. President. With those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Maharaj.

Hon. Senators: [*Desk thumping*]

Sen. Sunity Maharaj: Thank you very much, Mr. President. I would like to thank Sen. Lucthmedial-Ramdial, for putting up for discussion our democracy and our Constitution of which there could never be enough

discussion. We are a work in progress in this country and while we might be detained by immediate issues and events and incidents, the larger issue of the Constitution and the quality of our democracy requires continuous conversation, finessing, talking, so I thank her for this. Personally, I would affirm and reaffirm my commitment to democracy everyday given the chance, every hour of the day. However, the issue that I have with the greatest challenge with in the Motion is in the Preamble where it says that:

“...the Constitution of the Republic of Trinidad and Tobago...entrenches the principle of the Separation of Powers between the Legislature, the Executive and the Judiciary ...”

I am not convinced that that principle is entrenched in the Constitution. What I see is it is written and presented as separate. You have the Parliament, we have the Executive and the Judiciary, and it is implied as separate. But the separation of powers is a very precise doctrine developed by the French political thinker Montesquieu. And the most famous example of it is the American system, the American Constitution, where the President has no presence, he does not sit at all in the Congress. He is completely—there is a Chinese wall, and the Judiciary is completely separate.

So, that system is a very defined system, there is no—unlike our system where the Prime Minister is the head of the Cabinet, he sits in the Parliament as the head of the majority party, with the consequence that the Government does influence the agenda, is the mover of the agenda in the Parliament, that is a fact. That is not a criticism, the design is that way.

And there are certain clauses in our Constitution where for example,

the Judicial and Legal Service Commission having selected persons for several senior offices must submit that list to the Prime Minister and if he does not agree, they will not be appointed. That is a system that has often been referred to as Whitehall Westminster. It is a variant of the Westminster system. It is not exactly what occurs at Westminster, but we have to look at our own history to understand that this is what our Constitution has evolved to be over time, and as I said, it is a work in progress. It has not been perfect.

Democracy has always been a challenge for us.

In the 61 years of independence going on to 62, we have had revolution, people unhappy with the governance, getting on the street. We have had an attempted coup, we have had a Public Order Act, we have had the Industrial Stabilisation Act, of workers heavily sanctioned. Governments have had to withdraw those legislations in the face of enormous public disaffection. We have had section 34, we have had relentless attacks on the media. There is no Government that has resisted the temptation to bring the media to heel because of its role as—its independence. I want to make the point that we are at the most dangerous point, in terms of that institution, that constitutional institution of the media, given the role that technology is now playing as a massive asset to the undermining.

4.20 p.m.

There is a process—an ongoing process of a weakening of the media. There are huge technological challenges that the media itself, as an institution, has not stood up to, has not prepared for, and it is paying the price for, but that weakening is further—its power and its ability to do its job

is further eroded by the power that is multiplied across the society through the trolling and attack—relentless attacks on journalists, including, especially female journalists. But that is for another day

We have had—almost every government has come up against the challenge of how do we make this Constitution work so that the Government can get its agenda through. Sometimes the challenge is an institution that is set up that it cannot get pass, sometimes it is the Judiciary, sometimes it is—well, in Parliament, the Opposition. And the instinct—and I would say it is the baser instinct is not to get to what is the fundamental problem here that is throwing up this difficulty for governance, but to resort to politicizing and name-calling, that word that gets us nowhere really

So that this Motion, if you were to use it as an opportunity to address the constitutional conflicts and what I called the other day, conundrums within the Constitution, it will serve us well to pull away from the immediacy of political conflict, an attempt to get to the root of the problem. As we all know, there is a constitutional reform exercise underway, and I have already said I do not have much hope for that because I do not feel that it is constructed in a way to engage the public from a bottom-up approach, which I think is the only thing that would make a difference from previous—a succession of failed initiatives.

Notwithstanding that, however, we need to look at how power is divided. How do we balance? What we have here is a balance of interest, a balance of power, as opposed to a separation of power. We do not have that powerful check that the Americans have, and it is so powerful sometimes that the gridlock it creates, stops everything. And sometimes the British

look on and they say, “You see why our system is better than the American system? Look at the American system, it can get nothing done.” In fact, in the heart of the so-called biggest democracy, greatest democracy in the world, there is plenty of trouble, and all over the world democracy is in retreat and there is a rise of fundamentalist forces, because when democracy is under pressure and cannot find answers, and cannot hold people, people start to look for saviours. Who will save us?

And that is a real threat for us, because if we were to ask ourselves what were the forces that carried this country to the brink of a coup in 1990, and we remember what the environment was like, the pounding of pavements, all the public servants at the time, the Opposition, which was the People’s National Movement, all the forces, they called them the Summit of People’s Organisations, and they could not break through the government system—the system of governments to have their problems addressed, their concerns addressed, and another entity saw opportunity. And they actually assumed that when they had their attempted coup, they thought everybody would come and support them. They do not know Trinis. People went home and they phoned each other. But if your democracy is not working, you open up yourself—I am seeing it in Trinidad right now. Crime is at the point where people are going to welcome a strongman. The strongman politics, we are getting ourselves prime for that. So we have to address the problem of the quality of our democracy and the effectiveness of our institutions.

It is not enough to say we have all these institutions. They sound good. We have the Integrity Commission, we have this, we have that. Are

they working or is the log-jam there creating more and more problems, that the Government, no matter which government, they get into the point of being so stymied and cannot carry through their agenda, that they have to find alternative means and short circuit the process and then they land up before the courts? And the court—as we know, and it is often said, the Judiciary does not make laws. They interpret the laws. Parliament makes the laws and the Government sets policies. Parliament makes the laws, the Judiciary interprets, and very often the Judiciary is left to fill in the gap of the laws that are passed in the Parliament, sometimes that we do not see until later.

And there is a lot of room for a serious, engaged, across-the-aisle discussion on constitutional reform to deliver on our aspirations for a democratic society that adheres and is consistent with the provisions, the opening—the Preamble of the Constitution and the rights that our Constitution gives us. We cannot be so casual about eroding our own rights. We have to think very hard before we agree on any occasion, and the Government is in a very—not only this Government, every government, in recent memory, they are in a very invidious position, because unable to work across the aisle, all you can get is legislation with a simple majority, which is—and a good example was local government reform. Right? You have to be able to convince each other. We have to be able to talk across party lines in the interest—in the national interest and in the interest of the people out there. They are depending—we have a system—there is no doubt, Government has—of the partners, Government is the strongest in terms of the amount of power. We understand why.

As I have made the point before, Trinidad's trajectory towards democracy is very different from Tobago's. Tobago had an assembly long before. They had a plant assembly, they were practising the discussion of interest. We came very late to the game and we have the very dubious experience of being the first pure Crown colony in the British Empire, pure Crown colony where all the power was in the Governor. There was no—in fact, next year would be just 100 years since we had a partial election where certain people with certain property, and land, and money and so on, 1925, the first—I think 5 percent of the population only voted. That same thing was applicable in Barbados and Jamaica since the 17th Century.

We are new and we have to have a little patience with ourselves, and a little humility to understand the seriousness of the responsibility that is on our laps to carry to the next generation. The world is an increasingly dangerous space, and I am not only talking about geopolitics, which is on our doorsteps. Look at what happened last week between Israel and Iran, and people were saying it could have happened, that that missile went to an area that has nuclear capability as probably a warning to say we could reach as close as that. What would have happened? We have climate change coming. Look at the weather that is being unleashed across the world. There are young people today—the world that we think we are bringing up our children in is not the world they are going to grow up in. Anyone of our children or grandchildren could become climate refugees. Look at the weather that we ourselves are experiencing.

So we have to get to this task, understand that a Constitution describes what is the world—ideal world that we would like to be in and what are the

measures. How do you structure something but achieve that? And we want to live in a democratic world where everybody feels represented. And I am saying that this Constitution is far from ideal but it is a work in progress, and as long as we are all here, there is the opportunity to keep working and working on it. The problem though is that it inherently pits the three elements against each other, and we have to resist that, that temptation, knowing that it could draw us in. We have to resist that.

In this case, we have to be open to question. Let us take any of the issues that the Senator raised—and the Prime Minister's comments on the Chairman of the Integrity Commission required his feelings about that, required more than an iota of wisdom. A Prime Minister is an extremely powerful figure with hundreds of thousands of supporters. His words carry weight with a large section of the population. The other part of the country, whether what he says is accurate, will not want to listen to it because they do not support him. What he had was an issue—he had a genuine issue and the Chairman had a genuine issue, from what I have read—and I can only go with what is in the newspaper. I have not—there has been no official report from either side. It seems that there was a conflict between some staff who argued that they were public servants and they had to have the Cabinet approval, and in his position was that he is an independent—his office is independent. That guaranteed confusion right there, and it spills out as bacchanal and confusion between the individuals. But what it is, it is a constitutional conundrum.

And so I think if this Motion opens up a little opportunity for greater consideration of how we might carry this process of a more responsive

Constitution that does not derail our efforts at effective government, I think it would be worth its value in being here. I have no problem with the Senator presenting what seems to be a repetition because actually, if you go back in history, you could bring that Motion every time related to current events. However, we need to get above the events and try to understand what is the source of dysfunction, and the source of dysfunction—like I said, the sin is in the Constitution. We have neither fish nor fowl.

Look at what happens when a government nominates a person for the presidency and then that person is in office, and that government loses office or loses an election and another government comes in, we have problems. The continuity that one needs to have between Prime Minister and President, at that stage, we have had the experience. How does it work, and how does it work when so much is said? So difficult. And sometimes all people do is wait for a change, wait for the term to end and install their person. We cannot be wasting time like that, but the problem is the Constitution. Right? The problem is not—politicians will quarrel and all of that, but the problem is there is a constitutional requirement there to clarify that

And those are the questions I think, that as long as the President is consistent—is part, you know—the person who is—it is easy. When there is a change, it becomes hard. We do not want that. We want effective governance. So we need a very serious discussion here, and I look forward to anyone who follows me to bring more than I have brought to this discussion. Thank you

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Nakhid.

Hon. Senators: [*Desk thumping*]

Sen. David Nakhid: In the name of God, the most gracious, the most merciful. Mr. President, this Motion can be summed up, simple sentence, and that is: How much do we value our democracy? That is what this whole Motion can be summed up in. And when we look at democracy, it brings to us the etymology of that word, *demos kratos*, people rule or people power. Kratos is subject to sometimes different definitions, but *demos kratos*—[*Greek spoken*]. It is very important. Remember that as my submission continues.

4.35 p.m.

In the absence of *demos kratos*, you have the word that appears, *týrannĭcus*. *Týrannĭcus* simply means, what is an illegitimate ruler. So in the absence of democracy, what appears is someone, even if elected, has made himself illegitimate, and that is important. So I was expecting, as Sen. Maharaj said, on such an important Motion, like the Motion brought by Sen. Vieira yesterday, can advance the whole discussion about where we are because we are not in a good place. Who says differently, and they will say differently, the PNM, because after 62 years there seems to be a kind of intellectual inbreeding going on, on that side. It is an inability to get beyond that bubble that they are in. And what could be more exemplified by intellectual inbreeding, than that submission from Sen. Sagrainsingh-Sooklal.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Which brings me to another origin of a Greek word, hysteria—

Hon. Senators: [*Laughter*]

Sen. D. Nakhid:—which means starvation. Salus—and I think somebody should be giving out some sandwiches on that side because obviously brain cells tend to die when we starve ourselves. The first thing that goes is your brain cells. People think it is your physical—no, it is your brain cells.

So that contribution by the hon. Senator had me thinking, how should I address it? Should I reply with hysteria, no? I had to refer to my life experience, as I normally do. And I had two coaches, one in Europe, we are familiar with, Leo Beenhakker and one, my favourite coach from Tobago, Bertille St. Clair. And they used to tell me, “Nakhid, because of your combative personality they will call for you when we have reached the pits”. They were talking about the club, Bertille was talking about Trinidad and Tobago and it turned out to be so. When we were in the deepest part, doldrums of our football they would call, I would answer and thank God I responded well, as evidenced by three Most Valuable Player Awards—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—and two National Player of the Year Awards. Obviously, I was asked by this Bench, after that contribution that brought us to the deepest doldrums of the Senate since I have been here, to lift that level again and bring us back on track to appropriately assist the hon. Sen. Lutchmedial-Ramdial in this excellent Motion.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And I am surprised by the learned attorney, Mr. President, because someone who is supposed to be versed in law should recognize that when you criticize an office holder you do not criticize the office. That is utter rubbish. When you criticize an office holder who has gone against the

principles of democracy, you are not criticizing the office, you are acting in the interest of democracy and that is what this is about.

If we as the Opposition, official Opposition or even the Independents, we have the right as well as they do, if a conscience exists on that side, when wrongdoing is done by any high office holder to criticize it, because it is the office holder who defines the office, not the other way around. And that is why I talk about this intellectual inbreeding on that side, unfortunately. I do not like to say it, because I came out, my family out of the PNM. They cannot talk PNM with me, “dey mad”. They cannot talk PNM with me, they cannot, they cannot. My whole family, from Rudolph Charles, Aunty Georgie, Emelda Bascombe, PNM to the core, to the core. Desperadoes to our core. So when they want to talk about pan, I know about pan and just to segue a “lil” bit, because we had some comments in the crosstalk, when the hon. Kamla Persad-Bissessar was in office pan men received in 2013 \$1,000 per person, in 2013. You know how much they come to give pan men now, \$500.

Sen. Lutchmedial-Ramdial: \$500.

Sen. Lyder: Inflation, boy.

Sen. D. Nakhid: And that happens as a result of an eroding democracy. Because when people are found in conflict of interest they do not go and examine their conflict of interest, you know, they ask the person who help them to help them with that conflict of interest, “aye what ah doing wrong”? They say, no, you good, take 70,000.

Sen. Mark: The beholder is worse than the thief.

Sen. D. Nakhid: I will not elaborate because I like the fella.

Hon. Senators: [*Laughter*]

Sen. John: Stick a pin.

Sen. D. Nakhid: “Ah like him”.

Sen. John: Stick a pin.

Sen. D. Nakhid: “Ah like him”. He is one of the people, few on that side who makes some sense.

Sen. Lyder: Yeah, yeah, yeah. That is why they keep him there.

Sen. Lutchmedial-Ramdial: “And he down by the Waterfront shaking all dem tourist hand and ting.”

Sen. Lyder: I like him too, he is a good fella.

Sen. D. Nakhid: So when we go back to that submission, which I am responding to, and the hon. Senator spoke about my utterances, not in Parliament hiding behind privilege you know, in the open, unafraid, fearless as the hon. Sen. John likes to say, fearless. You know why? Wrongdoing was done. From the highest office holders in the country, “I suppose to keep quiet” in the interest of *demos kratos*? No, I would speak. [*French spoken*] I have a right, I have a right to speak as well as anybody else, Harford, Chairman of the Integrity Commission, anybody, they have a right to speak in the interest of *demos kratos*, democracy. The hon. Senator would say, no. She made blanket—the honourable, sorry, not “she” as she would say all the time.

Mr. President: The Minister—

Sen. D. Nakhid: The Minister, junior Minister, stated several times with a blanket condemnation that if we criticize a public office holder, high or not, that that was somehow wrong. Utter rubbish, utter rubbish and this woman,

supposedly learned attorney. I witnessed, and it was admitted to by the Member for Diego Martin West, that it was him who intercepted a merit list. We have all established that. We know that, we know that to be an undermining of the Constitution. The very rock stone base of our democracy. What we are here talking about?

And this was a woman, as the records would show my statements, I was in full support of that office holder because she represented for me, my mother and grandmother, black women who had achieved. I always speak about this with Sen. John. A black woman who had achieved, who allowed herself to be bullied into undermining the Constitution. Of course, I would make whatever utterance I would make because wrongdoing was done. As a matter of fact that was criminal wrongdoing. And then for the so-called second highest office holder to come and admit to it shows what—*týrannĭcus*. You have thereby after undermining the Constitution and breaking the law, you have made yourself illegitimate. I am going according to the etymology of the terms. This is important. Remember linguistics plays a part in how we understand and explain things.

In the absence of democracy, whether it be a flawed democracy or not, you cannot break the law. You cannot say, take it upon yourself, well I do not like this one, I hear something from somebody or we have evidence of somebody, so you know what I take it upon myself to abuse the process, bypass the process, bypass the Constitution that we exist and live by and intercept a merit list. What utter madness is that?

Sen. Mark: Yes, exactly.

Sen. D. Nakhid: And they come here to talk about personalities, what I say.

I was completely correct in what I said and I do not regret it one bit.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: A woman that I looked up to, as I did my mother and grandmother, who came from the hills of Laventille, who faced enormous obstacles because she married a Lebanese man. Imagine that? Lebanese man. Imagine that in those times, imagine that, imagine that, the opposition to that. So I admired them and they could bring themselves—became the highest nurse in the land.

Imagine if two “lil” black boys from Laventille had broken the law, justified or not, they want to feed their families. In doing so, they confront somebody, beat him up, assault and battery, in jail. What we would have said? They have no right to do that, let them find a job. Yet, we have two of the highest office holders, as comfortable as you like, in a nation ridden with crime, 24/7 security, processes of democracy at hand, all Parliament buildings, nice, it is not leaking today, but nice, everything good, to come and ventilate whatever problems they have here in front of these fine people and you went and break the law and you come to defend that? Rubbish, utter madness. Wrong is wrong and right is right.

Sen. Mark: “Yeah, man.”

Hon. Senators: [*Desk thumping*]

Sen. Lyder: Yes.

Sen. D. Nakhid: And you know, Mr. Vice-President, it was particularly painful—

Sen. Lutchmedial-Ramdial: Mr. President.

Sen. D. Nakhid:—Mr. President, it was particularly painful, the lack of

understanding of the role of the Opposition, because they spoke about our honourable political leader, the Opposition leader, Kamla Persad-Bissessar. They mentioned that and how she attacked the head of the Integrity Commission. That was painful for me to hear. Why? Because I am not one to believe that coincidences are a part of life. I do not believe in that. They might have certain coincidences, but when things take a certain pattern we like to say—when there is a track record, we just say there is a track record. But what does a track record mean? When somebody exhibits a certain track record of something, it means something. There is a historical pattern of behaviour that defines what he does, correct? Yes. Very correct, very correct.

So when the hon. Kamla Persad-Bissessar saw that an Integrity Commission had the Member for Diego Martin West under investigation and he came out and spoke about it, was that the same as me criticizing wrongdoing admitted to? No. That is somebody doing their job. They did not criticize that. That is somebody doing their job. That person was doing their job. Contract not renewed. I will make no suppositions as to why that did not happen, it was not renewed. Who came in? A neighbour of another high office holder. When we look at all the boards and I have given you the pattern here, the track record that I alluded to, Mr. President. So you see that there is a pattern almost incestuous and then we have to question, well, there is more in the mortar than the pestle.

4.50 p.m.

Because if we see friends and family showing up on critical boards, critical commissions, and they all seem to be related in one way or another

to the people that made those final decisions, in a democracy, should we not at least be able to question that like the hon. Kamla Persad-Bissessar did? That is exactly what she did. So they come here and talk about hon. Kamla Persad-Bissessar SC as if somehow no officeholder should be questioned even if there is obvious wrongdoing or even what we call the perception of wrongdoing, and as we know in governance, sometimes perception is everything if not everything.

So I thought after that submission by Sen. Sagramsingh-Sooklal—
Mr. President: Member, just a reminder—have a seat. Just a reminder we use the titles of the Members of Parliament that we are referring to. So I notice you were using the Opposition Leader's actual name and also the Senator's actual name. So it is the Minister in the Ministry—Minister in the Office of the Attorney General, sorry, and the Leader of the Opposition.

Sen. D. Nakhid: Okay. Guided. Thank you so much. So Minister in the Office of the Attorney General and Ministry of Legal Affairs who has not spoken in quite a while—I think this Attorney General is on to something—and I had to ask myself: What was the reason for this outburst, this bout of hysteria? You know, I quickly—you know, I like to find out these things. I just do not want to come and talk about it. I want to find a solution. They used to call me the solution maker in football. I was the playmaker. I had to find the solution. The defence is tight, I have to open them up. Flip the ball, Dwight Yorke could score—“yuh” boy from Tobago. So I am finding the solution. After that hysterical outburst there we have to get some comedy.

Sen. Lutchmedial-Ramdial: We had enough comedy today.

Sen. Mark: Bring some sanity.

Sen. D. Nakhid: I found the perfect quote:

Whatever exterior exists, is inflamed by propaganda, innuendo,
secrecy. The remedy, the solution to that, is hard and exact facts.

So when I bring to you now, the facts of everything that I have told you, how the two highest officeholders undermined the Constitution, and when we attack them it is not the office, it is the officeholder. If they had done no wrong, then those utterances I made against those officeholders would have applied to me, but they clearly do not. I was never sued because truth is a—
?

Hon. Senator: Stubborn thing.

Sen. D. Nakhid: Facts are stubborn things, truth is a defence. I spoke the truth. They undermined the Constitution, and there was even more and I will tell you why. There is also a quote.

[Greek spoken]

It means in English:

When a tyrant begins to erode democracy one step at a time, he becomes impossible to stop.

And that is all we have here because the hon. Member for Diego Martin West did not stop there. He went on, not only criticizing the Head of the Integrity Commission whose contract was not renewed—a friend of another high officeholder brought him—he attacked the DPP as was stated before by Sen. Lutchmedial-Ramdial, things unheard of in this country before and I want you to see the pattern, Mr. President.

Remember what I just said to you in Greek, translated in English? When that snowball begins, erosion of democracy, one role at a time, it

becomes almost impossible to stop. So when the hon. Member for Diego Martin West—and we have the case of the indemnity that could never have been commissioned without the head of the cabin, which the DPP himself distanced himself from—

Sen. Mitchell: On a point of order. I believe that matter might be sub judice.

Mr. President: Okay. So if the matter is indeed before or being adjudicated upon by the Judiciary, then yes it would be sub judice. So I would ask you to just skip over and move forward.

Sen. Lutchmedial-Ramdial: It is not sub judice.

Sen. D. Nakhid: I have been informed by a genuine attorney in the room, that it is not.

Sen. Lutchmedial-Ramdial: And I stand by that.

Sen. D. Nakhid: So I depend on her solid advice. It was just another step to target political opponents and that is our point here. That is why this Motion was brought. We are seeing a consistent erosion of our democracy.

So when we say the words like different institutions and all of that, it goes back to how much we as a people value our democracy. That is all this Motion is about, how much do we value our democracy. If we want to take the stance that this side took or are taking presently, exemplified by the Minister in the Office of the Attorney General and Ministry of Legal Affairs, then clearly they are not serious about it. And it makes me wonder, is it only because the Opposition brought that Motion? Because I posit to this august Chamber, had Sen. Vieira—I can call his name—brought this Motion, the reaction would have been significantly different. What was the big

difference between that excellent Motion brought yesterday by him and what we bring now? What he spoke about the commissions of enquiry, speaks also to democracy and to what we should aspire to, and so does this Motion.

Clearly, things are not right in Gotham. This is a country beset by crime. It does not happen just so, and you cannot keep addressing that by saying it could have been worse.

Hon. Senator: We have heard today.

Sen. D. Nakhid: We heard that today from the hon. Minister of National Security, we hear it from the hon. Member for Diego Martin West, and it is like a mantra now from this PNM Government. “It could be worse. It could have been worse. It will happen. We made contracts.” And all of this points to when we allow that first chip away at that rock, that bolder of democracy, that ethos that we should coalesce around, from the time that first chip occurs, the devil take the hindmost, and that is where we are.

So I will hope in the contributions that might follow, it will not try to deflect, because all we saw from the Minister in the Office of the Attorney General and Ministry of Legal Affairs was an attempt to deflect and it was well done. We had to take a break. The whole Senate was in uproar. We were astounded, we were amazed—

Sen. Lyder: Shocked even.

Sen. D. Nakhid:—shocked even. We could not even believe what was transpiring before us, that somebody could take us down into that rabbit hole. But we survived it thanks to your excellent guidance, Mr. President.

Hon Senator: [*Inaudible*]

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

Sen. D. Nakhid: So, Mr. President, when we speak about the undermining of our institutions—and I would like to bring it back to this point, even what has happened, the tragic passing of those babies, it is because when that *týrannĭcus*, that tyrant—and I am speaking in the strictest Greek terms of the word *týrannĭcus*, when that illegitimate ruler who made himself illegitimate. Remember that, he has been elected but he made himself illegitimate because of his actions against democracy. Thereby he feels even when certain people under his influence, under his control—as Sen. Mark says, the Prime Minister has enormous powers. He is blessed with enormous powers.

So when he himself knows that the people he has put in certain positions are not adequate—and remember those people are in positions that affect lives, the Minister of National Security, the Minister of Health. But when you feel yourself having survived, gleefully so, having survive, that chip away at democracy the first time, the second time, the third time, you become impervious to what *demos*, the people, have to say to you. So one and two and three mistakes add to what we have, it does not happen just like that. Eleven and 12 babies dying like that, it does not just happen like that.

I do not want to refer to my quote from yesterday, either we are evil or we are stupid. No. It happens because of a process that we witnessed, we allowed to happen, whether we were silent, whether we did not have enough power, and that is what has happened. So the Minister of Health, the Minister of National Security are not there by accident. They are not creatures of happenstance. They are creatures of design because the person who is in charge of them, in control of them, has done nothing because he feels himself impervious to the cries of the nation.

Your Minister of Health, your Minister of National Security are not good enough, incompetent and inefficient, and you have done nothing because you feel yourself above. You have become *týrannīcus*. It is important to remember, Mr. President, that democracy, *demos kratos*, is a moving thing. These are not terms set in stone, in concrete. It is something we have to be guardians of all the time, all the time, and that is where we are, the United National Congress.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And I will say also, the Independence Senators.

We have to be the guardians of democracy because we all know power corrupts absolutely and all those things we like to say. So who are the ones to guard us from somebody reaching that stage of illegitimacy? We are. They will not like it. They can criticize it, but for God's sake, Mr. President, criticize it with some sense, criticize it with some reasoning, with some intelligence—

Sen. Lutchmedial-Ramdial: Not with hysteria.

Sen. D. Nakhid:—not with hysteria. “Oh, gosh.” Not with hysteria, and that is what we had.

So in pushing this Motion forward, Mr. President, the UNC led by the hon. Opposition Leader, we believe that this Government has no intention, but we have to ask because we are democratic. We are not ones to com shouting all over the place. We have asked in this Motion for them to examine, to have a look, and you know I will challenge them to say here who shouts without reason.

5:05 p.m.

I wish I could shout and get \$70,000 too.

Hon. Senators: [*Laughter*]

Sen. Lyder: “Dai yuh padna”.

Sen. Mark: Just so, eh. Just so.

Sen. Lyder: “Dai yuh padna, doh do him that. Doh do him that”.

Sen. Mark: Just so, just so.

Sen. D. Nakhid: We truly believe, Mr. President, in all seriousness, that this is a Motion that should be supported, that this is a Motion, if they are serious—and I know they are not, but we have to ask because we are a *demos kratos*. We are a democracy.

If they for once in their 62 years—because oh gosh, and I did not want to get into it but I have to remind—the hon. Minister in the Office of the Attorney General and Ministry of Legal Affairs went at lengths to speak about Dr. Eric Williams and the history of his love for democracy, and how one race should not override another race. And I was thinking at what time in that speech he spoke about the recalcitrant minority? At what point in that speech, that phrase that became a stain on our national conscience—at what point in time that was mentioned?

Easy to have beautiful flowing words and not mean any of it. Because you know why? Even if he is disregarding the so-called recalcitrant minority, even the people who support them for 62 years, including my people, they have not done well under this Government. They are fared poorly. And if one group of people should be a litmus test for this incompetent, inefficient Government, especially in the last nine years, it

should be the hills of Laventille. Ask them about *demos kratos* under this Government. Ask them how the Member for Diego Martin West's version of *demos kratos* has benefited them, or the people in the Zone in Tunapuna, or Beetham, or Sea Lots. They have not done well. Who has done well?

If *demos kratos*, the people rule, was of interest to them, we would not see certain sectors of the society doing extremely well while the others fall through the cracks, however flawed that democracy might be, because it is the best we have. Nobody says democracy has to be perfect. I just said democracy always has interchangeable parts moving, amending this legislation arm. They have done nothing. They do not care about *demos kratos*, except by their tongues, words, else we would not be in this place we are.

So, Mr. President, I thank you for allowing me to address this august Chamber. I thank my colleagues in supposition of whatever they might offer from this side and I can only hope, for the benefit of our sanity, that they will come with a presentation much better than heard before. I thank you, Mr. President.

Hon. Senators: [*Desk thumping.*]

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

Hon. Senators: [*Desk thumping.*]

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much. Thank you very much, Mr. President. I wish to return to the spirit of camaraderie and kumbaya.

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell: Coming after Sen. Nakhid, I was trying to

make some notes to see what I could, of course, comment on. But apart from his recital of Greek and his translation into the English language, I really do not think anything he said was of critical importance, save and except, he said something startling and I really cannot understand it. I think I have to do some research.

I remember in history of kings speaking about themselves in the third person. I also remember a particular king—I think he was a French king—said famously that “I am the State and the State is me.” So when Sen. Nakhid speaks and tries to explain his behaviour as he is not criticizing the office, he is criticizing the person who owns the office, it has totally confused me. I am not sure if the Senator sees in double, but it confuses me because what is the distinction? Is the Senator in his, of course, disparaging remarks, separating the person and identifying the person by their name and their ID card as separate and distinct from the office?

Sen. Nakhid: Yes.

Sen. The Hon. R. Mitchell: You cannot do that. And the reason why your remarks have been taken at length and challenged by the hon. Senator in the Ministry of the Attorney General—Minister in the Office of the Attorney General is because your statements too do not come from David Nakhid’s simpliciter—forgive me, Mr. President—they come from Sen. David Nakhid. You cannot separate the two. People on the outside do not see that separation. What they see is Sen. David Nakhid, a Member of the Legislature, having taken oath and appointed to be here, properly so, disparagingly insulting very high office-holders in this land.

Sen. Nakhid: Who have done wrong. Who have done wrong.

Sen. The Hon. R. Mitchell: That is what people see. And, Mr. President, I have no problem because they are the Opposition and oppositions are supposed to oppose. We believe reasonably so, but they believe unreasonably so. You take debate, you take and challenge matters for debate. If the person has said something or if the person has done something, you debate those matters and you give your point of view. But there is absolutely no reason to be so disparaging to office-holders in this land. And what the Minister in the Office of the Attorney General and Ministry of Legal Affairs was trying to get across to them—it went all over their heads—is that your very criticisms and treatment in the public space of those high offices, with their office-holders in them, seek to undermine our democracy, and that is the point.

There is a matter—there is a thing I have read about, I read about it a long time, called cognitive dissonance, and this is where persons try to come up with all of these diverse reasons in justifying and explaining their behaviour. No, through you, Mr. President, to Sen. Nakhid, you ought not to have spoken in that way. Take issue, debate. That is what a healthy constitutional parliamentary democracy is all about.

Sen. D. Nakhid: [*Inaudible*]

Sen. The Hon. R. Mitchell: You debate matters—

Sen. D. Nakhid: It is a crime.

Sen. The Hon. R. Mitchell:—but you do not speak in that way. That is what we in Trinidad and Tobago call “gutter politics”, not in your high office. But, of course, we now understand his cognitive dissonance or his reasoning as to why he is doing what he is doing.

5.15 p.m.

So let me just touch on the Motion and I will go through the Motion because I too have some issues with the Motion. So in the preamble, we speak about:

“Whereas the Constitution of the Republic of Trinidad and Tobago...entrenches the principle of the separation of powers between the Legislature, the Executive and the Judiciary, which ensures the protection of citizens and a system of checks and balances in the exercise of power...”

I agree with that, it does. I do not agree with—and I take issue with Sen. Sunity Maharaj’s argument. We are not the United States. The United States has 220/250 million persons. They can afford to have a distinct and completely separate branches of government. We cannot, not even England can, we cannot. We understand and we recognize and jurists have spoken about it for a very long time that there is some interplay between some of the branches of government. But of course, the biggest China Wall goes up, where the Judiciary is concerned. There is an interplay.

The second part deals with:

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

Yes. What Sen. Lutchmedial-Ramdial is speaking about here is what is referred to as intra, I-N-T-R-A, intra-branch separation. It occurs within the Judiciary and it occurs in the Executive, where it is desirable by the constitutional framers that there are certain offices and there are certain functions that must be kept independent and separate. Of course, we know

with respect to the Service Commissions, they are insulated from the political directorate and as well the office of the Director of Public Prosecutions, the EBC and there are others.

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

Now, on the last occasion, when we discussed this matter, Sen. Lutchmedial-Ramdial admitted that she brought the Motion as widely as possible to have a fulsome debate and fulsome discussion on the matters under consideration. I have an issue with the word “government” here because you have introduced the Motion speaking about the separation of powers. When you talk about the separation of powers, you talk about the separation of powers and functions of government of a State into three separate branches. That is when you talk about separation of powers, you talk about the Constitution, you talk about the Legislature, the Executive or the Judiciary, you are talking about the separation of powers of the government of a State. So in my contribution, I would like to deal with that interpretation of government because government, Mr. President, has different meanings to different people and there are some sleight of hand manoeuvres that Members of the Opposition, the commentators in the society use when describing what is the government.

Now listening to Sen. Lutchmedial-Ramdial and Sen. Nakhid, what they mean by the word “government” is really the political directorate. I listened to Sen. Sunity Maharaj’s contribution. I interpret your contribution as you are talking about government in a wider sense and that is where I

would like to deal with things. And therefore when we are talking about reaffirming the Government to its commitment to the principles and practice of democracy in Trinidad and Tobago, I have no issue with that. We have never departed in our Government from the principles of democracy, but certainly somebody in this Legislature, the Opposition, they always depart from the principles of democracy.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: And I will go into, to demonstrate that—so let us talk about what is democracy. Sen. Lutchmedial-Ramdial did not go into what is democracy. And I know it might be trite for you but we are talking to the national community, you have to define what is democracy especially having regard to listening—

Sen. Dr. Browne: *Dêmos krátos.*

Sen. The Hon. R. Mitchell:—*dêmos krátos*, Sen. Nakhid's contribution where I mean cognitive dissonance was on display. So very simply, democracy, as Sen. Maharaj said, is the most successful political idea in the world. Democracy allows ordinary people a decisive say in who governs a country and how they govern it. It is based on a system of government by all citizens of a country, typically exercised through elected representative.

Although there are many aspects to democracy, we look at six key features. When these six main features are present, it indicates a strong democracy. They are: respect for basic human rights, like the right to privacy; a multiparty political system paired with political tolerance; a democratic voting system which means free and fair elections; the respect for the rule of law—rule of law meaning the obedience of the rules and of

course the enforcement of the rules; democratic governance and citizen participation.

Now Sen. Lutchmedial-Ramdial spoke and in a carbon copy to the last presentation, Sen. Lutchmedial-Ramdial spoke of a rule of law survey and without an ounce of shame, she went on to speak that:

“Compared to their regional counterparts...”

And I am directly quoting from Sen. Lutchmedial-Ramdial’s last contribution, which is applicable today:

“Compared to the regional counterparts, respondents in Trinidad and Tobago most often felt that top government officials attack or attempt to discredit...”

Sen. Lutchmedial-Ramdial: [*Interruption*]

Sen. The Hon. R. Mitchell: Would you like to say something? Would you like to say something?

Sen. Lutchmedial-Ramdial: Yes.

Sen. The Hon. R. Mitchell: Go ahead.

Sen. Lutchmedial-Ramdial: Mr. President, could the Member indicate whether or not there has been any change or further follow-up on that particular rule of law survey that would make the information that has been presented here today different from the information that was presented on the last occasion?

Sen. The Hon. R. Mitchell: I apologize for giving way, Mr. President, I did not mean to waste your time or mine.

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

Sen. The Hon. R. Mitchell: Mr. President, I am simply saying that I am

quoting from what you said in 2023, which is the same thing that you said today. Whether there was a change or not, I am simply saying that—

Sen. Lutchmedial-Ramdial: *[Interruption]*

Sen. The Hon. R. Mitchell: Mr. President, I am speaking to you. But listen to it, with a very, very straight face, the hon. Senator said:

“...top government officials...resort to misinformation to shape public opinion in their favour...attack or attempt to discredit the electoral system and other supervisory organs...seek to influence the promotion and removal of judges...”

Mr. President, I mean I do not even have to repeat it, you know, but when you listen to the Minister in the Ministry of the Attorney General in her contribution, everything here, all of the questions in this survey or the report, rather, of this survey, everything is what the Opposition, the UNC is guilty of, every single one of them.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. R. Mitchell: And the Member went on to demonstrate it.

I want to touch on this matter with the DPP and Mr. President. Let me state again, that there is no issue in engaging in public discourse where the matter of the rental and the non-accommodation of a building costing the taxpayers \$30 million over a three-year period—rental cost and outfitting cost—and where there existed an impasse that the Director of Public Prosecutions refused to move into that building, notwithstanding the process of acquiring the building, signing a lease to the building, outfitting the building and fast forward to 2023.

Notwithstanding that entire process being started in 2014, when a non-

objection letter—and it is on the record—signed by the Director of Public Prosecutions, that matter of \$30 million and a Prime Minister who is responsible to the people of Trinidad and Tobago, who elected them, responsible to discuss that matter with the people of Trinidad and Tobago and put on the record the Government's position, that is not attacking the office of the DPP. That is nothing compared to what Sen. Roberts, Sen. Nakhid, Sen. Mark and the Leader of the Opposition does. They go into people's families. You are engaging in public discourse about a matter of national public importance.

On the one hand, you have someone complaining that they are under-resourced and that the building that they are presently in cannot accommodate the human resources necessary to do an efficient job at that office, but on the other hand, you are refusing to move into a building, notwithstanding the process started 2014 and the only objections started in what? 2021, 2022. That is a matter that the public needs to know. It brings into question, Mr. President, not just intra-branch separation and independence within the Executive branch of Government but it also brings about the question of intra-branch accountability. Who is the DPP accountable to? The Judicial and Legal Service Commission?

As a matter of fact, when the Director of Public Prosecutions, through his attorney, entered into public discourse, the Chairman of the Judicial and Legal Service Commission had to come out, was compelled to come out and say "aye, you never tell us that, we do not know anything about that".

5.30 p.m.

If we knew about issues relating to resources we would have acted

upon that. Sen. Lutchmedial-Ramdial also went on to discuss matters taken in evidence in the Joint Select Committee on National Security. I am on that Joint Select Committee, and I sorely regret being absent on that day, Mr. President. Because I had some questions to ask. When the Director of Public Prosecutions says, and I quote, again from the *Hansard* in 2023:

“Let me spectacularly highlight my situation...some time ago, someone who occupied the chair of Attorney General had a conflict with someone who occupied the chair of”—the—“DPP.”

Is it second year law we did hearsay? I mean, I am not sure if anybody on that committee challenged the statement, you just jump into your hearsay self and you brought matters of “somebody say something to somebody else”?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: And that was not challenged? Before the conflict crystalized the DPP office would have—Mr. President, I am tired of this excuse-making that Members of the Opposition and certain public office holders have, in complaining about, “we do not have printers, and we do not have scanners, and we do not have ink”. In a fifty-something billion dollar budget, we do not have printers, scanners—and I forgive Sen. Lutchmedial-Ramdial, you know, because Sen. Lutchmedial-Ramdial has not been either in the House—well, not yet—in the House—

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell:—to examine the items of expenditure, or within a Ministry—

Hon. Senator: [*Interruption*]

Sen. The Hon. R. Mitchell:—just now, “nah”—within a Ministry to understand how you apply, and request, and we get releases. And the fact that at any point in time, there are releases in a Ministry to spend, and you spend on matters that are urgent, if they are urgent and you vire money. It is money management. You cannot come here and say that I do not have paper and scanners, and ink, and the complexion of my relationship with the Attorney General is what determines whether I get paper, and pencils, and pens, and ink. That is what you call a cop-out. And I have the unfortunate distinction of—on joint select committees—calling people out on these excuses. It is a cop-out, spare me.

And when you examine the Estimates of Expenditure, yes, the DPP does not have a separate Head of expenditure, but they have a separate section within the Head of the Ministry of the Attorney General and Legal Affairs called the Criminal Law Division. And I just glanced at it last night, and it is upwards of—I mean, I am talking about just the recurrent expenses—it is upwards of about 50 million or more. That is a cop-out. And it brings to question, Mr. President, this whole concept of intra-branch not just independence, because as soon as somebody is asked to be accountable or questions are asked in the public space, they jump and say, “Aye, separation of powers, constitutional, do not talk to me, I am not answering the phone”. As soon as, “Do not talk to me”. But who holds them accountable?

Because you talk about government here and you talk about the—you mean the political directorate, but when the fact of the matter is, the truth is, when somebody votes in a government, a Cabinet, it is the Prime Minister

and the Members of Cabinet, but more so the Prime Minister who is held accountable. Members of Cabinet are held accountable, and sometimes, Mr. President, it seems as though it is the only executive body held accountable. Because every five years—or now every four years, they just vote you out. But how do we hold officeholders accountable?

So, let me deal with—of course, I should have dealt with this first, Mr. President—but let us deal with the elephant in the room. There is a big elephant in the room. And as we are on the matter of democracy, there is a big elephant in the room. Maybe they are a herd of elephants, there is a herd of elephants lead by the Member for Mayaro, the Member for Chaguanas West, the Member for Cumuto/Manzanilla, and a host of other Members on the outside. You know what is the biggest hypocrisy in this whole thing, Mr. President? Frontline Members of the United National Congress are condemning the Leader of the Opposition, and political leader—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—of the United National Congress for upholding undemocratic principles in the United National Congress.

Sen. Mark: Standing Order 46(1), I seek your guidance here.

Mr. President: So, hon. Senators, the entire contribution today has been centred around democracy. Senator, continue.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: You see, you see, Mr. President, for a strong, functioning democracy, we need a strong Opposition. For me, I will never get tired of winning, but surely they are tired of losing.

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

Sen. The Hon. R. Mitchell: But we need a strong, functioning democracy, and therefore we need a strong, functioning Opposition. Not one that will go and denigrate people and their children, and their families, you need persons to enter into good public discourse. I mean, it is good for democracy, and it is good for the national community, it is good for Trinidad and Tobago. We need good public discourse, and therefore, we need a strong Opposition. And here is what Mr.—well, the Member for Mayaro, lead elephant—

Hon. Senators: [*Laughter*]

Sen. Lutchmedial-Ramdial: That is not a kind thing to say about the man.

Sen. The Hon. R. Mitchell: Listen I am not being—I apologize if it was taken as being unkind, an elephant is a majestic animal—

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell:—very, a very large brain and—

Hon. Senator: Very brave.

Sen. The Hon. R. Mitchell: Deified and worshiped. But in an article, a *Loop* article March 22, 2024:

“Paray says if UNC internal elections are not held, the party will lose the next General Election”

And in the article itself:

“According to Paray, should the internal elections not be called when due...”

—it is due in June, and it is due in June in accordance with the constitutional principles of the constitution of the United National Congress.

“...the voice of ‘thousands’ of supporters would be left unheard. He

said if the UNC is to lead the nation, the party must ensure that ‘its own house is in order’ and further issued a call for his colleagues to ‘take a stand’.”

Mr. President, I do not want to get into UNC business, eh.

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell: I do not want to get into UNC business, but what I could tell you, Mr. President, is while it is about four or five of them, the elephants, they were not alone, you know, they were not alone. There was a set of them following and cheering, “Yeah, yeah, yeah, we need change, we need change, we need intergenerational change”. And as the Member of Siparia cracked the whip, all the rats departed.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: All of them. But they left these four. So, let me go on to—let us go on to the Member for Chaguanas West. Now, the Member for Chaguanas West is a UNC lifetime member, lifetime member. And in an article by Shivana Lal, *Trinidad Express*, April 13, 2024, the Member for Chaguanas West in a press conference said:

“He added ‘the present leadership’ was taking advantage of ‘party loyalists’ to ‘promote their own continuation in politics’ and ‘perpetuating their own cult’.”

That sounds like tyranny, “tyrannous”, to me.

“This, he said, was ‘wreaking havoc amongst the trusting...party supporters’.”

He goes further:

“Rambally said there were ‘party organs’ which operated ‘under the

direct and absolute control of Mrs Kamla Persad-Bissessar’.”

That sounds like an autocracy, that sounds like dictatorship.

“Essentially, these groups only ask how high to jump when she says ‘to jump’.”

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell: I would pay money to see you jump in those high heels, Sen. John.

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell: He went on:

“I, too, expect to be called...”—and listen to this—“I, too, expect to be called...”—I pause again.

Mr. President, this is a frontline, lifetime member of the UNC speaking, eh. That and the Member for Mayaro, sitting in the House of Representatives, elected by the party to sit there and to do the party’s—this is not Ramona Ramdial, having lost her seat coming out to speak. This is not to Vasant Bharath coming out to speak, this is not Dr. Devant Maharaj coming out, this is a frontline Member, sitting in the House of Representatives, eh.

Hon. Senators: [*Desk thumping*]

Hon. Senator: And the adviser to the Maha Sabha.

Sen. Lutchmedial-Ramdial: [*Inaudible*]

Sen. The Hon. R. Mitchell: So—

Hon. Senator: He is the adviser to the Maha Sabha too, eh.

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell: “Wah yuh see in de day, doh take candle to go

an see in de night.”

“I, too, expect to be called an agent or affiliate of the PNM because that is what the present leadership does when it cannot process the truth.”

“Yuh” hear “de” strategy coming out?

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

Sen. The Hon. R. Mitchell: But you hear the strategy coming out, Mr.—thank you for that.

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell: You hear the strategy coming out? Anybody who disagrees with them, anybody who speaks and breaks out of the cult, out of the cult, anybody, is branded a PNM agent. Anybody who speaks not in accordance with the gospel of the Member for Siparia, anybody who speaks contrary to the gospel of the Member for Siparia is branded a PNM. But then he says:

“But I am no PNM, so they can start to look for another excuse to explain me away.”

Sen. Lutchmedial-Ramdial: [*Inaudible*]

5.45 p.m.

Mr. President, these are people from the bowels of the UNC saying this about their respect, their understanding for democratic principles. That is what people from the bowels of the UNC are saying. So if they are saying that, “who is me?” They should not be bothered by Sen. Sagramsingh-Sooklal, Minister in the Office of the Attorney General and Ministry of Legal Affairs. They should not be bothered by what the

Member just had to say. They should be bothered by Rushton, Rambally.

Sen. Sinanan: Anita Haynes.

Sen. The Hon. R. Mitchell: Anita Haynes. Well, I was trying to get the three Rs, but I forgot the Member for Naparima.

Sen. Sinanan: Rodney Charles.

Sen. The Hon. R. Mitchell: Rodney. The three Rs, Rodney. No, Mr. President, I cannot remember them because I am focusing on Sen. Lutchmedial-Ramdial for Naparima. That is what I am focusing on.

So, Mr. President, there are many things that I wish to get into in treating with this Motion, and it is not to focus on the Members' simpliciter and their behaviour in this Chamber and outside, but it is really to make the point that if, with respect to democracy, for example, the rule of law is one of the paramount principles then, Sen. Mark, you cannot stand in here and on the political platform and tell people, "Doh pay yuh property tax," when property tax is the law. You cannot stand and tell people because you are guilty, and the Member for Siparia, you all are guilty of eroding the rule of law, because people actually listen to you. Unfortunate as that is, people actually listen to them. You cannot undermine the one institution that provides for free and fair elections in Trinidad and Tobago.

The EBC and we have—except for that one distinctive and very ugly blemish of 1990 and the insurrection, the EBC has a fantastic record of conducting elections in this country since 1962.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: And when every time—Mr. President, like clockwork, you know. As soon as elections are near, they start to attack the

EBC. “They are unfair. It is corruption in the EBC. They are gerrymandering. It is PNM people inside of there.” The population now has gotten—I mean, I have heard it from the herd of elephants, if I could call them that, I have heard from them where they now have predicted that the Member for Siparia does that in anticipation of losing the election.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: And then after the loss of the election, you go to the court, and they have lost every single matter in the court.

In fact, in San Fernando West—Sen. Lutchmedial-Ramdial was a part of that campaign. In San Fernando West, there were three electoral districts. The Member for Siparia said, “Corruption. They are gerrymandering.” You know they won the three?

Mr. President, I do not want to detain you any further, but I reject this Motion if it relates to the political directorate and I would ask that that part of government that falls to be known as the Opposition, reaffirm, cleans up its act, commit to the principles of democracy inside its party and in the national community, and I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Lyder.

Sen. Damian Lyder: Thank you, Mr. President. Mr. President, I do not have very much time, but listening to the hon. Minister of Tourism, Culture and the Arts, with the level, which seems like a tertiary education on the United National Congress, and all the workings of the United National Congress, and having joined the fate of who he spoke about, in terms of Ramona Ramdial losing her seat, having lost a seat himself, Mr. President,

with all that knowledge, I am wondering, Mr. President, if he is indeed a closet United National Congress member.

Mr. President, I want to say to him, let not the Minister's heart be troubled. We know we may have closed off nominations. I suspect that, if we come together as a caucus and speak to our political leader, we might convince her to open back nominations and we are willing to put him right there in San Fernando East to fight for that seat for United National Congress against his replacement, Mr. President. And he would be able to preach the gospel of the UNC, Mr. President, because he is so obsessed with the UNC and so on. So we are willing to do that and I am willing to go on record to say, I am prepared to pay the money for his lifetime membership for the United National Congress, so he could join the four of those that have lifetime membership also.

So, Mr. President, he is my friend. I am prepared to help him. I would pay for his membership and I will convince the political leader to reopen nominations. Listen, San Fernando East has missed him. They have missed him and I think that is bullet—the silver bullet we need. They are unrepresented right now. It is clear that his replacement is nowhere to be seen. I see the hon. Minister of Finance has joined us. I do not know if his replacement is with him, but—

Sen. Dr. Browne: Mr. President, Standing Order 46(4)—

Sen. Mark: [*Inaudible*]

Sen. Dr. Browne:—he is imputing improper motives to my good colleague who is a proud member of the People's—

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

Mr. President: Sen. Lyder, continue.

Sen. D. Lyder: Mr. President, I only have a few minutes and I do not want to get into the meat of my conversation, but I could not help but notice the hon. Minister of Finance walk into the room here, and I know that the Minister in the Ministry of Finance, who has taken that seat in San Fernando East, who is absent, we now have a vacancy there. So we would like to encourage the hon. Minister of Tourism, Culture and the Arts to join us in the house of the rising sun. There is room for you there as well. I understand you want to take some from our side. We are willing to take you. Come on board, come on board.

Mr. President, with the very limited time, as I said, it is very difficult to get into the meat of this Motion. But I want to thank you for the opportunity to contribute to this Motion brought here by my colleague, Sen. Lutchmedial-Ramdial, introducing such a pertinent and important Motion, especially at this period in time in Trinidad's history when we see democracy crumble under the hands of this PNM Government.

Mr. President, it is also timely because we are staring down, and this Government is staring down the barrel of an election. So they are going to come with all sorts of propaganda now to try to convince the population that for the past eight or almost nine years under their rule, that they have not trampled on, that they have not depleted and that they have not disintegrated all the tenets of democracy in this country here today, Mr. President. And we see it over and over when we come to this Senate to debate various pieces of legislation.

Mr. President, and it is quite unfortunate that we are forced to come

here—I heard the hon. Minister in the Office of the Attorney General and Ministry of Legal Affairs say that this Motion was brought a second time. Mr. President, if I had it my way, under this Government, I would bring this Motion every month on them, because every month, they continue to deplete democracy in this country, Mr. President. I will bring the Motion every month, if that could happen.

Mr. President, when we look at the separation of powers, it refers to the idea that major institutions of state should be functionally independent and that no individual should have the powers to span any of these three offices. And, of course, in our system we have members of the Executive who are elected members of the Legislature. We have heard that earlier. Therefore, separation of powers is more a system of checks and balances than literal separation, and it is very similar to what we see in the United Kingdom, where the Executive and the Legislature are intertwined by the electoral process and operations regarding the creation of law and so. And therefore, in order to maintain respect for both arms of the State and in particular to avoid the Executive from dominating the Legislature, there have been several tools used, such as parliamentary questions and MP limitations in the United Kingdom and in the House of Commons.

Mr. President, in New Zealand, there has been an effort to ensure that three arms of the State work hand in hand for the benefit of the society, while maintaining equal footing amongst each other. What this basically means is that the Judiciary cannot unilaterally alter the operations of the Legislature; the Legislature cannot dictate the day-to-day functions of the Executive without cause, of course; and most importantly, the Executive—

and that is why we bring this Motion here today—cannot sideline or undermine the independence of the other two, particularly the Legislature, Mr. President.

Mr. President, these are incredibly valuable fundamentals in governance that are similar to what we must strive for in Trinidad and Tobago. The constitutionally enshrined institutions, such as commissions, have to exist in such a way that they can do the business of the people without the interference, or without political interference while doing so. Mr. President, however, we have seen in the last nine years in this Government, this Government has made many overt attempts to diminish the state of institutions, and evade the checks and balances of the Legislature. And just as this Motion says, Mr. President:

“...the Government’s engagement with constitutionally enshrined... institutions have...”—indeed created—“...unease and concerns...”—here.

Mr. President, when I come back, I will speak about some other things with regard to the Police Service Commission, but I wanted to leave you with an article. I wanted to leave you with an article because we heard a lot about the Police Service Commission today. I will come back and speak about the almost unlawful suspension of an acting police commissioner. That was not spoken about.

But, Mr. President, I want to leave you, after all this conversation about the Police Service Commission and this Government’s trampling and interference with an independent body called the Police Service Commission—it is not the UNC that said this, you know, but let me tell you

who said this. Martin Daly put it best in an *Express* article on October 30, 2021. They should be shocked, and I quote:

“If we are not vigilant, the Police Service may become something resembling a State enterprise in respect of the comings and goings at the leadership level, at the whim of the political executive. Meanwhile, the controversial abortion of the Merit List process will cost the country dearly. We face issues of instability and morale in the Police Service, as well as respect for the Service.

We also have a further diminution of trust in the institutions across the board.”

Those who form the Government, Mr. President, must ensure—this is from Martin Daly, eh, not the UNC. Those who form the Government must ensure that institutions are run in an efficient and effective manner, not just for us in here, but for the confidence of the people of Trinidad and Tobago, who they represent. So when we see the interference with the merit list and suspensions of an acting commissioner of police, that is what Martin Daly is speaking about in that article.

Mr. President, I look forward to continuing—

6.00 p.m.

ADJOURNMENT

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

Mr. President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the

Motion on the Adjournment of the Senate.

Hon. Senators: [*Desk thumping*]

New \$100 Note

(Government's Decision to Generate)

Sen. Wade Mark: Thank you very much, Mr. President. Mr. President, the first matter deals with the need for the Government to explain its decision to generate a new \$100 note and the cost to the public. Now, Mr. President, you would be aware that sometime on April the 4th, a statement was issued by the Central Bank in which we were told as a nation that come December of 2024, a new \$100 polymer note with new security features will be in circulation in Trinidad and Tobago. Now that came as a surprise to many citizens having gone through in 2019, a demonetization process in which the cotton \$100 note and all other associated notes, \$1, \$5, \$10, \$20, \$50 notes were demonetized.

So, we moved from the cotton to the polymer and every government official, including the Governor of the Central Bank, gave this country the assurance that this transition would bring about more security as it relates to counterfeiting activities in our country of those polymer notes. It cost this nation, according to the annual report of the Central Bank of 2020, \$78.77 million to convert from the cotton to the polymer whether it is the demitting of coins or the transition to the new notes. I would like to ask the Minister if the international company located in the United Kingdom has a local agent in Trinidad and Tobago. Is there a local agent that works with that company that prints and designs our currency or our notes?

Mr. President, people are extremely worried as to what will take place with this new \$100 note. Would we be going through the same process that

we had to go through in 2019, within a short period when elderly people, pensioners, and others were asked to line up outside banks in order to dispose of their cotton dollars or cotton notes at the time? Many fainted, some died in the process because we were told the Government was engaged in fighting financial crimes. But we never got a report from the Government as to how successful this exercise was. How many criminals used the cotton note to launder? So how successful were we, nobody told us.

What we are being told today Mr. President, is that come December 2024, there would be a new note, a \$100 note with new security features. I do not know if is the same old song that is being sung because we were told we were not going to have counterfeiting, and is there counterfeiting, and I believe there is, but the Governor is silent and the Government is silent. Is the counterfeiting of the polymer \$100 note is driving the Governor of the Central Bank with the support of the Government to come up with a new polymer \$100 note come December 2024? That is what the country will would like to know. That is your new note. So, we are asking the Government, Mr. President, to share with this Parliament and through this Parliament to the country, what is at stake here.

So, the question is being raised as well, will this new \$100 note that is supposed to be in circulation come December of 2024, exist side by side with this note that is now in existence? Let us know. Because there is a value problem, there is an inflation problem. So, let us know Mr. President, what this is all about. Is the Government seeking to increase the money supply because of the crisis of cash that it is facing, because the Minister must tell us what is going on because we are getting information that the two

notes, \$100 notes, the new one to come in December and the current one, will exist side by side. That is what we are being told. So, we want the Minister to advise us on what will take place in December. Are we going to have side by side two notes in the system? And if that is so, is that going to result in an increase in demand and supply?

Mr. President: Senator you have two more minutes.

Sen. W. Mark: Yes. Thank you, Mr. President. Is it going to increase the money supply; is it going to bring about inflation; is it going to bring about a reduction in the value of the dollar as a result of the increased supply of money in the system? These are issues that the population would like the Government to clear on this matter. And most importantly, in closing. We need the Minister of Finance and the Government to tell Trinidad and Tobago, what will it cost the taxpayers to produce another \$100 note that we spent among other notes \$78 million on—in 2019. So we have a new note coming on board, what is the cost of it, let the Government tell the country, let the country know what is going to happen, and let us know if we are going to have two notes side by side or is it other demonetization exercise and what are the implications.

So, Mr. President, this is an educational exercise that the people would like the Government to share in terms of knowledge on what is to come in December of 2024. And that is why I have raised it, so that the Minister of Finance can clear the air on this new \$100 note and its implications for inflation, for money supply, for the value of our currency. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

6.10 p.m.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Mr. President, I could spend 10 minutes speaking about Sen. Mark's predilection for fantasy, misinformation, untruth, hyperbole, histrionics, and downright mischief, political mischief, that is, but I would not waste the Senate's time with that because he is well known to all.

The Motion—the matter before the Senate is ill-conceived, something which I am sure Sen. Mark is very well aware of, because it speaks to the need for the Government to explain its decision to generate a new \$100 note; nonsense. I am sure that Sen. Mark is familiar with the Central Bank Act and in particular—section 25, which makes it clear that it is not the Government that generates new banknotes, but it is the Central Bank, and 25 says:

“The Bank shall—

- (a) arrange for the printing of notes...
- (b) issue, re-issue and exchange notes and...
- (c) ...the safe custody of unused stocks of currency”

The only responsibility of the Minister of Finance is to approve the design of banknotes. But the printing of banknotes, the decision as to when they should be printed, or why they should be printed, how they should be printed, and by whom, is entirely that of the Central Bank. And I am sure Sen. Mark knows that.

Now, polymer banknotes offer several benefits when compared to

cotton notes including the capacity to incorporate enhanced security features such as transparent windows, durability. The lifespan of a cotton note can be as much as four times longer—sorry, the lifespan of a polymer note can be as much as four times longer than a cotton note. Cost effectiveness: “poly-mer,” on balance, the longer durability of polymer results in cost savings as notes need to be replaced less frequently, and easier tactile recognition. Raised dots work better on polymer and help the visually impaired to distinguish between different denominations of banknotes. But what the irony of this ill-conceived matter is that in 2015, the previous Governor of the Central Bank appointed under the UNC, wrote to my predecessor, the UNC Minister of Finance, and said the following:

It is instructive—

And he was speaking about new polymer \$50 banknotes—

It is instructive that the new polymer \$50 note has 17 state of the art security features, making it extremely difficult to counterfeit.

That is not me talking, that is UNC talking—

Polymer is internationally accepted as being the safest technology currently available for currency production. The experience of the Bank of Canada is illustrative of the difficulty of counterfeiting polymer notes. Canada went from recording close to 30,000 counterfeit cotton notes prior to the issue of polymer, to fewer than 400 counterfeit polymer notes in the first year of issue. The Bank of England is currently switching over its banknotes from paper to polymer. Again, in recognition of the exceptional qualities of polymer in combating currency counterfeiting. And polymer is the

most durable bank note substrate.

That is UNC talking to UNC in 2015.

So that deals with this foolishness about whether these polymer banknotes are easier to counterfeit than the old cotton notes. Now, the UNC introduced a \$50 polymer banknote in 2014 coinciding with the 50th anniversary of the Central Bank of Trinidad and Tobago. That was the beginning of the Central Bank's strategy to transition from cotton-based banknotes to polymer aimed at enhancing security, durability, and cost effectiveness.

With respect to the suite of polymer banknotes that we have now, I go back to the 2015 letter written by the Governor appointed under the UNC to the then UNC Minister of Finance, Senator Howai. And the UNC-appointed Governor told the UNC Minister of Finance the following:

The Central Bank is expected to realize substantial savings of nearly \$40 million from issuing only polymer notes over the typical seven-year life cycle of these notes compared with issuing only cotton notes in the same period. This net saving of more than 25 per cent of production costs arises because the bank will have to issue polymer denominations only once in a seven-year period, compared with four issues of traditional cotton banknotes.

And the UNC-appointed Governor went on to explain to the UNC-appointed Minister of Finance all of the savings that would accrue from the switch to polymer.

The current price of the new series of \$100 banknotes which is being ordered by a responsible Central Bank, because these polymer notes have a

life cycle and the bank has to keep measuring the number of notes in circulation. And merchants have in fact found the polymer notes more attractive and easier to handle and easier to store for safekeeping. So the bank has found itself from time to time having to print additional polymer banknotes to make sure there are sufficient banknotes in circulation.

I will give you some numbers. Over the period 2019 to 2023 the total currency in circulation in Trinidad and Tobago in the form of notes, this is according to Central Bank, amounted to \$7.9 billion in September 2020, it rose to \$8.9 billion in September 2021, and then leveled off at \$8.6 billion in '22 and '23 respectively. So there was essentially a \$700 million increase in the need to print banknotes.

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

Hon. C. Imbert: Yes, I will finish in two minutes. The only difference between the new series of \$100 polymer banknotes is a gold strip over the bird of paradise. Other than that, the notes are almost identical. And what the bank has done because it was necessary to print additional \$100 polymer banknotes, the other notes are not in such great demand. The note that is in most demand is the \$100 polymer bank note. And what the bank did they took advantage of advances in anti-counterfeiting measures and new security features so that the new polymer note will have an additional gold band on it, which is intended to avoid and prevent counterfeiting.

Just to end up with what happened during the demonetization, it is a matter of public knowledge, this has been reported inside and outside of this Parliament, that after the demonetization there was \$500 million of cotton notes that went missing, obviously buried under somebody's house or in a

cupboard somewhere, \$500 million in \$100 cotton notes, they could not bring them back. You know why? Because they could not account for how they got them. Obviously, this \$500 million in cotton banknotes, which troubles the UNC so much, could not be redeemed. Because when they came to redeem them, they could not explain where they got them. So the Central Bank's assets actually increased by \$500 million just because of the demonetization, because the Central Bank's net assets are its assets and its liabilities. And the banknotes in circulation are its liabilities so the demonetization caused the Central Bank's assets to increase by \$500 million. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Use of *MV White Marlin*

(Details of Dry-docking Cost)

Sen. Wade Mark: Thank you, Mr. President. Mr. President, the second matter I would like to bring to the attention of this honourable Senate is the need for the Government to provide the cost of using the *MV White Marlin* to conduct the dry-docking works of three ferries or fast ferry vessels and the payment made to a local agent on behalf of the vessel's owners.

Now, Mr. President, we have a situation in which the Minister of Works and Transport on behalf of the Government indicated sometime in January, that they were bringing, that is the Government, was bringing what is called a floating barge in order to dry-dock three of our vessels in the waters, I would believe, of Trinidad and Tobago. The three vessels in question would have been the *Buccoo Reef*, the *APT James* and the *T&T Spirit*.

Now, the Minister, I understand, is on record as telling a TV6 reporter, or a CNC3 reporter, that the vessel would only be here for one month, and that was sometime in January when that statement was made. So the vessel was supposed to be here for one month. What happened is now history. The vessel remained here for almost three months and would have completed its works of dry-docking, the three vessels, sometime in April or thereabout, costing the taxpayers some US \$2.5 million every month that that vessel remained in Trinidad and Tobago waters. That did not take into account the actual repairs done to the vessels, the fast ferries, by the *MV White Marlin*.

So the question that is being asked with babies dying at the hospital, lack of sterilization and proper sanitization, other challenges faced by the population, and a Government tells us that a process that is supposed to take one month, ends up taking three months at US \$2.5 million per month. So we are talking about over TT 30/\$35 million going to this *MV White Marlin*.

I want to ask the Minister, apart from those costs, let the Minister explain to this Parliament why it took three months or approximately three months to do work that the Minister told the country would take one month. We need an explanation from the Minister.

6.25 p.m.

We also need from the Minister, what did it cost the taxpayers to repair the three vessels, to dry-dock the three vessels, *APT James*, *Buccoo Reef*, and the *T&T Spirit*? And at the same time, Mr. Minister, through you, Mr. President, the *MV White Marlin* apparently has a local agent in Trinidad and Tobago.

Hon. Senator: Really?

Sen. W. Mark: So we want the Minister to tell us, the name of the local agent in Trinidad and Tobago, and how much money that local agent collected. So we want information from the Minister on this matter.

Mr. President, we were told by the Prime Minister—well, first of all, before we deal with that, they took an exchange—there was an exchange between CLICO, CL Financial and the Government, as they sought to deal with outstanding moneys owed to the Government. One of the things that was done, Mr. President, is that Caridoc was exchanged by the Government for moneys owed to it by CLICO. And we were told by the Prime Minister that this exchange would save the taxpayers, tens of millions of dollars, because we now have a dry-docking facility that can repair our boats right there at Chaguaramas.

Sen. Nakhid: “All yuh stop saving us money nah”.

Sen. W. Mark: So what has happened is that we have purchased, through an exchange arrangement, Caridoc, and instead of putting our boats, like the fast ferries onto that dock for dry-docking purposes, what we have instead, Mr. President, is the Government bringing in a floating barge to repair the very ferries that we were told would have been repaired at the Caridoc. And instead of staying for one month, they stayed for three months. And that is only moneys given to the *MV White Marlin*, not associated with the repairs of the fast ferries.

So we are asking the Minister to give us some answers to this issue. Why did it cost us all this money? Mr. President, why did we move from one month to three months? Who are the agents—

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

Sen. W. Mark: Yes, thank you. Who are the agents involved in this matter?

So, Mr. President, I call on the Government to clear the air on these matters, so that the people of this country will know what is taking place. The Minister of Works and Transport is responsible for the inter-island service. Let him explain to us what are the facts, what are the costs involved in this matter, and who are the agents—the local agents—and how much money were they paid? Because you were here for one month and it went up three months. So from \$2.5 million to almost \$7 to \$8 million, or thereabouts. That is a lot of money that we cannot afford at this time.

So the reason why I brought this matter is to get answers, to seek clarification from the Government, through the Minister of Works and Transport, so we would be in a better position to understand, Mr. President, how the taxpayers' dollars are jumping up, and where it is jumping up, in what band or in what floating dry-dock vessel, and the agents associated with that vessel.

So that is all we are seeking, clarification from the hon. Minister, on behalf of the people of Trinidad and Tobago. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister of Works and Transport.

Hon. Senators: [*Desk thumping*]

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):
Thank you, Mr. President. Let me say how happy I am to have to come to answer this question to the hon. Sen. Mark on the Motion, the need for the

Government to provide the cost of using the *MV White Marlin* to conduct the dry-docking work of three fast ferry vessels, and the payments made to local agents on behalf of the vessel owners.

Mr. President, I know today, being a very religious day for Hindus, and the amount of, as we say in the Hindu terminology, “mukdar”, as Sen. Mark got from the hon. Sen. Minister in the Office of the Attorney General and Ministry of Legal Affairs, I do not want to add too much of that fire today. But I think it is important, based on the question that was asked, that the correct information is put in the public domain and not left to Sen. Mark to, again, misrepresent what are actual facts.

Sen. Mark, the Motion is quite correct. The Government did bring in, not a floating badge, but it is called a heavy lift vessel. It is a heavy lift vessel. It is a specialized vessel that is in high demand around the world because it is used for oil rigs and for moving heavy vessels—raising heavy vessels into and out of the water.

The reason why you have to dry-dock vessels—there is a reason for that. If you want your vessels to be certified in class to be able to operate, to be able to get flag state approvals, to be able to have insurance, and to be able to be seaworthy and safe, you have to dry-dock your vessels at intervals.

I want to congratulate the Port of Port of Spain and NIDCO at this time. For the very first time in the history of Trinidad and Tobago, we have five working vessels—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan:—and we have no problem, whether it be cargo or passengers, on the sea bridge, on the inter-island ferries. And I want to compliment them for that because the history of dry-docking vessels in Trinidad have not had too much of a good past, and I will tell you why. Between 2013 and 2015, our vessels were not dry-docked. And me coming into office in 2016, found two vessels that were limping, and I can tell you that was my baptism into politics, trying to explain to the population that the ferry service was about to crash because of our vessels were not dry-docked at the appropriate time. That came to pass, because the company that was responsible for the management of the ferries at the time was given notice by the UNC Government of terminating their contract, because that was a Patrick Manning arrangement when we bought the vessels, so we no longer needed them and we wanted to get rid of them. And those vessels, virtually, grounded to a halt. Today, we can boast of having two of the most modern fast ferries—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan:—operating between Trinidad and Tobago. Being dry-docked at the correct time, being managed in the right way.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan: And just for the Easter alone, we were able to move 24,000 people, backward and forward—

Sen. Gopee-Scoon: Say “nah”, Tobago.

Sen. The Hon. R. Sinanan:—on a one-week—between Trinidad and Tobago on a one-week period for the Easter weekend. No problems, no cancellations.

6.35 p.m.

Mr. President, I want to answer the Motion. The vessel came in through a process because it is the Government who implemented the procurement legislation. This vessel was brought in under the procurement legislation where we have a PDAC committee at the Port who handled the contract and the procurement of this vessel. So if the Senator has a problem with procurement, or whatever it is, that is what we have the Procurement Regulator for. The Minister does not get into that. What I can say is the contract was a 30-day contract with an additional charge per day. So it was always envisaged that when you dry dock vessels, you only understand the problem when they go on dry dock. A lot of times, for whoever is in the boating business, you prepare for something, when you go on dry dock, you realize there are other issues, and that is why you have a fixed period and additional days.

The vessel did not stay for three months. My information is that it stayed for 53 days, so you have the daily charge after the one month. The total cost of the dry docking was US \$5.3 million, around there, total. Now, we must understand something, Caridoc is a facility, what you need is a hydraulic lifting system. It is public knowledge that in 2023 the dry dock—the lifting, the hydraulic facility at Caridoc sank, so there is no lifting facility for vessels of this size. You cannot just take the vessel out of the water and rest it on the land, there is no dry-docking facility there. So the option was to take the three vessels, all of which would have ended up out of class by April of this year, so the option was to send each of them abroad.

The cost of the *T&T Spirit* alone, we could not get a space because

Sen. The Hon. R. Sinanan (cont'd)

docks are not available just like that, you have to book space, and because of the size of our vessels, in most cases, they will give you a time that is suited for them because it is in high demand. The *T&T Spirit* alone cost—they got that berth in a spot in Brazil—it was going to cost in excess of TT \$16 million, because you had to tow the *T&T Spirit* between two and four, or four and six knots, all the way up to Brazil. Okay? So the average cost for the *T&T Spirit*, the estimated cost was in excess of \$16 million. The average cost was worked out; at the completion of it, it cost us on average, \$11 million per vessel.

Sen. Mark: So what about the agent?

Sen. The Hon. R. Sinanan: What happened—no, we will come to that after. I know you brought a Motion that you are sorry about now, but let me help you.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan: Let me help you with it.

So at the end of the day, we were able, without taking the vessels out of operation for any length of time, because, on average, it was going to take 35 days to take the *T&T Spirit* up and we would have had to find slots for the other vessels, take them out, send them abroad, then bring them back. Carnival would have been interrupted, Easter would have been interrupted, and Sen. Mark and his team would have been on the newspaper, how we damaged the Tobago economy. Nothing like that happened.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan: We were able to bring in a vessel, seamlessly, dry dock our vessels and send them out to work.

Sen. The Hon. R. Sinanan (cont'd)

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

Sen. The Hon. R. Sinanan: Yeah.

In terms of the agent—again, Sen. Mark, let me educate you a little bit on this, all vessels coming into Trinidad operate with agents, even the cruise ships, because there are certain documents that have to be lodged in customs and so. So if a process has taken place through the procurement laws and there is an agent, and the Port has to pay the agent, because this agent is acting for this company, I do not think it is fair for me, as Minister, to say, yes, or, no, and breach any sort of process in terms of the tenure and the process that has to follow.

What I can tell you is that, going back to 2013—

Sen. Mark: What is the name of the agent?

Sen. The Hon. R. Sinanan: I could give you the name of the agent, that is public knowledge. All documents now are public knowledge.

Hon. Senator: Exactly.

Sen. The Hon. R. Sinanan: The name of the agent—

Sen. Mark: And how much money?

Sen. The Hon. R. Sinanan: We would not know how much money. That is a private arrangement between the agent and the shipping company.

Sen. Mark: What is the name of the agent?

Sen. The Hon. R. Sinanan: The name of the agent—let me just get that for you before my time runs out, because I do not want to let the Senator feel that he has anything on this Motion. It is Shipping Solutions & Services Limited, and this company, this agent has been working for this company, which is one of the largest heavy lifting companies in the world, and you can

Sen. The Hon. R. Sinanan (cont'd)

go and find out that—have been working even for your government in this country since 2013.

Sen. Gopee-Scoon: “Oooh.” Really?

Sen. The Hon. R. Sinanan: So there is nothing sinister about this, and I want to compliment the Port and NIDCO for a fantastic job—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan:—in putting all our ferries in class certification. I thank you.

Hon. Senators: [*Desk thumping*]

Hon. Senators: [*Crosstalk*]

Sen. Gopee-Scoon: You did well, very well.

Sen. Mark: Transparency. That is is for the public consumption, the public needs it.

Hon. Senators: [*Crosstalk*]

Sen. Mark: The President is on his legs, please.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.40 p.m.

Use of *MV White Marlin*
Sen. The Hon. R. Sinanan (cont'd)

2024.04.23