

**SENATE**

*Tuesday, January 28, 2025*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**PAPERS LAID**

1. Motor Vehicle and Road Traffic (Amendment to Fourth Schedule) Order, 2024. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]
2. The Forty-Sixth Annual Report of the Ombudsman for the year 2023. [*Vice-President of the Senate (Dr. Muhammad Yunus Ibrahim)*]
3. Ministerial Response of the Ministry of Agriculture, Land and Fisheries to the Eighteenth Report of the Public Accounts Committee on the examination of the Reports of the Auditor General on the Financial Statements of the National Agricultural Marketing and Development Corporation (NAMDEVCO) for the financial years 2014 to 2021 and follow-up on the implementation of the recommendations contained in the Committee's Twenty-Third Report, 11th Parliament. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Kazim Hosein)*]
4. Ministerial Response of the Ministry of Agriculture, Land and Fisheries to the Nineteenth Report of the Public Accounts Committee on the Examination of the Reports of the Auditor General on the Financial Statements of the Agricultural Development Bank (ADB) for the financial years 2014 to 2018. [*Sen. The Hon. K. Hosein*]
5. Value Added Tax (Amendment to Schedule 2) Order, 2024. [*The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne)*]

**UNREVISED**

6. Executed Investment Loan Agreement between the Corporación Andina De Fomento and the Republic of Trinidad and Tobago for the Project for the Strengthening of the Export Import Bank of Trinidad and Tobago Limited in the sum of US\$35 million. [*Sen. The Hon. Dr. A. Browne*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Children's Life Fund for the financial year ended September 30, 2014. [*Sen. The Hon. Dr. A. Browne*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the South-West Regional Health Authority for the financial year ended September 30, 2012. [*Sen. The Hon. Dr. A. Browne*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Police Complaints Authority for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. A. Browne*]
10. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago Limited for the financial year ended September 30, 2012. [*Sen. The Hon. Dr. A. Browne*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago Limited for the financial year ended September 30, 2013. [*Sen. The Hon. Dr. A. Browne*]
12. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago Limited for the financial year ended September 30, 2014. [*Sen. The Hon. Dr. A. Browne*]

13. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago Limited for the financial year ended September 30, 2015. [*Sen. The Hon. Dr. A. Browne*]
14. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago Limited for the financial year ended September 30, 2016. [*Sen. The Hon. Dr. A. Browne*]
15. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago Limited for the financial year ended September 30, 2017. [*Sen. The Hon. Dr. A. Browne*]
16. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago Limited for the financial year ended September 30, 2018. [*Sen. The Hon. Dr. A. Browne*]
17. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago Limited for the financial year ended September 30, 2019. [*Sen. The Hon. Dr. A. Browne*]
18. Annual Audited Consolidated Financial Statements of the Evolving TecKnologies and Enterprise Development Company Limited for the financial year ended September 30, 2020. [*Sen. The Hon. Dr. A. Browne*]
19. Annual Audited Financial Statements of Youth Training and Employment Partnership Programme Limited for the financial year ended September 30, 2022. [*Sen. The Hon. Dr. A. Browne*]

20. Annual Audited Financial Statements of Trinidad and Tobago International Financial Centre Management Company Limited for the financial year ended September 30, 2024. [*Sen. The Hon. Dr. A. Browne*]
21. Annual Administrative Report of the Trinidad and Tobago International Financial Centre Management Company Limited for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. A. Browne*]
22. Annual Report of the Custodian on the Operations of the National Forensic DNA Databank of Trinidad and Tobago for the year 2021. [*Sen. The Hon. Dr. A. Browne*]
23. Annual Report of the Custodian on the Operations of the National Forensic DNA Databank of Trinidad and Tobago for the year 2022. [*Sen. The Hon. Dr. A. Browne*]
24. Annual Report of the Custodian on the Operations of the National Forensic DNA Databank of Trinidad and Tobago for the year 2023. [*Sen. The Hon. Dr. A. Browne*]
25. Annual Report of the National Trust of Trinidad and Tobago for the fiscal year 2021 - 2022. [*Sen. The Hon. Dr. A. Browne*]
26. Annual Report of the Environmental Management Authority for the year 2023. [*Sen. The Hon. Dr. A. Browne*]
27. Annual Administrative Report of the Point Fortin Borough Corporation for the fiscal year 2014 - 2015. [*Sen. The Hon. Dr. A. Browne*]
28. Annual Administrative Report of the Point Fortin Borough Corporation for the fiscal year 2015 - 2016. [*Sen. The Hon. Dr. A. Browne*]

**PUBLIC ADMINISTRATION AND APPROPRIATIONS COMMITTEE**

**REPORT**

**(Presentation)**

**UNREVISED**

**Ministry of Digital Transformation**  
**Sub-Head 04 Current Transfers and Subsidies,**  
**Sub-Head 09 Development Programme –**  
**Consolidated Fund and Infrastructure Development Fund**  
**for the Financial Year 2024**

**The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchel):** Thank you very much, Mr. President. Mr. President, I have the honour to present the following report as listed on the Order Paper in my name:

The Twenty-Second Report of the Public Administration and Appropriations Committee, Fourth Session (2023/2024), Twelfth Parliament, on an examination of the Ministry of Digital Transformation on Sub-Head 04 Current Transfers and Subsidies, Sub-Head 09 Development Programme – Consolidated Fund and Infrastructure Development Fund for the Financial Year 2024.

**URGENT QUESTIONS**

**CAL Aircraft**

**(Emergency Landing)**

**Sen. Wade Mark:** Thank you, Mr. President. To the Minister of Works and Transport, can the Minister provide reasons for the emergency landing of a CAL aircraft last evening and a status update on the operations of the aircraft?

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much, Mr. President. And just for the record, Caribbean Airlines reports to the Ministry of Finance. I have been informed by Caribbean Airlines that there was an incident with their aircraft, 9YTTC, on Monday the 27<sup>th</sup> of January 2025, at approximately 10.00 p.m. when that aircraft made an emergency landing into Piarco, which is

**UNREVISED**

known by the call sign POS or the designation POS.

Based on what I am seeing in this report, it is very technical, but it appears that there was a problem with fuel for one of the engines and one of the engines basically ran out of fuel, which caused the captain to make the mandatory announcement in accordance with Civil Aviation Regulations to the passengers that they should get into the position that is recommended for an emergency landing. The captain managed to pilot the aircraft safely and landed well. There were no injuries or anything of that nature to the passengers and the aircraft has since been withdrawn from service. But it appears the problem arose from inaccurate measurements of the amount of fuel in the left tank of the aircraft.

**Sen. Mark:** Mr. President, through you, can I ask the hon. Minister whether an investigation has been launched into this emergency landing of this CAL aircraft, having regard to what the hon. Minister has now indicated; fuel shortage or insufficient supply? Can the Minister indicate, Mr. President, whether an investigation has been launched and whether that investigation will in fact result in us, the public, being more aware of what actually occurred?

**Mr. President:** So that is two questions, Sen. Mark. Minister of Finance, question number one.

**Hon. C. Imbert:** No problem at all. I did myself ask that question. It is a natural question to ask. There are three persons involved, the pilot and two technicians, with respect to the whole question of how much fuel was in the particular tank that fed the particular engine that had the problem. So they have been, I do not want to use the word withdrawn from service, but the aircraft has been withdrawn from service and these three individuals are not in active service at this point in time, which is normal when you are doing an investigation. So that they will follow their normal procedures. I do not want to say much. I do not know the names of

the individuals. I myself, I do not think I should get involved with that. But Caribbean Airlines will follow all the established procedures in accordance with Civil Aviation Rules and Regulations and their own internal industrial relations procedures to make sure that all persons involved get a fair hearing and that the root cause of the problem is determined. Okay?

**Sen. Mark:** Mr. President, may I ask the hon. Minister whether the Minister is aware that in August 2024, a similar emergency landing took place involving a similar aircraft belonging to CAL and whether, having regard to the fact that that took place last year, the Minister is aware of any action taken by the airline to really call in these aircraft so that proper checks could be done on all of these aircraft that are being used in the route between Trinidad and Tobago, having regard to what happened in August of 2024?

**Mr. President:** So you are going to have to truncate that question.

**Sen. Mark:** May I ask the hon. Minister, simply, whether he is aware of an incident that took place in August of last year? And what steps were taken by the company to address that issue at that time, having regard to its reoccurrence?

**Mr. President:** Minister of Finance.

**Hon. C. Imbert:** No, I am not aware. However, I am told that the preliminary information is that there is nothing wrong with the aircraft itself. It was simply the measurement of the amount of fuel that was in the tank. So it is nothing wrong with the plane. I am not aware of that, but thank you for that information. Now that you have told me that there was an incident with an aircraft last year, I will certainly ask for details with respect to that matter. But I am not aware of it.

### **ANSWERS TO QUESTIONS**

**The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. President, there are three questions on the Order Paper today, three

questions for oral answer and the Government is prepared to answer all three of them. Thank you.

**ORAL ANSWERS TO QUESTIONS**  
**Remote Work Policy for the Civil Service**  
**(Update of)**

**10. Sen. Wade Mark** asked the hon. Minister of Public Administration:

In light of statements made by the Minister of Rural Development and Local Government during a Parliamentary Joint Select Committee public hearing held on Monday June 24, 2024, can the Minister provide an update and timeline for the implementation of a Remote Work Policy for the Civil Service?

**The Minister of Public Administration (Sen. The Hon. Allyson West):** Thank you, Mr. President. Mr. President, PriceWaterhouseCoopers Advisory Services Limited was contracted on January 22, 2024 by the Ministry of Public Administration to provide consultancy services for the development of remote work policy for the Trinidad and Tobago Civil Service. The project kickoff occurred on January 26, 2024.

The consultancy is to be delivered in five phases as follows: phase one, align - project planning and mobilization; phase two, innovate - problem definition and policy analysis; phase three, evolve - policy design and testing; phase four, release - policy development; phase five, close - project close and implementation support.

The aligned phase of the consultancy has been completed with the first deliverable, the inception report, approved by the Ministry of Public Administration Steering Committee as at June 06, 2024. Phase 2, innovate, which require the complete diagnostic of the Trinidad and Tobago Civil Service, has also



been completed. In the innovate phase, PWC and the Ministry of Public Administration hosted a series of engagement meetings with key stakeholders.

**1.45 p.m.**

These meetings afforded PWC a greater understanding of the Trinidad and Tobago Civil Service to determine, amongst other factors: The MDAs' level of interest in remote work; level of readiness for remote work inclusive of technology; infrastructure, organization culture, employee capability to independently work, et cetera; the type of work—customer-facing or not—demographics, and level of efficiency and productivity. It is important to know that the stakeholder engagement process is iterative.

The project is now in Phase 3, evolve. To date, the Ministry of Public Administration has received the first draft of the remote work policy for the Trinidad and Tobago Civil Service. The draft is currently under review, pending approval by the Project Steering Committee. It is expected that approval will take place shortly.

The draft policy and the proposal for pilot testing are currently before the Finance and General Purposes Committee of the Cabinet, where it is the subject of robust review and enquiry. The completion of the other phases is dependent on whether and when the Cabinet's approval is received to proceed. The final draft policy will be informed by, but not limited to, the following key activities.

Policy research and analysis: Issuing baseline service to all employees in the Trinidad and Tobago Civil Service to ascertain their view on the impact of remote work as it pertains to efficiency, productivity, work-life balance, and commute distance, to name a few. Follow-up virtual engagements with employees from the various MDAs within the Trinidad and Tobago Civil Service, and development of a framework that supports the identification of suitable jobs and

potential early adopters within the Trinidad and Tobago Civil Service.

Policy development: Identification and analysis of risks associated with the implementation of the final draft policy. Finalization of the implementation and validation strategy for early adopters. Drafting and presenting the final draft Remote Work Policy for the Trinidad and Tobago Civil Service for ministerial review and acceptance. Receiving feedback on the draft Remote Work Policy for the Trinidad and Tobago Civil Service;

Testing and validation: Identification of the MDAs to be included in the pilot project. Establishment of pilot timelines informed by the implementation plan, change management plan, and communication plans for each MDA. Evaluating and recommending improved use of risk matrices, and monitoring and evaluation frameworks. Further stakeholder engagement through, but not limited to, focus groups.

Progress reports: Identification of implementation risk and mitigation strategies, lessons learnt to inform finalizing implementation and validation strategy for early adopters of the final draft remote work policy for the Trinidad and Tobago Civil Service, and recommended change management and communication strategies.

The final draft Remote Work Policy and framework will, on completion, signal the end of Phase 4 of the project. At that time, it is expected that all knowledge transfer, the project closeout reports, and any clarification or advice related to the final Remote Work Policy and implementation strategy will be submitted by PwC to conclude this project. These activities will signal the end of Phase 5 of project closeout and implementation support.

In conclusion, Mr. President, I wish to advise that upon completion of Phase 5 the final Remote Work Policy framework and implementation plan will be

submitted to the Cabinet for its consideration. Thank you, Mr. President.

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

**Sen. Mark:** Can I ask the hon. Minister, what is the overall timeframe for the completion and implementation of this plan?

**Mr. President:** Minister.

**Sen. The Hon. A. West:** Thank you, Mr. President. While there is a time frame for the project, as agreed between the project team and the Ministry of Public Administration, that is very dependent on the timeline within which Cabinet reviews and approves the testing, as well as the final product. Because, we have a pilot test that is supposed to be in the next phase and we are awaiting FNGP's comments and recommendations on that. So that will impact significantly, the timeline.

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

**Sen. Mark:** Can I ask the hon. Minister, how was the consultant, or consultancy as you call it, selected? Can you tell us the method to select competitors? Sole select? Competitive?

**Mr. President:** Minister.

**Sen. The Hon. A. West:** We went through the normal approved legislative procurement process. I believe three consultants were put forward and PWC in the end came out as a successful bidder.

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

**Sen. Mark:** Can you also share with us the actual cost of this project that the consultants are in fact proceeding with at this time?

**Mr. President:** Minister.

**Sen. The Hon. A. West:** Mr. President, I am afraid I do not have that information with me, but if Sen. Mark makes the request in the usual manner, we can supply it.

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

**Sen. Mark:** Hon. Minister, through you hon. President, can you tell this House whether any initial—you talked about a pilot. Can you give this honourable Senate an appreciation of the elements of this pilot project, and is there a time frame for its completion as it relates to remote work or working from home?

**Mr. President:** Minister.

**Sen. The Hon. A. West:** Mr. President, the consultants working with PWC came up with recommendations as to who should be involved in the project, how long the project should last, what Ministries and what categories of employees should be involved, and we await Cabinet feedback and sign off on that.

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

### **Education and Skills Training as an Anti-crime Strategy**

#### **(Indication of)**

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

Given statements made by the Prime Minister at a University of the Southern Caribbean graduation ceremony on June 30, 2024, can the Minister indicate whether the Government has developed a policy on using education and skills training as an anti-crime strategy?

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Mr. President. The Prime Minister was pellucid in his speech as referred to by the hon. Member with regard to the Government's strategy on the role of education and skills training in the reduction of corruption and criminality. To quote the words of the hon. Prime Minister: This issue:

“...transcends politics, race, religion, ethnicity, nationality, ideology and geographical location. It strikes at the heart of Trinidad and Tobago and the Caribbean region.”

The hon. Prime Minister pointed out, and again I quote, that:

“...corruption and criminality consume our limited resources and have a debilitating effect on the growth of business and enterprise, thereby directly impacting economic growth and activity, the availability of jobs, the expansion of the entrepreneurial spirit, and opportunities for financial and social progress’.”

“Education and crime are said to have an inverse causal relationship; that is—the more education one receives, the less likely one is to be engaged in criminal activity.”

Against this background, one can better contextualise the considerable investments made by the Government to provide many and varied opportunities for positive youth development among the other crime prevention strategies.

Mr. President, I close by reiterating the clarion call made by the Prime Minister to the 2024 graduating class of the University of the Southern Caribbean, and indeed to all citizens of Trinidad and Tobago. While the Government has a serious responsibility in this matter, and is discharging accordingly, there is also the matter of personal responsibility that all citizens must consider. The fight against crime is one that is best fought together. We need you, our best and brightest, to use your sphere of influence and join the Government and the rest of the nation in this effort. Thank you, Mr President.

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

### **PAHO Recommendations on NICU Report**

#### **(Implementation of)**

**12. Sen. Wade Mark** asked the hon. Minister of Health: Can the Minister advise whether the Ministry intends to implement the recommendations outlined by the Pan-American Health Organization (PAHO) in its report on

the Neonatal Intensive Care Unit (NICU) of the Port of Spain General Hospital and apply these guidelines in hospitals nationwide?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Mr President. Prior to the Pan American Health Organisation review, the Ministry of Health implemented several measures to improve the management and operations of all the neonatal intensive care units, commonly called NICUs, throughout the public health sector. These include:

1. At the national level, during the period 2016—2020, the Ministry of Health established the following committees to provide technical advice and strengthen the policy, strategy, quality, surveillance and service delivery in the management and operations of NICUs in all regional health authorities.

(i) The Antimicrobial Resistant Multi-Sectorial Coordinating Committee, established on October 27<sup>th</sup>, 2016, presently chaired by Dr. Rajeev Nagassar, clinical microbiologist. This Committee's mandate is to develop policies and strategies and provide technical, scientific and clinical advice to combat antimicrobial resistance.

Further, a plan for antimicrobial resistance 2023—2027 has been developed and is being implemented with the aim to reduce the incidence of infections through effective sanitation, hygiene and infection prevention measures across all RHAs.

(ii) The National Neonatal Committee was established in 2017, and is presently chaired by Dr. Marlon Timothy, Neonatologist. This Committee's mandate is to improve the quality of neonatal care and ensure, by the use of evidence-based practice, that

protocols and systems are implemented to improve the delivery of care.

- (iii). The National Sexual, Reproductive, Maternal, Newborn, Child and Adolescent Health Committee was established in 2020, and is presently chaired by Dr. Adesh Sirjusingh, Obstetrician and Gynaecologist, and Director, Women's Health. This Committee's mandate is to serve as a focal, technical and advisory body for all matters related to sexual, reproductive, maternal, newborn, child and adolescent health.
2. During the COVID-19 pandemic, the focus on infection protocol control or IPC heightened and this subsequently led to the updating of related policies and guidelines in February 2022. With continuous training of staff across all RHAs in collaboration with PAHO, the following IPC policies and guidelines were updated across all RHAs.
    - (i) The Infection Prevention and Control Policy and Guidelines for Healthcare Services.
    - (ii) The Infection Prevention and Control Policy and Guidelines for Occupational Health and Dentistry.
    - (iii) The Guidelines for Cleaning, Disinfection and Sterilization of Medical Devices.
    - (iv) The Guide to Best Practices to Environmental Cleaning for Prevention of Infection in All Healthcare Facilities.

Also, Mr President, these policies and guidelines are available to all staff as an online resource. More specifically, with regard to the Port of Spain General Hospital, the above guidelines were used to update its existing laboratory user manual and its standard operating procedures, and this was completed in 2023.

Further, the North West Regional Health Authority conducts an annual internal quality assessment for laboratory services for quality improvement in its performance. This is completed by quarterly external assessment recently conducted during the quarters April to June 2024, and July to September 2024. As a consequence, on April 17<sup>th</sup> 2024, the Port of Spain General Hospital Laboratory was accredited by the Jamaican National Agency for Accreditation.

3. The National Assessment on Infection Prevention and Control.

In the area of Infection Prevention and Control, a national assessment was conducted using the World Health Organization.

Thank you, Mr President.

**2.00 p.m.**

**Sen. Mark:** Can I ask the hon. Minister whether all of the recommendations have been implemented as proposed by the organizations that conducted this particular enquiry into the Neonatal Unit?

**Mr. President:** Minister.

**Hon. T. Deyalsingh:** Thank you, Mr. President. Mr. President, as my answer indicated, and as I indicated in my statement to the Lower House, many of these recommendations by PAHO were already in effect. And to further clarify, the Anti-Microbial Resistance Committee was established on October 27, 2016. The National Neonatal Committee was established in 2017 before the PAHO Report. The National Sexual, Reproductive, Maternal, Newborn, Child and Adolescent Health Committee was established in 2020. We reviewed all our IPC protocols during COVID before, so the answer is many, if not all of these were in fact, currently being used before the PAHO Report. Thank you very much.

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

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



**SPECIAL SELECT COMMITTEE  
(APPOINTMENT TO)**

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

**The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. President, I beg to move that Mrs. Allison West be appointed to serve as a member of the Special Select Committee appointed to consider and report on the St. Dominic’s Children’s Home (Incorporation) Bill, 2023 in lieu of Mrs. Laurel Lezama-Lee Sing

*Question put and agreed to.*

**LEGISLATIVE FRAMEWORK ON  
PARLIAMENTARY AUTONOMY**

**Mr. President:** Sen Mark.

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

**Sen. Wade Mark:** Thank you. Mr. President. Mr. President, in accordance with Standing Order, 39(2), I beg to move the following Motion, standing in my name:

*Whereas* on April 24, 2018, the Senate unanimously approved a resolution calling on the Government “...to introduce legislation on parliamentary autonomy during the Fourth Session of the Eleventh Parliament and have same referred to a Joint Select Committee of Parliament for consideration and report before the end of the Fourth Session of the Eleventh Parliament”;  
*And whereas* on February 12, 2019, in the Senate, the Attorney General committed to making best efforts to have legislation on Parliamentary Autonomy introduced in the Fourth Session of the Eleventh Parliament;  
*And whereas* to date the Government has not presented to Parliament a legislative framework on Parliamentary Autonomy;

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

*And be it further resolved* that the Senate call on the Government to introduce in Parliament, within three (3) months, a Bill on Parliamentary Autonomy and have same referred to a Joint Select Committee of Parliament for consideration and report. Mr. President, here we are once again, seeking to convince the Government to simply obey the Constitution.

**Hon. Senator:** [*Interruption*]

**Sen. W. Mark:** No, no—so, Mr. President, we are back here again, as I said, to simply reach out to the Government to uphold the document I have before me, I have in my hands, which is the Constitution of the Republic of Trinidad and Tobago. And Mr. President, I want to go to the First Schedule of the document under the item or heading:

“Forms of Oath (or Affirmation) of Allegiance and of Office”

As parliamentarians, as Senators, we are called upon to take an oath and part of that oath, Mr. President, as outlined in this First Schedule, is to:

“..uphold the Constitution and the law...”

That is what we are supposed to do:

“...uphold the Constitution and the law...”

So why is it, Mr. President, why is it the Government of Trinidad and Tobago by its action, indecision, is not adhering to the basic and fundamental thread, I dare say principle, running throughout the structure of our constitutional framework, which we have all recognized, Mr. President, as the separation of powers. That is embedded in the national Constitution of our nation. And we

should not be coming here for the last nine years and five months of this Administration's occupation of office, to appeal, to persuade, to convince, sometimes cajole the Government to simply obey the Constitution.

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

**Sen. W. Mark:** The Constitution is the supreme law of our land, and why should I be coming to beg the Government to implement and observe the Constitution. The Constitution says that there is a separation of powers. It is there in the framework. It is there in the structure. So, Mr. President, if you go through the Constitution, you will see the three organs, arms of the State. You will see a section of the Constitution that deals with this Parliament that we are all part of. There is a section of the Constitution that deals with that. Then there is another section that deals with the Executive, which is a Cabinet headed by a Prime Minister responsible for policymaking. And then there is the Judiciary, again, in the Constitution, separate and apart from the Executive, separate and apart from the Legislature.

Under our Constitution, the Executive cannot get involved, or should not get involved in the Judiciary's business because there is a separation of powers and vice versa, the Judiciary has no business getting engaged or involved in executive business, and so to the Legislature, vis-a-vie the Judiciary and vice versa.

So, there is a clear structure in our Constitution for this principle that Montesquieu articulated philosophically back in the 18<sup>th</sup> Century. Because a fellow called Louis the XIV who did not adhere to the separation of powers principle, he told the people of France: I am the State, and the State is me—seeking to encapsulate, Mr. President, the three organs of state in one person, the Legislature, the Executive and the Judiciary—he was beheaded.

So, what? Is this Government seeking by not supporting this principle that is enshrined in the Constitution called the separation of powers, is the Government seeking by not supporting it—is the Government acting? Is the Government undermining? Is the Government sabotaging? Is the Government subverting the nation's Constitution by its negativity towards this important principle and this important approach that we are seeking to get them to support in order to give full effect to what is in our Constitution?

Mr. President, the former Prime Minister, who has now gone to the great beyond, Patrick Augustus Mervyn Manning—may his soul rest in perpetual peace—but he went to Abuja in Nigeria, in 2003 and, Mr. President, if you see all these signatories; late Mr. Patrick Manning's signature is attached, is appended. Talking about, what? Parliamentary autonomy. Talking about, what? Judicial autonomy. Talking about, what? Executive autonomy.

**2.15 p.m.**

And why, for instance, in the Commonwealth, these particular institutions must have separation, they must be separated. Of course, there must be relations, nobody is arguing that. There must be relations.

Mr. President, to cement that principle even further, there were the Latimer House Principles. Again, our Government, our country, endorsed the Latimer House Principles on the separation of powers and on parliamentary autonomy. So, why is the Government of Trinidad and Tobago, Mr. President, not adhering to our constitutional arrangements? Why? It pains me to bring this Motion on another occasion during the 10-year cycle.

Imagine this Government is going out of power.

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

**Sen. W. Mark:** We are soon going to see their backs. They are leaving their office that they came and occupied temporarily for, Mr. President, 10 years, because nine years and at the end of January, it will be five months, and then on the 28<sup>th</sup> of August, 2025, this Parliament stands dissolved. This Parliament stands dissolved and they have to call elections, face the masses.

So, Mr. President, I am trying to ask them to engage in an act of contrition. I do not know because—I do not know if they want to be engaged in penance, and send them to purgatory. I do not know. But, Mr. President, what must we do again? We came in 2016, we brought this Motion, it lapsed. We did not get through with the entire debate. It begun. We came back with it in 2017, because I am a democrat and I believe in parliamentary democracy. And that is why—and I also believe, Mr. President, in the separation of powers principle. We adhere to that principle. And that is why, Mr. President, we brought this.

Remember, the PNM recently told the nation that they are 69 years old. But 69 years of age does not mean to say that they have sense.

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

**Sen. W. Mark:** It does not mean to say that they have sense.

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

**Sen. W. Mark:** They have 69 years, but no sense. You understand, Mr. President? No sense. Because nobody could understand, Mr. President, why a government that age—that is supposed to be an age of maturity, eh.

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

**Sen. W. Mark:** “Yuh know, one foot in yuh grave and one foot outside”. “Yuh know what ah mean?” So, at least the party and this Government that is in charge,

through the party, they should have had, again, Mr. President, some wisdom. Will you not agree with me?

**Hon. Senators:** Yeah.

**Sen. W. Mark:** Some wisdom. Why is it, for instance, it is only when the UNC occupies office that you get progressive legislation in Trinidad and Tobago?

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

**Sen. W. Mark:** Why is it only when are were here—you know, the PNM never brought, on its own, any legislation to—

**Hon. Senator:** To make sense.

**Sen. W. Mark:**—not only make sense, but they have never brought legislation to strengthen our institutions.

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

**Sen. W. Mark:** All they do is break down our institutions. All they have done, Mr. President, during their 10 years of death, destruction, oppression and exploitation, is to destroy, weaken, compromise, subvert and destroy independent institutions.

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

**Sen. W. Mark:** That is all they have done. So it took a UNC Government, Mr. President, in 1995 to 2001, under the late Basdeo Panday—may his soul rest in peace, another great patriot of this land. Under his watch, we brought to Parliament a paper coming from the law commission on restructuring the management of our operations at the level of Parliament. A joint select committee evolved out of that. And we began in 1997—I was a member of that committee—and we did a lot of work, Mr. President, to bring about parliament autonomy. But, of course, it is a process, and we know that because of the period of time it may

take, because remember, we are democrats. So, we want stakeholder involvement. We want stakeholder participation. We do not impose a pan on the Coat of Arms without the people's involvement. We would have never done that.

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

**Sen. W. Mark:** We do not operate like that. So that is why, for instance, Mr. President, this process took some time. From 1997, right up to 2001, efforts were made to restructure, but there were some initiatives that were successful and some that were not successful. For example, it was under the UNC that the Red House that we occupy became the seat of Parliament.

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

**Sen. W. Mark:** Because we had the judges occupying one section. We had legal affairs occupying the next section. It was all kinds of government Ministries and the Judiciary. This place was all over the place. But you know what? We took a decision to make the Red House the people's house, and that how the Red House—this Parliament occupy today—became singularly only to be used by us parliamentarians. It is the UNC who brought that, not the PNM. We did that.

So, Mr. President, I bring these things to your attention to let you know that a paper was presented, a committee came into being and we sought to get views from different stakeholders on the structuring of the new management for the Parliament of Trinidad and Tobago. But as I said, that committee did not complete its work. And then, of course, we demitted office and in came the PNM and then Prime Minister Manning.

Now, you know, from 2001, when they took office on Christmas Eve, when Robinson handed the Government to them—

**Hon. Senator:** Illogically.

**Sen. W. Mark:** Yes, illogically. I never knew one 18 was smaller than the next 18.

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

**Sen. W. Mark:** They had a bigger 18 than our 18, and we got more votes than them. “Yuh understand?”

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

**Sen. W. Mark:** And at the end of the day, Mr. President, we loss office and we were the incumbent. Right?

**Hon. Senators:** [*Continuous crosstalk*]

**Mr. President:** Sen Mark, have a seat, have a seat, have a seat. So the level of crosstalk is obviously getting to a point where I cannot even hear Sen. Mark, which is rare. Sen. Lyder, I am speaking. Nonetheless, please monitor the level of your voices so that Sen. Mark can make his contribution. Continue, Sen. Mark.

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

**Sen. W. Mark:** Thank you, Mr. President. So, Mr. President, we, in the UNC, have made a very rich contribution to our parliamentary democracy in T&T. When the PNM arrived on the compound of this Parliament in 2001/2002, they had two terms: 2002 to 2007 and then from 2007 to 2010. So they were there for two terms. Mr. President, not on one occasion did this reactionary, backward, plutocratic regime, right, did anything to bring one scintilla, one solitary piece of legislation to strengthen the Parliament. They had Standing Orders, since 1961, involving the Queen and the Governor General. These lazy people. These lazy bunch of PNM people. Mr. President, they did not even change the Standing Orders. It took the UNC to change the Standing Orders—

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



**Sen. W. Mark:**—both in the Senate and in the House of Representatives.

**Sen. Lyder:** Well done, Mr. Speaker.

**Sen. W. Mark:** I do not like to beat my chest, I am a modest man, but I was then the Speaker.

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

**Sen. W. Mark:** I was then the Speaker. “Yuh understand?” And we revolutionized how we did business. We revolutionized our business. They were in charge of this Parliament for all these decades and they never introduced a strategic plan for the Parliament.

**Sen. W. Mark:** We, for the first time, introduced a strategic plan for the Parliament of Trinidad and Tobago. We gave the Parliament life. We gave them—and let me tell you something. I want to say something here.

When I was fortunate to occupy office, as Speaker, no Prime Minister—the hon. Prime Minister at that time, the hon. Kamla Persad-Bissessar, never intervened, never influenced, never did anything to influence the Speaker or how we run the Parliament.

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

**Sen. W. Mark:** Never. Never. Never. And you know what is more important, Mr. President? When we were repairing the Red House, the Speaker, the Clerk and its team were in charge. You know under this Red House here, you know who hijacked the Red House?

**Sen. Lutchmedial-Ramdial:** UDeCOTT?

**Sen. W. Mark:** The Prime Minister. He hijacked the Red House, took it away from the Parliament. No, Mr. President, I want to tell you, the reason why I raised that is that if we had parliamentary autonomy in this Parliament, no Prime

Minister, when we are repairing our Red House, could take charge of the repair programme. That is the hands of Parliament.

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

**Sen. W. Mark:** He hijacked the Parliament, took it over and boasted about “ah half ah million”—everywhere you pass now, you are seeing buckets like if you are living in the countryside.

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

**Sen. W. Mark:** Leaks, after leaks, after leaks. After we spent \$500 million, we have a porous—in the Parliament right now—roof.

So, Mr. President, I raise these points to let you know that we, in the United National Congress, work towards empowering the Parliament. Could you imagine, you want to travel to Australia, you want to travel to America—well, the way how this Government has treated the new President of the United States, I am not even too sure my visa—I will have my visa shortly. They might revoke by visa. But I know once they revoke my visa, the people will revoke the PNM.

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

**2.30 p.m.**

**Sen. W. Mark:** Mr. President, here it is, we did everything to empower the people through the Parliament. We tried it between '97 and 2001; we were not successful. We came back in 2010 to 2015, we made efforts; we reached a certain point but we did not reach the finishing line, but it started.

**Sen. Mitchell:** Never.

**Sen. W. Mark:** The PNM never started anything.

**Sen. Lyder:** Nothing.

**Sen. Nakhid:** Nothing.

**Sen Lyder:** “Dey doh finish anything either”

**Sen. W. Mark:** Even the bones of the First People, when we were repairing here, they did not have to repair and finish it, you know. You know why the Red House was finished so late? We had respect for the bones of the First People.

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

**Sen. W. Mark:** Unlike when they were building the National Library next door, they discovered bones; you know what they did? They buried it. They buried them under the mountain of dirt, rubbish.

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

**Sen. W. Mark:** They never respected the First People. We respected them and that is why today there is a museum in this Parliament that displays all the archives of the First People.

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

**Sen. W. Mark:** So, Mr. President, we were not successful as we would have liked to be, but you know what we did, we were able to bring a Bill to the Parliament, called the Houses of Parliament Service Authority Bill, and we placed it in the Parliament. It was referred to a joint select committee. We held meetings. I chaired that committee. The amount of people we invited, over 100 people and organizations, because this was a revolutionary move we were making to put power into the hands of the Parliament for the first time, and we deserve to have that power. We do not want to be holding the coattail of the Prime Minister and his Cabinet.

Why must the Prime Minister determine if I travel? I cannot determine when the Prime Minister wants to go to California for medical attention or when he wants to go to Australia to see if he could get a boat or two.

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

**Sen. W. Mark:** We do not have the power in this Parliament to tell the Prime Minister he cannot go to Australia. We do not have that power. But, you know, Mr. President, on the scales of justice, he has the power to tell Anil Roberts, to tell Wade Mark, to tell even Sen. Anthony Vieira that he cannot travel. Why must the Prime Minister have that power? That is why I say, and I will repeat, Mr. President, that the Executive has hijacked the Parliament.

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

**Sen. W. Mark:** You could find that kind of insult in the British Parliament? You could find that kind of insult in the Indian Parliament?

**Sen. Lyder:** No, Sir.

**Sen. W. Mark:** You could find that kind of insult in the Singaporean Parliament? Listen, no parliament worth its salt would be subjected to that kind of humiliation.

So, Mr. President, we came back and we said, “Listen, what are we fighting for?” I sometimes appeal to my colleagues, “Please, when yuh come into Parliament, and we are dealing with the autonomy of Parliament, take out yuh PNM jacket nah, take out yuh PNM Balisier tie and understand we are fighting for our Parliament, which belongs to all of us.” You do not do that. So when you come here and the vote comes, you “eh” voting for the Parliament, you know, you are voting for the party. You are voting for instructions from the Executive. You do not care about the Parliament, because if you cared about the Parliament you would have never voted against that Motion, because you would be upholding the Constitution of our nation. How can you be against the Constitution of our nation?

When you vote against parliamentary autonomy, you are voting against the Constitution of the nation, because the Constitution says, there must be separation,

and there is separation of powers, but the PNM never operationalized that ideal in our Constitution, but it is there. All we are trying to do, Mr. President, 2015, '16, '17, '18, '19, '20, '21, '22, '23, '24, and, good God, '25, we are in 2025, for 10 years we are appealing to the Government, Mr. President, to simply honour the Constitution; that is all we are asking, and give to the Parliament the power that it deserves. But you know what, Mr. President, why is it the Government does not want us to have parliamentary autonomy? What is the purpose? If you listen to the Attorney General when he spoke, when we dealt with this thing last year, in April, because we had a debate in April, we had a debate in, I think, March, and then one in May, or April, and at the end of the day 15 of them, every one of them voted against the Motion.

**Sen. Lyder:** Shameful.

**Sen. W. Mark:** You know what is shameful, I will tell you what is shameful. You know when Franklin Khan was alive—he had his challenges with them, with the PNM, but you know what, he has passed, but I must say one thing about Franklin Khan, and I hope he is hearing me, because Franklin Khan stood up, unlike this new Leader of Government Business who is singing for his supper.

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

**Sen. W. Mark:** You understand—

**Sen. Mitchell:** Mr. President, 46(4)—

**Sen. W. Mark:** Alright, I withdraw it. I withdraw “singing for his supper”. Alright, I withdraw that, Mr. President.

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

**Sen. W. Mark:** I withdraw.

**Mr. President:** Have a seat. Have a seat. So the Standing Order is upheld, he has

withdrawn. Again, Sen. Mark, just be careful. Continue.

**Sen. W. Mark:** So, Mr. President, Franklin Khan honoured the PNM's manifesto of 2015, and, you know, it was history, Mr. President. I was the elated when in 2015—no, on the 24<sup>th</sup> of April, 2018, that is the date, when the vote was put by the President, who is now the President of the Republic—

**Sen. Roberts:** “God, help we.”

**Sen. W. Mark:**—“All in favour say, aye”, everybody, everybody, everyone, all, all, all said, “aye”, and I went a step further, “division”, and every man, Mr. President, voted, and the record will show, every single Member of the PNM voted for autonomy.

**Sen. Lyder:** What changed?

**Sen. W. Mark:** This is why I asked that same question, because, Mr. President, it was in 2018, April the 24<sup>th</sup>, and just last year, a few years later, they take back their vote.

**Hon. Senator:** What?

**Sen. W. Mark:** You know, our grandparents used to talk about—Sen. Nakhid, remind me if I am saying it wrong. You could correct me, or, Mr. President. You know, when you give somebody something as a child and you take it back, your parents would say, “Daiz ah—

**Hon. Senators:** “Cat-boil.”

**Sen. W. Mark:**—“Cattleboil”. Yes. Yes. Yes. Yes. Yes. Yes. Yeah. I think they have plenty of that on their heads.

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

**Sen. W. Mark:** How can you give the vote to the people, Mr. President, on the 24<sup>th</sup> of April, 2018, and come back in 2024, May, and take it back?

**Sen. Lyder:** “The Grinch, boy.” The Grinch that stole Christmas.

**Sen. W. Mark:** This is a shameless Government, and they want to go and tell the people to give them another five years, boy? And when they got the opportunity to empower the people, to empower the Parliament, they refused to empower the people; they refused to empower the Parliament.

Mr. President, when we talk about parliamentary autonomy, we talk about three essential areas that we have to pay attention to, financial autonomy, administrative autonomy, and institutional autonomy. Mr. President, why must we go cap in hand to the Minister of Finance as an independent organ of the State and beg the Minister of Finance, who is a Member of the Executive arm of the State, for \$200 million to run the affairs of the Parliament, and the Minister of Finance tells the Parliament, an independent organ of the State, “No, you cannot get \$200 million, you can only get \$125 million, and you have to put your tail between your legs and go home?” That is not independence, Mr. President, that is dependence, and that is what they want to continue.

In the Australian parliament, in the Indian parliament, in the British parliament, as examples, you know how it is done, Mr. President? The Clerk prepares the Estimates. She comes to every one of us, all the Members of Parliament, all the different committees that we have in Parliament, whatever our needs are, she would go and gather, or he would go and gather the information, and then a budget is drawn up based on the needs and the requirements of the Parliament. But you know what they have, they have a commission that governs the process, and the Minister of Finance is a member of that commission. The Government is on that commission. The Opposition is on that commission.

In this instance, the Independents will be part of that commission, and we sit

down under the chairmanship of the Speaker and we determine, Mr. President, what will be our submission after consultation. Mr. President, what goes on with financial autonomy is that we come to the Parliament, and we as parliamentarians in the both Houses debate our Estimates and we pass our Estimates. So if our Estimates says, “We want \$200 million to run our Parliament”, or “\$300 million”, or a certain percentage of the budget, the Minister of Finance cannot remove a full stop, a comma, or one penny, because we are in charge, and he was there or she was there when we took the decision.

That is what “independence” is about. The offices of the President and the Speaker should not be dependent on the goodwill of a Minister of Finance. That should be a direct charge on the Consolidated Fund. The Speaker should not be depending on or be dependent on the Minister of Finance’s goodwill, and if we do not get money from him, the Speaker cannot be paid. In any civilized Parliament, the Speaker does not depend on the Minister of Finance for emoluments. That is a direct charge on the public purse.

So when you are talking about “independence”, Mr. President, these are the things we are talking about. Financial autonomy would allow us to have our own independent budget office. We have to debate \$60 billion a year when it comes before us and we do not have a staff member to support us. We do not have an assistant. We do not have an office in the Parliament that is well resourced, both financially, technically, and from a human resource point of view with professionals. So they could tear apart whatever the Minister has put before us, and the information is shared by everyone or with everyone.

We do not have that independent budget office. What we are saying, Mr. President, Trinidad and Tobago, some people say—I think it was Sen. Vieira who



made the point some time ago, we punch beyond our weight, but, Mr. President, there are areas here in our Parliament, that without parliamentary autonomy, we will not be able to punch beyond our weight, or above our weight. So we need to have administrative processes where our human resources can be recruited, rewarded and retained. You have most of our workers in the Parliament are on contract, and the reason why they are on contract, even though they have permanent employment within the public service, is because the public service salary, because of a lack of reclassification of the system for the last 50 years, these people are working for \$10 and \$15. That is how I put it.

**2.45 p.m.**

That is how I put it. So, to give these persons who are coming to our Parliament to provide professional services, you have to put them on contract and suppress their permanent job. That is how people can get a \$10,000 and a \$15,000. But if we want quality personnel in the Parliament, you “cah” pay them 15,000. You have to bring people who are getting \$30,000/\$40,000 a month. If you go to the German Parliament, Mr. President, and you see the kind of personnel. You have nuclear scientists, nuclear scientists who are employed by the German Parliament to provide services to the members of the German Parliament. So, Mr. President, that calls for resources. That calls for autonomy, Mr. President. It calls for the ability of the Parliament to make its own decisions, Mr. President. That is why, Mr. President, I am asking the Government to rethink its position.

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

**Sen. W. Mark:** Yes, Mr. President. Mr. President, I am calling on the Government to rethink its last position. At least you are leaving office. You are going. You are not going to come back. We know that for a fact. The masses

have already made up their minds to eat you raw. Right. So, there is no ifs and buts about it. They are going to disappear under the waters, we know that. But at least they could leave something so people could remember them. At least, Mr. President, why not support this Motion? I would like the Government to tell us why they are not supporting a Motion that is entrenched in the Constitution of the Republic of T&T, to bring separation to the Parliament in the context of the principle of the separation of powers. Why are they not doing it? What is the reason? Even the Judiciary—the Chief Justice recently, when they opened the law term, the Chief Justice was appealing for judicial autonomy, too.

Look, we give the undertaking today, to Trinidad and Tobago, to the world, to President Trump, we are giving him the undertaking, that when the UNC returns to power, returns to office, very shortly, whether they come three weeks from now, four weeks, from now, 10 weeks from now; August, September, October or November, whenever they call the elections, Mr. President, we give the undertaking to Trinidad and Tobago that a UNC Government will bring into effect parliamentary autonomy in Trinidad and Tobago.

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

**Sen. W. Mark:** I do not know if I will get the job to complete it. I do not know. I do not pick myself. But you know what? Whoever is there, you have my full support and cooperation. Mr. President, I also want to say that the United National Congress is also committed to judicial autonomy as well. So, we are giving the Chief Justice the undertaking that a UNC Government will also look into that question of judicial autonomy for our Judiciary, so that the three arms of the State—the Executive is okay, they have total autonomy but the problem is with the Legislature and the Judiciary.

We give the undertaking, we give the commitment that a United National Congress Government will bring into being, for the first time in Trinidad and Tobago, parliamentary autonomy for our Legislature. That is the message I want to leave, Mr. President. We cannot continue to beg a Government. We cannot continue to implore a Government—a Government that is tone deaf—we cannot continue to appeal to them, Mr. President. Whatever they do, that is their business. Our responsibility is to put on the parliamentary record and to let the people of Trinidad and Tobago know that we fought for 10 years for parliamentary autonomy for them, not for us, but for the people of Trinidad and Tobago. We were unsuccessful but we are making a last effort before Parliament is dissolved on the 28<sup>th</sup> of August 2025, to see if we can get the Government to agree to this particular important principle within the structural framework of the separation of powers.

Mr. President, I think I have made my case, once again. I did not want to repeat myself and look at what I did exactly like the last time because, you know, it is a matter that is in me. I know this thing. Mr. President, I could speak for five hours without any notes.

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

**Sen. W. Mark:** “Yuh know why? Dis thing, it in me and I am in dis thing.”

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

**Sen. W. Mark:** So, I know what parliamentary autonomy is about—

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

**Sen. W. Mark:**—and I am fighting for it. I am fighting for it. I am telling the people of Trinidad and Tobago, in closing, the PNM does not believe in parliamentary autonomy. The PNM does not believe in judicial autonomy. It will

take a UNC Government—

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

**Sen. W. Mark:**—to bring parliamentary autonomy. It will take a UNC Government to bring judicial autonomy. Mr. President, I beg to move. Thank you.

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

**Mr. President:** Sen. Roberts—or—who is seconding the Motion?

**Sen. John:** Yes.

**Mr. President:** Sen. John.

**Sen. Jearlean John:** Mr. President, I beg to second the Motion and reserve the right to speak at a later stage.

**Mr. President:** Hon. Senators the Motion has been seconded by Sen. John.

*Question proposed.*

**Mr. President:** Attorney General.

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

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you very much, Mr. President.

**Sen. Roberts:** Oh God, boy!

**Sen. The Hon. R. Armour SC:** Mr. President, I came prepared to address the Motion before the House and I will do so, but I also came with some material to address another Motion. Listening to Sen. Mark, I am constrained to touch briefly on some of the material on the other Motion—

**Sen. Roberts:** To lie again?

**Sen. The Hon. R. Armour SC:**—in order to put into context the most arrant hypocrisy—

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

**Sen. The Hon. R. Armour SC:**—that I have had the unfortunate occasion to listen to. Mr. President, Sen. Wade Mark, among the many things that he spoke to, spoke of the period 1995—2001, under the Government of the UNC led by the hon. Basdeo Panday, when there was in office, an Attorney General, the hon. Ramesh Lawrence Maharaj. One of the remarks that Sen. Mark made today, out of the blue, unrelated, it would seem to me, to the subject of his Motion is “Why must the PM determine if I travel?” He said that rhetorically in relation to himself and arguably, I conjecture, with reference to the hon. Prime Minister who leads this Government with distinction. That rhetorical question forced me to go to another piece of material that I have for the other debate, the report of the Rt. Hon. Mr. Justice P. Telford Georges, on the subject of *Independence of the Judiciary*, February 16<sup>th</sup> 2000, that is the date of the hon. Mr. Justice Georges’ report. That report is pertinent to a number of things and immediately pertinent to the reason why this Commission of Enquiry was instituted. It was because the line Minister, the Attorney General, at the time, sought to interpret the language of the Constitution, giving the Attorney General power and the language of the gazetted responsibility for line Minister. This is what is said by Mr. Telford Georges at page 15 of 35:

“On the basis of these”—Cabinet—“Minutes, the Attorney General”—  
and the reference there is to the Attorney General of the day—“asserted that the Ministry of Finance should not release funds for overseas travel on duty, of officers working in the Judiciary unless his approval had been given.”

That is to say, the hon. Attorney General of the day refused to allow Chief Justice de la Bastide to travel.

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

**Sen. The Hon. R. Armour SC:** The hon. Mr. Justice Michael de la Bastide, who was then Chief Justice of Trinidad and Tobago in the separation of powers that Sen. Mark has contributed massive hyperbole on today—

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

**Sen. The Hon. R. Armour SC:**—sought to travel aboard and he was refused by the Attorney General of the day. That is what occasioned the Law Association of Trinidad and Tobago at a Special General Meeting on the 3<sup>rd</sup> of November 1999, appointing the hon. Mr. Justice Telford Georges as a sole independent enquirer, sitting in private, to examine the concerns relating to the independence of the Judiciary expressed by the hon. Chief Justice. Mr. Justice Telford Georges concluded:

I have concluded that the jurisdiction claimed by the Attorney General, as the relevant Minister, under the Cabinet Minute quoted, cannot extend to the Judiciary. The Judiciary does not fall among the departments for which he is responsible.

So, to listen to Sen. Mark, today, spend his entire presentation speaking about the pedigree of the United National Congress—

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

**Sen. The Hon. R. Armour SC:**—respecting the separation of powers against the history of this report is remarkable. Let just me just say one further, very brief remark about this report, which is relevant to parliamentary autonomy. At page 2 of page 35 Mr. Justice Telford Georges acknowledges that arrangements were made: “...to have Mr. Stuart R. Young assigned as research and executive assistant in the conduct of the enquiry.”

The history of this People’s National Movement, Mr. President, is without

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

question, committed to the concept of parliamentary autonomy.

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

**Hon. Senators:** [*Continuous crosstalk*]

**Sen. The Hon. R. Armour SC:** If I may return, then, Mr. President and thank you for allowing me that introduction to the subject that I came here prepared today to speak on, parliamentary autonomy. At the outset, let me state unequivocally, that this Government has always recognized the importance of parliamentary autonomy as a principle that safeguards the very foundation of our democracy, ensuring that our Parliament remains an independent institution, free from undue influence and equipped to fulfil its constitutional mandate.

**3.00 p.m.**

Mr. President, we have been here before on this debate. As I have previously stated on this matter, while parliamentary autonomy remains an important objective, it is not a change that can be approached casually or hastily. Sen. Mark, in his Motion says it must be done in three months, I will come to that. Such a significant reform, Mr. President, demands nothing less than a careful, meticulous and exhaustive examination.

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

**Sen. The Hon. R. Armour SC:** And it not a laughing matter. Throughout Sen. Mark's contribution, his colleagues on his side were laughing as if this is a joke. It is not a joke, it is not a laughing matter.

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

**Sen. The Hon. R. Armour SC:** Every facet of the potential implications of this subject must be combed through carefully and with precision. We must deliberate, we must be discerning and we must be thorough to ensure that any framework

which is introduced strengthens this honourable Parliament and does not inadvertently or otherwise undermine the operations or create unintended challenges. That is why we must be careful and in taking care, you must take time. And while this Motion highlights, Mr. President, an important matter which I am very happy to contribute to, it has to be viewed in the broader context of the nation's priorities.

At this point in time, January 2025, this Government is focused on addressing the pressing concerns of the citizens, to secure the citizens of this country from crime, to secure an economic foundation that the Government has been working on through the COVID pandemic and up to the present to ensure the safety and livelihood of our people and this is a responsibility we do not take lightly. I reaffirm my commitment as Attorney General, Mr. President, in engaging this matter and advancing a national discussion on parliamentary autonomy. Context as always, plays a critical role in shaping our understanding, not only of the progress we have made thus far, but also of the steps required to forge a purposeful and sustainable path forward.

Parliamentary autonomy, Mr. President, is far more than a theoretical ideal to load hyperbole onto. It is a foundational pillar of good governance and the rule of law. By ensuring that Parliament operates independently and without undue influence, this principle strengthens its role as a vital check on the powers of the Executive, fostering accountability, fostering transparency and building trust in public administration. This Motion challenges us, Mr. President, to critically examine the journey which has been undertaken thus far, identifying any gaps that persist, renewing our efforts to establish a framework that upholds the independence and integrity of this very esteemed institution in which we sit today



and deliberate. It calls for a bipartisan approach, a unified approach reflecting the shared responsibility of all Members to protect and preserve the democratic values upon which our Parliament is built.

Mr. President, as we are all aware, this is not a new conversation, but it is not a conversation that we should rush to the conclusion of, and it is a conversation, rather, in which we have to continue our dialogue; a dialogue that has been evolving since as far back as 1997, with the most recent contributions made as recently as last year, 2023. For the benefit of the record of the *Hansard* and for the information of members of the listening public, Mr. President, it is important to trace the history of this discussion in the Parliament. Central to this dialogue has been the recognition of the need to strengthen our Parliament's institutional framework, an effort rooted in the core tenets of the Latimer House Principles.

Building on this foundation significant developments were made, 2013/2014, the Session of the Tenth Parliament when the Houses of Parliament Service Authority Bill, 2014 was laid in the House of Representatives then. Subsequently, a joint select committee of Parliament was appointed to consider and report on this legislative proposal and we had on the 25<sup>th</sup> July, 2014, a committee recommending that a new committee be established to continue the work and adopt the submissions received during its tenure. That work was carried forward in the 2014/2015 Session of the Tenth Parliament, Mr. President, where another joint select committee was established with similar terms of reference. The Parliament has been at work in its deliberation. The committee convened on the 7<sup>th</sup> of November, 2014, to focus on the 2014 Bill and its work included stakeholder engagement and consultation. On December 09, 2014, the committee

met with Dr. John Patterson, a parliamentary governance expert engaged by the United Nations Development Programme in consultation with the Office of the Parliament to provide expert guidance on advancing parliamentary autonomy.

On December 12, 2014, Mr. President, that committee approved a pre-policy paper entitled: “Pre-Policy towards an Independent Parliament - Ensuring Parliament’s functional autonomy.” This document was widely disseminated to various stakeholders including Members of Parliament, political parties, trade union groups, civil society organisations and the media for their input. The pre-policy paper was officially launched on December 16, 2014, accompanied by a call for public feedback with an initial submission deadline of January 20, 2015, later extended to February 06, 2015, to accommodate broader participation. The discussions culminated on the 29<sup>th</sup> of May, 2015. It reviewed a policy document and a preliminary report prepared by Dr. Patterson outlining recommendations on achieving parliamentary autonomy in Trinidad and Tobago. Those recommendations, Mr. President, were presented to the Senate on June 10, 2015, and to the House of Representatives on June 12, 2015. Regrettably, that committee did not complete its work before prorogation and eventual dissolution of the Tenth Parliament.

Mr. President, this Government has long recognized the importance of empowering the Parliament to function autonomously, free from the constraints of traditional public service structures. It was in that spirit, in 2018, that the Office of the Attorney General and Ministry of Legal Affairs developed a legislative proposal and the draft Houses of Parliament Service Authority Bill which was submitted to Cabinet for consideration and remains under active consideration. Mr. President, all of that is in pursuit of the constitutionality of the functioning of

this Government towards upholding the constitutional structure of our governance and the preeminent role which an independent Parliament must play.

The proposed Bill envisions a transformation of governance of the Parliament through the establishment of an independent and non-partisan Houses of Parliament service authority. This authority will operate as a corporate body designed to dismantle the existing public service model, replace it with a structure that is responsive, efficient and reflective of the modern needs of a Parliament as it progresses. It would be overseen by a board representative of all sides of the political spectrum, with Members of Parliament from the Government, the Opposition and the Independent Senate Bench. The Speaker of the House would chair the board ensuring balanced leadership and impartial oversight. All of this, Mr. President, is under consideration.

The proposal is guided by the Latimer House Principles of the Commonwealth which emphasizes the fundamentals of independence, accountability and transparency in parliamentary governance, all of which we already have in our Parliament. It is not a question of us being in deficit but of looking to evolve and build and grow with the passage of time. The establishment of this authority, Mr. President, would allow our Parliament to align more closely with those principles, strengthen its role as a pillar of democracy and ensuring it serves the people with the highest standards of integrity as it already does. The Clerk of the House under that model would function as the chief executive officer of the authority, managing its operations and reporting directly to the board. This arrangement is intended to ensure strong and effective leadership while maintaining accountability to the Parliament as a whole.

Mr. President, this Government has since maintained the position that such a

substantial reform requires significant attention. This was explained at length by Members on this side when a similar Motion was raised and debated in this very House in 2023. We must remember that the matter was not simply a point of discussion, it was actively debated for three days, commencing on March 28, 2023, when the Motion was first placed on the Order Paper, and debated with contributions from myself as the Attorney General, and the good Sen. Mark. The discussion continued on April 25, 2023, with a wide range of perspectives, shared by seven Senators, including Senators from the Government, Opposition and Independent Benches.

Mr. President, during my contribution then in 2023, I reminded this esteemed Senate of the contribution of the late Senator, The Hon. Franklin Khan who in 2016 articulated a vision for legislative reform which included the creation of a parliamentary service authority, the Hon. Franklin Khan of this People's National Movement Government, Mr. President. This body was envisaged as a corporate entity with a governance structure incorporating representatives from the Opposition, the Independent Bench, and the Government. His proposals also included vesting this authority with powers over land, property, and financial resources, as well as establishing a parliamentary service authority fund to ensure the financial independence of Parliament. This historical timeline, Mr. President, highlights the comprehensive and methodical approach taken to continuously examine the subject of parliamentary autonomy grounded in collaboration, consultation, and a shared vision for institutional autonomy.

It behoves me, Mr. President, as I speak to the Government's commitment, to return briefly to just a few passages of the report of Mr. Justice Telford Georges so that we can put properly into context the recognition of a jurist of undoubted

renown, Mr. Telford Georges. Justice Telford Georges is a former Court of Appeal Judge of this country, a former acting Chief Justice of this country, a former Chief Justice of Tanzania and of the Bahamas. He has served with distinction throughout the Commonwealth and his views are not to be undervalued in the least. And it is instructive, Mr. President, that in the very report which this Government has commissioned, that is to say, the report entitled: “We the People, Report of the National Advisory Committee on Constitutional Reform” which was published in July of 2024, this Government has commissioned a wholesale national consultation on constitutional reform across the broad sweep of the parameters of our constitutional existence. And it is interesting that that report dated and published July 2024, at paragraph 4.191, tell us some of the reforms and I quote:

“Some of the reforms proposed may have implications for the provisions in the Constitution for the funding of the State. There are four matters for considerations: (1) providing for situations where an Appropriation Bill is not passed in the Parliament in time for the start of the fiscal year; (2) implementing financial autonomy for the Parliament, the Presidency, the Judiciary and the Office of the Director of Public Prosecutions;”

So let me pause there. It is entirely erroneous for Sen. Mark, to suggest that this Government is not paying due respect to a discussion and consultation at a national level on the issue of implementing financial autonomy for the Parliament, the Presidency, the Judiciary and the Office of the Director of Public Prosecutions.

### **3.15 p.m.**

All of these are matters that this national reform committee has gone out to the population and taken submissions for in the Schedule to the report. The names of the organizations, the names of individuals who made contributions are listed.

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

**Sen. The Hon. R. Armour SC:** It is a wide and ample consultation on, among other things, parliamentary autonomy, financial autonomy for the Parliament.

It is in that remark—in that report actually that I was reminded, as I listened to Sen. Mark and I diverted to make my opening remarks, that the report tells us at paragraph 4.196.

“The ‘image of civility’ observed by the Wooding Commission has now all but disappeared and has given way to a coarseness of languages and incivility, even within the precincts of Parliament...”

We can pause there to predict who Chief Justice Wooding was speaking of.

“...and then broadcast to all and sundry via the traditional and social media.”

The national report on parliamentary and constitutional reform that is ongoing in this country today tells us at paragraph 4.196:

“The question of the accountability of the Judiciary to the Executive through the Attorney General created a public spat between the Chief Justice and the Attorney General and prompted an inquiry into the Judiciary.”

This is the Telford Georges enquiry that I had referred to at the beginning of my remarks.

The national consultation that is taking place now on constitutional reform is reminding this national enquiry of the fact that the public of this country is not going to be fooled. Do not forget the hypocrisy that Sen. Mark is speaking to now in suggesting that this Government does not respect the separation of powers, because they are reminded of this body of that commission of enquiry headed by Justice Georges at the time.

Mr. President, parliamentary autonomy has, therefore, been featured very

recently in this very report, and if I were to just turn to paragraph 4.192—I have done that already. It continues at paragraph 4.202:

“The reforms we have proposed, based on the submissions from the public, expert opinion, and the views of office-holders, if implemented, will increase parliamentary oversight, effect better separation of powers, and promote greater accountability and citizen participation. The proposed reforms, like those proposed by the Wooding Commission and the Ramadhar Committee, make a significant shift away from the ‘Westminster-Whitehall’ model but avoid the American executive presidency model, which paradoxically, reposes even more power in the head of government which people are clear they do not want. Our proposed reforms are more closely attuned to the people’s concerns around identity, culture and heritage, as well as the contemporary imperative to attend responsibly to the environment for a sustainable future. It is hoped that these will transform the political culture of Trinidad and Tobago and make for a better future for our children and grandchildren.”

I repeat that:

“It is hoped that this will transform the political culture of Trinidad and Tobago and make for a better future for our children and grandchildren.”

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

**Sen. The Hon. R. Armour SC:** Mr. President, that is a report coming out of a national consultation initiated by this Government which, at this point in time, is a work in progress. It is a work in progress. The first part of the report is in. The mandate requires that committee to then engage more fully, and when this Government returns to power after the next general election—

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

**Sen. The Hon. R. Armour SC:**—this conversation will continue. The report offers a range of proposals—I have touched on some—aimed at, among other things, strengthening the independence, accountability and effectiveness of our parliamentary structure.

Mr. President, that report, and the intent behind it, is to promote education and awareness. The committee, which is managing this conversation, has launched a dedicated website, utilizing three distinct methods to gather public opinions. First, it invited submissions by email, which could be directed by either to the committee's secretariat or through the website. Second, the committee organized town hall meetings across all municipalities and regional corporations, hosting 12 meetings in Trinidad and two in Tobago. Importantly, the committee engaged the youth in three forums, Mr. President, one in Tobago, and the one each in the northern and southern regions of Trinidad. And last, questionnaires addressing various constitutional provisions were made available on the website, with responses collected anonymously.

While the report does not propose altering the fundamental composition of Parliament, which will remain the President, the Senate and the House of Representatives, it offers specific recommendations to improve its functioning. These recommendations provide valuable insights as we explore avenues for reform and they warrant close examination in the context of our broader objectives for governance.

One of the proposals, Mr. President, outlined in the report is the potential expansion of the Senate, with Members elected through a proportional representative system. This measure, if implemented, could deepen the



representative nature of the Senate and ensure that it functions as a more dynamic and independent body, capable of strong debate and thoughtful decision-making.

Additionally, the suggestion is to establish higher qualifications for Senate appointments and it is intended to elevate the calibre of deliberations within this Chamber. The report also addresses the House of Representatives, Mr. President, recommending an increase in membership to achieve a more balanced and equitable ratio of constituents to representatives. This would enhance representation and enable Members of Parliament to better fulfil their dual role as legislators and constituency representatives.

To address long-standing challenges related to the overlap between the Executive and the Legislature, the report proposes limiting the number of Ministers drawn from the House of Representatives and restricting the number of Ministries overall. This would allow for a stronger and more independent back bench, ensuring that Parliament has the capacity to dedicate greater focus to critical oversight functions.

Furthermore, the report recommends recognizing the role of Members of Parliament as full-time responsibilities, with appropriate remuneration and resources to reflect the demands of their legislative and constituency work.

As we proceed, Mr. President, I invite this honourable Senate to consider the proposals outlined in that report, not as final prescriptions, but as part of a larger and an ongoing dialogue on how we can collectively strengthen the democratic foundations of our nation.

Mr. President, this Government reiterates that parliamentary autonomy is not merely about producing a framework hastily within three months. Rather, it is a process that requires careful deliberations and consultation to ensure its successful

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

implementation. The focus must not be solely on whether a framework is brought to Parliament, but ensuring that any framework introduced comes after a process of full and active consultation with the nation—

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

**Sen. The Hon. R. Armour SC:**—and is robust, effective and sustainable, and that those reforms are aligned with our broader national priorities.

Mr. President, we cannot ignore the existing mechanisms in place, which are commendable given our current parliamentary structure. We must commend them. Our Parliament is serviced by a highly trained and professional staff within our public service—

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

**Sen. The Hon. R. Armour SC:**—and careful consideration must be given to creating a structure, any structure outside of the public service, including how this would align with existing administrative systems, fiscal realities and constitutional provisions.

While this is an area for further exploration, we must remain focused, Mr. President, on ensuring that Parliament continues to function effectively, supported by the dedicated professionals who serve us now and who will continue to serve this nation with distinction.

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

**Sen. The Hon. R. Armour SC:** Finally, Mr. President, the call for Parliament to be financially independent with its budget review and administered by an all-party committee has been a recurring recommendation in discussions on parliamentary reform. While the principle of financial independence is important, it is equally important to ensure that mechanisms for transparency and accountability are

preserved and enhanced. Any change to the current system must be carefully considered to avoid creating inefficiencies or compromising the integrity of the current budgetary process.

As stewards of public funds, all branches of Government, including Parliament, must remain mindful of their fiduciary responsibility to the people of the Trinidad and Tobago. This Government remains committed to ensuring that Parliament is adequately resourced to carry out its constitutional functions, whilst also maintaining fiscal discipline in the interest of the nation.

We must applaud, Mr. President, the immense work of numerous established committees of the Parliament. The National Advisory Committee on Constitutional Reform, whose report I have introduced, has proposed transformative changes to strengthen the functionality and impact of these committees. Specifically, the committee has recommended that the existing sections 66A to 66D of the Constitution, which currently provides for departmental oversight committees, be deleted and replaced with a more streamlined and effective system. The proposed reform would require Parliament to appoint standing joint select committees within one month of the first Sitting of each House. This recommendation is a positive and pragmatic response to the concerns raised about the efficacy of our committee system. It emphasizes timelines, it ensures that these committees are established early in the life of every new Parliament.

Mr. President, with regard to jurisdictional precedence, while I acknowledge frameworks exists other jurisdictions, it is important to recognize that no single model can be transplanted wholesale into our unique governance system in the sovereign Republic of Trinidad and Tobago—

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

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

**Sen. The Hon. R. Armour SC:**—without careful consideration of local context, historical precedence and institutional dynamics. To sit here and listen to the Leader of Opposition Business on the other side give undertakings to the President of the United States on what they will do when they take office is an insult to the sovereignty of this country.

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

**Sen. Dr. Browne:** What does that have to do with parliamentary autonomy?

**Sen. The Hon. R. Armour SC:** I sat here and I could not believe what I was hearing. Now, this is not intended to disrespect the President of the United States, but we are a sovereign—

**Sen. The Hon. R. Armour SC:**—independent republican state.

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

**Sen. The Hon. R. Armour SC:** We do not give undertakings in this Parliament to leaders of other countries on the work that we intend to do for the people of this country. While it may be tempting to suggest that Trinidad and Tobago, Mr. President, can adapt these frameworks that are being implored without delay, we have to remind ourselves that every democracy is shaped by its own political, economic and cultural realities. Trinidad and Tobago is a vastly rich and diverse culture, a vastly rich and diverse historical reality.

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

**Sen. The Hon. R. Armour SC:** Even as we stand here now in this Parliament, we are witnessing the most unprecedented developments in our cultural heritage. We are witnessing the emergence of the pan onto our Coat of Arms. We are witnessing the embrace of the Chinese community into the political landscape of

Trinidad and Tobago.

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

**Sen. The Hon. R. Armour SC:** We are an evolving, historically proud, sovereign nation, and we must not, in the name of hyperbole and cheap electioneering in an election year, squander those gains that have been made by our forefathers which we are committed to preserving and strengthening for our children and grandchildren.

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

**Sen. The Hon. R. Armour SC:** The systems in countries, such as New Zealand and India, are products of their specific histories; their population sizes and governance structures, which differ significantly from our own. Their frameworks, while instructive, are not directly transferable to the particularities of a unitary state, such as Trinidad and Tobago.

### **3. 30 p.m.**

While we can take from these examples, Mr. President, it is important in tailoring our reforms, to reflect our own needs. And the suggestion to adapt successful models from other Commonwealth countries, is one I accept, but must be approached very carefully, and with a discerning eye, and we must bring on board the wisdom of our parliamentarians, the wisdom of our constitutional scholars, and the wisdom of the men and women in the street—

**Mr. President:** AG, you have four more minutes.

**Sen. The Hon. R. Armour SC:**—thank you very much, Mr. President. The wisdom of the men and women, and the young people in the streets of Trinidad and Tobago, who understand what they want for the future of this country. This Government has long maintained that reforms to strengthen parliamentary

autonomy must be informed by global best practices, but these practices must be adapted thoughtfully, and deliberately to fit within the framework our constitution, our traditions, and the expectations of the people we serve.

Mr. President, a rushed implementation of a foreign model without proper analysis, risks creating unforeseen challenges that could ultimately undermine the very independence we seek to enhance. In contrast, by assessing these international frameworks, and adapting them to the unique circumstances of Trinidad and Tobago, we can ensure that the changes we implement are not only effective, but sustainable over the long-term. As I bring my contribution to a close, Mr. President, I wish to return to the heart of this discussion and the significance of parliamentary autonomy in our democracy.

From the outset, this Government has demonstrated a commitment, and a continuing commitment, to strengthening the independence, accountability and transparency of the Parliament. This initiative and all the initiatives by this Government in this regard, Mr. President, are not merely a reflection of Government policy. It is an affirmation of the Latimer House Principles, which emphasize the independence and accountability of Parliament. By adhering to those principles, we reinforce the trust of the citizens in this institution, the Parliament, and its ability to represent their interest fairly and effectively.

The journey to realizing parliamentary autonomy has not been without challenges, and as I have outlined that legislative proposal has undergone rigorous preparation, and this Government will continue to analyse this in light of the continuing work of the report of the National Advisory Committee on Constitutional Reform. Mr. President, I thank you.

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

**Mr. President:** Sen. Vieira.

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

**Sen. Anthony Vieira SC:** Thank you, Mr. President. When Sen. Mark brought his substantive Motion in 2023, calling for legislation to guarantee parliamentary autonomy, I supported him, as I support him again, today on this Motion. I supported Sen. Mark because we need to preserve and fortify the degree of independence the Parliament has from the influence and control of the other branches of Government, in particular, the Executive. I supported Sen. Mark because we share the same view that a stronger Parliament means a richer democracy, because parliamentary autonomy is a key feature of democratic systems, because Parliament should be independent of, not dependent on, Government. Parliamentary autonomy would enable Parliament to better perform its functions, especially where it pertains to representing the interest of citizens, and scrutinizing the actions of government. I lauded Sen. Mark then, as I laud him again today, for his efforts over the years in fighting for parliamentary autonomy and keeping this important issue alive. Let me say from the outset that I am not attacking anybody in this debate, we are engaging with conflicting ideas, but one does get the impression that despite the Government's official position on parliamentary autonomy, they seem decidedly lukewarm in trying to make that happen. While, they pay lip service to the importance and values of parliamentary autonomy, they seem unwilling or unable to fight for it. I say this because notwithstanding all kinds of great hopes and promises we see very little result.

Today's Motion, while it draws from Sen. Mark's earlier substantive Motions, it is different. Today's is not about rehashing what was debated previously, or about justifying the need for parliamentary autonomy. Today is about demanding an explanation on why legislation on parliamentary autonomy is

yet to be introduced, and about making it happen. This is a goal worth fighting for, in every legal and ethical way. As the Motion indicates, we have already crossed the bridge regarding the value and importance of parliamentary autonomy. There is no need for this to be debated all over again.

Indeed, a reading of *Hansard* reveals that we not only crossed, but we have re-crossed that bridge multiple times. For example, when on the 10<sup>th</sup> of June 2015, the report of the Joint Select Committee to Consider the Legislative Proposal entitled the “Draft Houses of Parliament Authority Bill” was presented in this Senate. When in June 2016, Sen. Mark brought his Motion calling for legislative formula for parliamentary autonomy and the establishment of a joint select committee for consideration and report. When in March 2018, this Senate unanimously approved a resolution calling on the Government to introduce legislation on parliamentary autonomy.

When in February 2019, in answer to Sen. Mark’s matter on the adjournment, the then Attorney General, Mr. Faris Al-Rawi SC, thanked him for raising an issue of concern, and then after speaking about the need for consultation, promised to relay the consternation of the Senate, and to give best efforts to provide the work product suggested. Those were the words of the Attorney General. When in March 2023, Sen. Mark brought yet another Motion, calling for legislation to guarantee parliamentary autonomy, and referring that legislation to a joint select committee. I contributed to that debate, and I supported the Motion to the extent that Sen. Mark was calling for a robust and independent Parliament, which can in effect, perform its functions without any interference or undue influence from external factors.

Today, we need to know why the status quo marches on. As Sen. Mark has



asked, “what must we do again?” Today, the Government must explain how after an Attorney General promised to give “best efforts in providing the work product on parliamentary autonomy”, how come six years later nothing has been realized? Where is the promised work product? Today, the Government must explain after all this time and after all this talk, why parliamentary autonomy is not a priority item on the legislative agenda? With all due respect, the response given by the hon Attorney General during the 2023 debate and this evening, that the Government has not prioritized additional steps on the tabling of an autonomy Bill, since there is work to be done. Or, about the need to give priority to other legislative endeavours, or about the need to reach out to stakeholders, and engage the input of citizens, with all due respect, that response does not pass any reasonable person’s sniff test. If that response seems hard to grasp, it is because it is so strained.

Later, I am going to be speaking about judicial autonomy. Is that something stakeholders and citizens need to be consulted on? I do not think so. When the Coat of Arms was being amended, something stakeholders and citizens could really bite into, they could and should have been able to comment on, nobody was consulted. When, for well over a decade now, everyone agrees, everyone agrees on parliamentary autonomy. When it is a given that aiming for parliamentary autonomy is both rational and attainable, why the delay? Why is the Government generating thick clouds of obfuscation? Why are we content to play in the shallow end of our potential? Over the last 10 years, a decade, not three months, we have possessed ourselves with patience, and we have exercised the muscles of our good nature, but it is time for answers. It is time for some clear commitments to be made, and that is the focus of my contribution today.

In the course of my contribution, I want to say something about the role of

the Attorney General, about the meaning of making best efforts, and why further delay in introducing a Bill on parliamentary autonomy is untenable and unacceptable. Under our Constitutional arrangements, the Attorney General is recognized as the country's top legal advisor. The Attorney General advises at the highest level, and he speaks on behalf of the State.

When the Attorney General gives an undertaking or makes a statement in court, it is typically binding on the Government. Courts often treat such statements as commitments by the State. Now, while Parliament is a judicial body and cannot be equated with a court, Parliament holds the highest authority in law making. Parliament oversees the Executive branch. Parliament holds the Government accountable. So as such, even if some may argue that a public declaration by Attorney General when responding to a matter on the adjournment does not legally bind the Government, it cannot be disputed that such declarations and commitments carry significant weight.

Accordingly, when in 2018, the then Attorney General committed to making "best efforts" to have legislation on parliament autonomy introduced in to the last Parliament. He reflected the official stance of the Government, and I do not see how anyone, I do not see how anyone on the Government bench can resile or retract from that position. More so, when in a legal context, the words and undertakings of an Attorney General are so important, and often binding. I do not think that the use of qualifying words such as "committed to making best efforts", affords the Government a loophole or an easy way out. In contract law, the courts have had to navigate that legal jungle in relation to what is called our "best efforts" and "reasonable efforts" or "reasonable endeavour obligations." The term "reasonable endeavours" or "reasonable efforts" is the lowest form of obligation.

A person committing to using reasonable efforts, reasonable endeavours is required to use some endeavours, but may not act in a way which is against its own interest.

In contrast, the term “best endeavours” or “best efforts” places a higher standard of obligation on the giver. It is certainly one of those terms that should be labelled “use with care”, because a party under a best efforts clause must pursue more causes of action, than under an obligation to use reasonable endeavours or reasonable efforts. When someone promises to make “best efforts” he has a duty to act in good faith. He is under a duty to exhaust all reasonable paths and actions. He is under an obligation to act in a manner, which may be even contrary to his own interest. Long story short, it is considered that best efforts, and best endeavours will require more by way of performance of the obliger, than reasonable efforts and reasonable endeavours.

**3.45 p.m.**

I say this with no judgement, just a reminder, but that was the promise that the Attorney General gave. Indeed, courts have held that in order to exercise best endeavours a party must take all steps, all steps which a prudent, determined and reasonable obligor would take when acting in his own interest and desiring to achieve that result. In contrast to the other forms of endeavour clauses where our best efforts, our best endeavour clauses have been given, an obligor may even be required to act in a manner contrary to his own interest. It is trite, nonetheless worth emphasizing, that the commitment to introduce a legislative framework on parliamentary autonomy was not given by a backbencher. It was a commitment given by the Government’s chief advisor and legal representative. And, it bears noting that the commitment given was not outside of the scope of the Attorney General’s authority. It was not outside the provisions of the law. It was not in

contradiction of existing laws. If anything, it was a commitment given to this Senate in the public interest. It was a commitment given to this Senate after we unanimously approved Sen. Mark's resolution for legislation on parliamentary autonomy to be introduced.

The commitment was not to use reasonable efforts but to use best efforts. Had that language been used in a contract, the commitment would have been enforceable in law. I also draw attention to the fact that the Attorney General, whether past, present or future, has a quasi-independent role to uphold the rule of law even if it conflicts with the Government's goals. So for these reasons I regard the commitment given in 2019 by the former Attorney General as binding on the Government. Whether Sen. Mark's resolution today passes or not I think the Government is under a moral, if not legal, obligation to introduce a legislative framework on parliamentary autonomy before Parliament dissolves later this year. If the Government hopes to be taken seriously, if the Government hopes to maintain public trust, goodwill and respect, it cannot be cavalier on this issue. It cannot be seen as engaging in dilatory tactics, it cannot be seen as playing fast and loose with promises made, especially when that promise was made by an Attorney General to this Senate.

Now I am confident that our Government colleagues would not like it to be said that the Government promised much but delivered little, or that they are all spin and no substance, or that they should be regarded as hapless and ineffective. But according to case law, when one promises to use best efforts the terms mean what the words say. They do not mean second best efforts. The former Attorney General committed to do everything in its power to achieve the objective set, and having fallen short of the mark, pun intended, the only acceptable and appropriate

response from the Government today must be an apology for the delay without trying to justify it, coupled with a promise to do better while they still have the chance. We do not want grandstanding, theatrics, and dramatics over substance. We want a genuine apology and a clear commitment that the promised legislation would be brought forthwith, and in any event before Parliament dissolves prior to the election

Best efforts require the Government to exhaust all reasonable paths or actions towards meeting the objective, even if the Government has to make sacrifices. If the Government only focuses on obstacles and barriers, they will never see the road ahead of them. And, in case anyone is wondering why I am so fired up on this point and insist on the legislation being brought without delay, let me say two things. First, this is the Senate. We engage in serious business; promises given here must mean something. Secondly, recent actions on the part of President Trump have re-enforced my belief about the need for bolstering and strengthening our key institutions if we are to maintain our democracies.

President Trump offers a cautionary tale about the need to guard against unreasonable incursions by the Executive into the legislative and oversight arena. As it stands, under our current constitutional arrangements the Prime Minister already wields an inordinate amount of influence, control and power. So when I see President Trump putting unprecedented pressure on institutions, bodies and individuals to have his way, it gives me cause for pause. The fact that President Trump could withdraw government security protection from Dr. Fauci or former Secretary of State Mike Pompeo is a playbook that could potentially be mirrored here by a rogue executive. The fact that President Trump could tie disaster aid or threaten to withhold aid for wildfire-ravaged California unless they make

concessions and let him have his way is not just immoral, but it is a gambit that can potentially be mirrored here by a rogue Executive hellbent on playing politics to have its way

If Parliament is autonomous it would not have to rely on the Government to function effectively. Given the critical role that Parliament plays in scrutinizing the Government and approving legislation, it ought not to rely so heavily on the Government for policy proposals, financial plans and leadership. It ought not to rely on the Government to set and to prioritize its agenda. As I said when debating this substantive debate in 2023, things can change. We need to guard against the possibility of some future Executive going rogue against the Legislature. With that possibility in mind, the responsible thing to do is to put appropriate measures in place now. Now, as best we can. There is no gainsaying the claim that parliamentary autonomy is essential for ensuring that democracy is functioning effectively, and that the values and interests of our citizens must always be respected and protected.

As stated at paragraph 25 of the Report of the Joint Select Committee appointed to consider the legislative proposal entitled: The Draft Houses of Parliament Service Authority Bill, dated 9<sup>th</sup> June, 2015, 10 years ago. Parliamentary autonomy should be viewed not only in terms of separation but rather as a recalibration of the existing relationship between the Executive and the Legislature based on an underlying evolution in the Parliament and State maturity. Basic requirements for parliamentary autonomy include:

- (a) Parliament should be serviced by a professional staff independent of the public service.
- (b) Adequate resources should be provided to government and non-

government backbenchers in order to improve parliamentary impact;  
and

- (c) An all-party committee of Parliament should review and administer Parliament's budget which should not be subject to amendment by the Executive.

Yet, where it comes to making parliamentary autonomy a reality we seem to be in a sea where there is no shore and I find that troubling. None of this should be controversial. The institution responsible for shaping our laws and for having oversight of the Government should be able to hold its own shape without having to rely on the Government. Success is the fruit of design not the fault. We need a clear commitment with timelines. The Senate should not accept any response lacking specificity. This Motion offers us a choice point. That is the window of opportunity where our choices are the greatest potency and opportunity to reset patterns. We should strongly and unequivocally support it. I thank you.

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

**Mr. President:** Sen. Lutchmedial-Ramdial.

**Sen. Jayanti Lutchmedial-Ramdial:** Thank you, Mr. President, for recognizing me to join this debate today on this a very important Motion brought by Sen. Mark. It is not the first time that Sen. Mark has raised the issue of parliamentary autonomy, as Sen. Vieira would have traversed, the numerous occasions that we as a Senate, and even Senates constituted before this one would have spent some time, efforts and energy considering this issue. And it is a crying shame that we are back here today treating with an issue having seen absolutely no progress on the matter from all the previous times that we have devoted our best efforts into advocating on this particular issue. Mr. President, we in the Opposition we use our

Private Members' Day to do a number of things:

- To get information;
- To ask questions through a debate;
- To hold the Government to account by calling them to take action in the interest of the people of Trinidad and Tobago; and
- To answer for, as in this case, their failures and their shortcomings, in general.

But as in this case, we utilize this tool to remind them of the promises that they have made in this Chamber which have not materialized. Many of their promises never materialized. I think that is well-known too what their party stands for and the acronym that they use really means “promises never materialize”. Because in every aspect of governance, when you examine what this Government stands for, “promises never materializing” is an underlying theme of their administration. But they have stood in this House and they have given undertakings which have not materialized and which they have not followed through on. So just like the statements they make outside of the Parliament they have now come here in a way that is almost disrespectful and made promises which they have not followed through on. So we see absolutely no results on this issue.

Mr. President, I cannot speak about all of their failures, we would not have enough Private Members' Days in an entire year, or an entire parliamentary session to deal with the many failures. But there are a couple things in this particular Motion and a couple words, and this Motion is one that is crafted very carefully, and there are certain words here that jump out at me when I read this Motion, and I want to focus on those. The first one in the first line it speaks to the Senate unanimously approved a resolution calling for the Government to do certain things.



That is one place that I want to start. Because you see this is not something that the UNC wants. It is not something that they can treat flippantly and say, well, you know, the UNC quarrelling about that, or some interest group somewhere wants something, it deals with a Motion that was unanimously approved by this Senate, and so everyone agreed on the importance of this. How can you stand and try to defend your in-action by saying something is important, but you have nothing to report on action taken? You are contradicting yourself. The Attorney General stood here and tried to defend the lacklustre approach of this Government to this issue. It is ignoring this issue entirely almost and having absolutely no progress to show by saying it is very important and that it needs due consideration.

Mr. President, I cannot fathom that a Government could look at a Motion calling for action that was unanimously approved by this Parliament and say that they have really just basically done nothing since, let us say 2018, because the Attorney General mentioned that in 2018 they developed a Bill. It is still under consideration. Imagine that? Just imagine that? For the people of this country listening today, in 2018 a draft Bill was prepared, according to them, in response to Sen. Mark's Motion, and is still today under consideration. If that is not a complete and utter admission of failure and incompetence I do not know what.

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

**Sen. J. Lutchmedial-Ramdial:** Not just failure but a complete disregard and disrespect for this Senate, because this Senate asked you to do something and you agreed unanimously that it was important, but then you leave here and you simply ignored the importance of that matter.

The second thing that I want to say that the words here that are important in this Motion, comes from the second paragraph where we spoke about the Attorney

General committed to making best efforts. And I think Sen. Vieira read my mind when he was talking about what we talked about best efforts in law. But apart from that—let us forget the legal side of it. How can a Government that claims to be serious about governing this country actually make a statement through its representative, its Attorney General, the second highest office holder in Cabinet who is responsible for the administration of legal affairs in this country—could stand and make a commitment on behalf of the Government, because he speaks for the Government, and makes that commitment in February of 2019, and here you are today in January of 2025 with absolutely no progress to report. “Ah shame”. I feel shame for them. I really feel ashamed for them.

But you know something—

**Sen. Lyder:** They hide under the desk.

**Sen. J. Lutchmedial-Ramdial:**—when I read the Motion I had to go back and look at the response from that particular office holder at the time. And true to form, true to form, Mr. President, all he spoke about when responding to Sen. Mark’s Motion on the Adjournment that raised the matter of parliamentary autonomy is, why the UNC did not do it; why the UNC did not do it; the UNC “shoulda” do it; the UNC “shoulda”. And then in the last paragraph he said, “but we are committed to making best efforts to get it done”. Because vacuous—if vacuous was a person it would have been that particular officer holder. And honestly, we are seeing today the result of that. Because what happened is that you had a person stand here in the office, on the shoes of that office that was supposed to be a respectable office, giving a commitment to the people of Trinidad and Tobago, not just to this Senate, but to the people of Trinidad and Tobago and have absolutely no follow-through. And today, nobody on that side could even stand

and really give a proper defence as to why after giving that commitment it has not been done.

Mr. President, the other thing that I think is necessary for us to pay attention to here, of course, is the fact that what we are calling for, is a Bill on parliamentary autonomy and also Sen. Mark's Motion is calling for same to be referred to a joint select committee of Parliament. So I want to speak a little bit about parliamentary autonomy and what the Motion is and the basis of it. Although we have been through this before, because as I said, we have been here on this topic on a number of occasions, even previous incarnations of this Senate would have spoken about it, but it is important to reiterate the importance of parliamentary autonomy.

And I want to speak a little bit about the purpose of the joint select committee and why that was included in this Motion, because that is very critical. We are not saying come and pass a law today, you know. What Sen. Mark is calling for is a responsible course of action which is to bring a proposal forward and have all parliamentarians utilize the systems that exist now within our parliamentary structure to consider and contribute to that proposal.

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

**Sen. J. Lutchmedial-Ramdial:** And that is what makes this Motion a completely sensible, relevant, valuable one that every person who has respect for democracy in Trinidad and Tobago and in this Senate ought to support here today.

So, Mr. President, we are here with a Motion and we are trying to revive and bring to the fore something that the Government has failed to do, they have neglected to keep their promise. And this is a Government that is known for not keeping its commitment to the people of Trinidad and Tobago, but when you do not keep a commitment that you make to this Parliament, you take it one step

Sen. Lutchmedial-Ramdial (cont'd)

further, and I dare say, they have gone way too far on this occasion. They are an administration, Mr. President, they are interested in being in government but they are not interested in governance, and that is the difference.

**Sen. Nakhid:** Fact, fact.

**Sen. J. Lutchmedial-Ramdial:** They want office but they do not want the responsibility and the work—

**Sen. Nakhid:** Lazy.

**Sen. J. Lutchmedial-Ramdial:**—that that comes with being in office. You see good governance is not just about talking on a platform and saying things. It is about keeping your promises or at least trying to, and accounting to the people for the reasons why something is yet to happen or has not yet happened when you gave a promise. And I think Sen. Vieira was right to say that, “at this point in time we should accept nothing less than a firm commitment with a timeline”.

**Sen. Nakhid:** Correct.

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

**Sen. Lyder:** Yeah.

**Sen. J. Lutchmedial-Ramdial:** Because it is like the boy who cried wolf. You came here once and you promised, you promised many things, you said you would do things, but if you cannot give a firm timeline then we cannot take you seriously. And I mean, I do not think at this point in time, after almost 10 years of being in office and their track record of breaking promises and delivering so little of what they talk about, that anybody is taking them seriously anymore. But, the fact is, that if they want to at least try on the eve of an election to look as though they are willing to do something, I would say, come today, not with more excuses, and do not try to hide behind the fact that this is an important issue and it is an issue that

gives you consideration, because that explanation is not an explanation. It actually just gives credence to what Sen. Mark is saying. It is a very important matter and therefore it deserves a very firm commitment and a timeline.

I cannot help but recall on the last occasion when Sen. Vieira, we were dealing with the issue of the steelpan on the Coat of Arms, when Sen. Vieira talked about the fact that attention and consideration was being given to matters which were somewhat symbolic in nature while the nation faced critical issues. Now, I do not necessarily agree that we cannot do both. I think someone on the other side used the phrase that I am familiar with as well, “you could walk and chew gum at the same time”. But the fact is, this Government is not walking nor are they chewing gum. They are really just doing nothing. And that is the problem that we have. Because you see, you can do things that matter to the country that are symbolic but you can also get into serious issues that affect the country as a whole. And you know something, every administration that you look back on can still point to something as a legacy, something they have built, something they have done, something they have been able to follow through on, to bring a revolutionary change to this country, except this Administration. In the last 10 years they cannot point to any one single thing that they have done.

**Sen. Nakhid:** Nothing, nothing.

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

**Sen. J. Lutchmedial-Ramdial:** And this would have been a good one, this would have been an excellent one that they could have actually stood up and say well, look, despite all the crime, despite the decimation of our energy sector, despite all of the failures on their part, they could have at least stood up and said well, you know what, we tried to implement the Latimer House Principles and give life to it

Sen. Lutchmedial-Ramdial (cont'd)

by having this parliamentary service Bill and so on, brought forward, made into law and revolutionize the way that we do things in our parliamentary system. But, again, like I said, they cannot walk nor can they chew gum.

**Sen. Nakhid:** Sixty-nine years and nonsense. “Yep.”

**Sen. J. Lutchmedial-Ramdial:** They have just sat still and done absolutely nothing; 69 years of promises never materializing.

Mr. President, good governance includes respect for the rule of law, effective participation, transparency and accountability when it comes to processes, institutions, efficient and effective public sector, because you need those things in order to fulfill your mandate to the people. Democracy, and this is what is at the heart and the root of parliamentary autonomy and the need for parliamentary autonomy. Democracy is a living evolving process that thrives on the principles of accountability and transparency and continuous improvement.

So, Sen Mark spoke about legislative amendments made under the UNC Administrations and I could name just a few which have strengthened our democracy by promoting accountability and transparency. You have the Judicial Review Act, you have the Freedom of Information Act, you have the procurement law which we brought, which they decided to whittle away at and weaken, because that is what they stand for. It is like chalk and cheese, what we stand for versus what they stand for. And that is why we are the ones here championing the cause for parliamentary autonomy while they continue to make excuses about it. But democracy is not just a system to be left stagnant but it requires ongoing evaluation and refinement to meet the changing needs of the people whom our democratic systems are meant to serve. It is a critical aspect of preserving and strengthening democracy to have parliamentary autonomy. It ensures the legislative arm remains

independent and empowered to act in the best interest of the citizens of Trinidad and Tobago.

So, this Motion really offers an opportunity for us to reaffirm our commitment to these principles and revisit the mechanisms that uphold democratic governance in Trinidad and Tobago. Democracy, it seems like an abstract concept, but you know it, you feel it, you understand it when you have to live it. And to the people outside of these walls, it may seem like this is not important but the persons sitting in here ought to know better, they ought to know differently. I always use the example when speaking to people outside of the Parliament, when they ask about or they talk about all this democracy and all these conversations they are having, you feel it, you feel it when you cannot understand why certain actions are taken.

When people wish to utilize the courts to defend their rights and all of those things; when you want to know why something happened and you want answers; when you want to know why money is being spent a certain way and you want answers. It comes back down to how well our democratic institutions function and the Parliament is a very important democratic institution that must be able to function properly. And that is why we keep bringing this issue up over and over again. I think the people of this country need to take note about which party, which party stands in defence of democracy and will continue to lobby for the strengthening of our democracy.

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

**Sen. J. Lutchmedial-Ramdial:** So apart from the issue of parliamentary authority—autonomy, sorry, we have the issue of a government that fails to keep its promises to the people. How can anyone trust a government to administer and

Sen. Lutchmedial-Ramdial (cont'd)

to be responsible in some way for the budgeting and so on, and our Parliament, when they cannot even keep the promises that they make here. They have lost all credibility, Mr. President, and that is why it is necessary. And in the last 10 years I can give you a number of examples where they have overstepped, they have overstepped and they have trampled on our democracy and that is why this has become so very important and urgent. And I agree again with Sen. Vieira that it ought to be brought before and put before a joint select committee before this Parliament is dissolved.

**Sen. Lyder:** Yes. Well said, well said. [*Desk thumping*]

**Sen. J. Lutchmedial-Ramdial:** Because they should, before demitting office, at least give the commitment to begin this process and have it started. It is the least that they can do having held office for 10 years.

I remember when they first came into office they boasted, “we in charge now, we in charge now”. Well, be in charge, stand up and take charge, stand up and take charge and do something on an issue that you yourself recognize to be important to this country and to our institutions. Mr. President, the point of parliamentary autonomy, because we are using these words, and again, I want people to understand because I think that it is important that people out there understand. And you know, one of the things that people say to me all the time, they say listen, the way that you speak I understand exactly what you all are talking about. So let me tell you what we are talking about here. What we are talking about, parliamentary autonomy, we are talking about Parliament should be able to hire its own staff; the Government should have no influence or no input into it. They should be able to determine the compensation for the staff so that you have the best possible people—and kudos to the staff that work here. This is by no



means—

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

**Sen. J. Lutchmedial-Ramdial:**—because I know somebody across there will jump up sooner or later and try to make it out as though the UNC criticizing the operation of the Parliament, eh. This is by no means criticism for staff of the Parliament. I think that they are excellent, they are proactive, they try their best, they are impartial in the way that they carry out their functions—

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

**Sen. Nakhid:** Say “cafeteria”, they do not want anybody to poison them.

**Sen. J. Lutchmedial-Ramdial:**—and they do that in a way that I think is very commendable. But at the end of the day the ability to administer their own affairs they deserve it, they deserve it.

**Sen. Lyder:** Yes, yes.

**Sen. J. Lutchmedial-Ramdial:** It is something that they are deserving of. So they should be able to determine their own financial needs and the allocation of funds. They should be able to develop and implement their own internal policies and procedures on how they do things. I have had—I was looking at different models around the world and again, I know that you cannot simply adopt a model from another Commonwealth jurisdiction, for example, and drop it here.

**Sen. Lyder:** They do that all the time.

**Sen. J. Lutchmedial-Ramdial:** They do that all the time. They try to do that all the time with laws, they will always say, “but in England they do this and they do that”. No, we are not saying that you must do it, but the models exist, the Commonwealth Parliamentary Association has model legislation that you can use and adapt.

So, whilst you have to modify what already exists for our particular circumstances, you do not have to reinvent the whole wheel. You could probably change the size of the wheel, you could probably put different tires on the wheel and all of that, but you are not reinventing the entire concept of the wheel, it exists, okay.

So, the Parliament of Australia, for example, they are divided into departments and they have a Department of Parliamentary Services and then they have a separate department of budgeting, because the way that the Parliament—there is no greater autonomy for an independent institution than to have financial autonomy. Because financial autonomy is what gives you that liberation from anybody who is trying to exercise undue influence and exert undue influence on an independent institution.

I find it very strange that the Office of the Attorney General would come here and use an example that supports our argument and try to defend it. When Justice Telford Georges was asked to look into the matter involving the Office of the Attorney General and the Judiciary it was because of exactly that. We wanted to have financial autonomy for the Judiciary because you do not want those circumstances to reoccur. And so the fact that that occurred and you had that report that he referred to, that the Attorney General referred to, it just supports the argument. In 2015, in their manifesto they also promised financial autonomy for the Judiciary. It came back up again in one of the budget speeches, I think it was around 2018 or '19, I cannot recall it off the top of my head, but they brought up that issue for judicial financial autonomy for the Judiciary.

Last year for the opening of the Law Term the Chief Justice is still there begging and lamenting the lack of resources and the fact that one of the courts

down at Princes Town might have to be shut down entirely because they cannot continue to manage the court with the resources that he has right now. And they have even with that point they have not delivered. And, you know, again, as I say, judge them by their record of promises made and promises broken and the lack of delivery, judge them on that, Mr. President, and that is what we are here to do today. So the Department of Parliamentary Services, for example, in Australia they deal with matters, and again, I say this just for the record so that people will understand what we are talking about, they deal with things like the library and the research services.

**4.15 p.m.**

They deal with things like information and communication technology, security for the parliamentary complex and all of their buildings and so on, even the art.

We have our art gallery here now in the Rotunda. I commend the staff of the Parliament for the good job that is done there, but they should have flexibility and autonomy, and be able to do what they see fit and budget accordingly for what they want. I am not saying that they are not able to do it now and that they are not doing a good job at it, but they should have that ability to do so.

Retail, health, banking and childcare services—because all of those are things that will be provided in a bigger parliamentary setting and so on in a country like Australia.

I want to stop there and stick a pin and just mention that the officers here—and again, to just give them the commendation. While I was pregnant recently, and just after I had my baby, they went out of their way, on their own volition—because unlike this Government, I think some of them take initiative—to set up a

little area for me and asked for my inputs on whether or not it would be something good, and that is something that we need in every government and every public building in this country.

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

**Sen. J. Lutchmedial-Ramdial:** But they went out of their way, on their own volition, to take that initiative to do something, and I do not think they have had many pregnant parliamentarians so they asked for my input on it. But you know something? They probably did that with whatever resources they had, whereas a proper proposal to get it into a budget and to do certain things, and if they had more flexibility, it could have been done in a bigger way—I do not know. Because that stood out of me when I read this, and I just want to say, again, that I commend them for that initiative because that is something—when you travel to some countries, you see it in almost every government building as a facility and we want our Parliament to operate in the same way.

So, Mr. Vice-President, these are the small—Mr. President, sorry, these are the things that we are talking about when we talk about parliamentary autonomy, and there are other things as well, which I think Sen. Mark and Sen. Vieira would have touched on, about what parliamentary autonomy means.

Mr. President, I heard in response to Sen. Mark, the Attorney General talking about “arrant hypocrisy” when he referred to what would have transpired in the ’95 to 2000 Government between the then Attorney General and the Judiciary. Mr. President, on the topic of arrant hypocrisy, last week when we were here debating another Bill, almost every Member that spoke—not on the Government Bench but on the other two Benches—talked about the need for wider consultation when it comes to symbols that represent all of us. We asked why there was not a

wider range of involvement, in terms of the design and so on and so forth, and this side, every single one of them who got up and spoke, they were arrogant and dismissive of that suggestion that you should have consultation, and now they come here today to talk about arrant hypocrisy?

You are talking about a different administration. I am talking about last week. I am talking about last week.

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

**Sen. J. Lutchmedial-Ramdial:** The same set of warm bodies, the same characters in this play stand here as though “dem doh know who dem people was last week, yuh know”, when we told them why not have consultation on something like this. It is important to us, as a people, how you just choose a designer and then choose the design. You just pan down an edict, all of that. What? They are vex with us. We are unpatriotic. “We this, we that”. Now they are coming here to say they consulted on a Bill since 2018.

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

**Sen. J. Lutchmedial-Ramdial:** I mean, this is—I do not know if they leave here, go to sleep and come back as different people? I mean, is it a different set of personalities that they have, or something like that, and they just forget? I do not know.

**Sen. Nakhid:** [*Inaudible*]

**Sen. J. Lutchmedial-Ramdial:** Yeah, it is a Jekyll and Hyde situation we have here. Now they are talking about consultation. So a Bill developed and they are still having consultation and have the matter under consideration.

The Attorney General said that they need to be thorough, it is important, it takes time, it takes careful consideration. I was writing, I was typing as he spoke.

Sen. Lutchmedial-Ramdial (cont'd)

It takes careful consideration and time, and that is how they govern. Again, arrant hypocrisy? You want to talk about arrant hypocrisy? These are the people who stood or sat in a media conference and said that a Bill made its way to this Parliament, approved by the Cabinet, and a clause was inserted by a public servant that none of them realized was there—

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

**Sen. J. Lutchmedial-Ramdial:**—to take away people's pension because they have a little bit of savings. But they are the ones who have things on—they studied everything so carefully, careful consideration and consultation, but a public servant could put something in a Bill, none of them do not see it, they passed it, they approved it, and it comes here and they lay it on the Order Paper? It was only when somebody who actually gives careful and due consideration to everything, the hon. Kamla Persad-Bissessar called them out—

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

**Sen. J. Lutchmedial-Ramdial:**—then they find some nameless public servant to blame for their lack of careful consideration.

**Sen. Lyder:** They call that abuse of public servants.

**Sen. J. Lutchmedial-Ramdial:** I find for people who are—

**Sen. Lyder:** Domestic abuse.

**Sen. J. Lutchmedial-Ramdial:**—locally, regionally and internationally known for being less than forthcoming and somewhat economical with the truth, they could have come up with a better excuse than that. They could have come up with a better excuse than that, but that is the reasoning that they come with here today. But from 2018 to now, they cannot take action on a Bill that they say has already been prepared and forwarded, and there is a policy position and they cannot get it

here to this Parliament.

Mr. President, our Constitution is supreme. Separation of powers is a cornerstone of our democracy. Nowhere in our Constitution do you find the words, “separation of powers”, but it is widely acknowledged that it is a cornerstone of our democracy. The case law is all there, you can look at it. Nobody can argue that parliamentary autonomy as well is necessary to uphold the principles of separation of powers. That is a principle that must be upheld by giving the Parliament its autonomy, financial and otherwise.

Administrative autonomy is very important in how you function, and if you cannot function properly, then you cannot be seen to be wholly independent of the Executive. And so it is important to bring reforms that will be necessary to give the Parliament the autonomy that they deserve, because our Constitution is supreme and because it is important.

It is complicated. It is not a reason to drag your feet on a matter as important as this one. Yes, it is complicated, and yes, it is difficult, but you have been in office for 10 years almost, and in that period of 10 years, you have found time to decimate the Office of Procurement Regulation, to take away oversight. You have found time to interfere in the operations of the Police Service Commission, to thief the merit list and run away with it. You have found time—and you want to talk about interference of an Attorney General? The DPP appeared before a joint select committee of Parliament and said that he was planning a staff retreat that got cancelled after he had a little tit for tat with the Office of the Attorney General and Minister of Legal Affairs, with the Attorney General himself—I am not saying it is this one—whoever was the office-holder at the time, and they cancelled the man’s retreat for his staff.

We have a situation where people—I mean, I could go on and on and on about the things that they have found time to do in the last 10 years that has led to the destruction of our democracy and the country as a whole, but they cannot find time for this one thing, this thing that is very important, and they come here with the lame excuse that holds no water to say what?—“Well, it is complicated, we are looking at it, we are consulting,” whatever. Who have you consulted? When have you consulted? What were the results of those consultations? What was it? When do you plan to give this matter the due consideration? Do you plan to demit office and leave it without touching it? I believe the answer is yes. So obviously, that is a rhetorical question and I will tell you why.

There are a few lessons that we will take away from this debate today—and I do not intend to use all of my time but I will wind up by saying, the lessons to be taken out of this debate today and the response coming from the Government are, one, independent institutions and oversight are a threat to this PNM Administration and so they will do everything—

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

**Sen. J. Lutchmedial-Ramdial:**—to avoid—and I will say it again, Police Service Commission, Auditor—oh God, Auditor General. We forgot the main one, Auditor General. We got the written decision today.

They will spend money to go all the way to the Privy Council to try to overturn the grant of leave, one of the lowest thresholds that you have to cross in administrative law in this country, but they went all the way to the Privy Council to try to overturn the grant of leave to challenge that decision that they have made. That is how they are. They do not believe in independent institutions. They are threatened by independent institutions and they will try to “mash dem up”,



Procurement Regulator, DPP, whoever it is.

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

**Sen. J. Lutchmedial-Ramdial:** The second takeaway from this debate today is that you cannot trust them. You cannot trust them because they will stand even in this august Chamber and give their word to do something and they will not follow through on it. So nobody, you cannot believe anything that they say. You cannot trust them to deliver. You cannot trust them to keep up their own promises. You cannot trust them to be forthcoming and forthright and honest about what they are doing and why things are not happening. You could only look to them for excuses, excuses, non-performance and more excuses. That is their reputation.

I think one other takeaway from this debate today, listening to the wind-up of Sen. Vieira, is that I think we learnt that Sen. Vieira is the eternal optimist, because he is actually asking them to do the decent thing and give an undertaking. Sen. Vieira, go brave because clearly, you have not paid enough attention in here to the way that the persons who sit opposite to us behave inside of here, if you still have that level of optimism that they will be decent enough to come here and give an undertaking with a timeline, having previously given an undertaking that they have defaulted on.

I think the last takeaway that we have here today from this debate, that everyone in this country needs to take away, is that it is only under a United National Congress Government that this country will ever see progress when it comes to upholding the tenants of democracy to strengthening our institutions, and that the only way you will ever see progress towards what I consider to be a more developed democracy is if you get rid of this Government and re-elect the United National Congress Government. Thank you, Mr. President.

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

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

**The Minister in the Office of the Attorney General and Ministry of Legal Affairs (Sen. The Hon. Renuka Sagrarsingh-Sooklal):** Mr. President, I listened to the contribution of Sen. Lutchmedial-Ramdial and Sen. Wade Mark in this Motion, the Motion that is before us, and immediately, the words of my late “aji” came to my mind. Because you see, I too could speak for the man on the street to understand, and my “aji” used to say, Mr. President, “When pot hound barking, lion does tun dey head and walk,” but unfortunately—and I was really prepared to “tun” my head and walk after I heard no substance whatsoever, especially offered based on the submissions given or made by the last speaker. But, Mr. President—

**Sen. Mark:** Mr. President, on a point of order, 46(4). I think the language is a bit insulting and unacceptable. I did not know anybody here is a pot hound.

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

**Mr. President:** Have a seat. Have a seat. Have a seat. Have a seat. Minister, just be mindful. Continue.

**Sen. The Hon. R. Sagrarsingh-Sooklal:** Thank you very much, Mr. President. And, Mr. President—but again, I want to thank you for the opportunity that you have given to me to join in this debate because, of course, we at the People’s National Movement will always hold ourselves at a higher standard, and I know I cannot walk away from this debate but rather, I would have to jump in now and try my very best to correct the record and also, to speak to the people of Trinidad and Tobago who we believe deserve an explanation.

Mr. President, the first issue that I want to address is that issue of time and

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

time, and the point that was made both by Sen. Lutchmedial-Ramdial, both by Sen. Mark and also elucidated by Sen. Vieira, the time in which the PNM Government has taken or took and have not brought to this Parliament anything substantial as it relates to parliamentary autonomy.

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

What is passing strange though, Mr. Vice-President, is that Sen. Mark—this is his hundredth time in bringing this Motion, and the Sen. Lutchmedial-Ramdial's equally hundredth time in contributing to this Motion, and they speak with passion. They speak with passion about the need for parliamentary autonomy, but yet, Mr. Vice-President, 1997, 1998, 1999, 2000, 2001, we did not see the passage of any Bill that spoke to parliamentary autonomy.

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

**4.30 p.m.**

Changes may have come, yes. Standing Orders may have been amended, yes. But if this was a priority on their agenda, my simple question—as they are here today making it appear as if the sky is falling—how come from 1997 to 2001, they not act in the haste that they want this Government to act in, in order to bring that Bill and pass it in the Parliament, Mr. Vice-President?

I did not plan to go down this road of timelines, you know, but they kept referring to the Government's failure to act within a period of time and I want to again go now to 2010. Mr, Vice- President, 2010, nothing was done. There was no Bill relative to parliamentary autonomy. In 2011, nothing. No Bill was brought to this Parliament concerning parliamentary autonomy. In 2012, 2013, 2014, 2015, their entire term of office and again, we saw no Bill, no priority being placed on this autonomy Bill. And I want to believe it is perhaps, they understand that a Bill

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

of that nature cannot be rushed and it requires a technical—of course, it requires a sweep, Mr. Vice-President, of not just creating a standalone piece of legislation but equally looking at our Constitution.

Mr. Vice-President, there is one point that I want to address as well before I get into the crux of my submission. Sen. Vieira SC, and of course, Sen. Lutchmedial-Ramdial, who is an attorney-at-law, both would have spoken about an undertaking given in 2019 by a then-Attorney General as it relates to parliamentary autonomy. Sen. Vieira, whom I have a lot of respect for, also went on to a great extent to speak about that undertaking and the ramifications and the implications of giving said undertaking.

Mr. Vice-President, most respectfully, I do not believe in law, in the Constitution or otherwise, that an undertaking that is given by one Attorney General binds him for life and I will say why. I agree constitutionally, the Attorney General is the advisor of the Cabinet, but if we apply a client-attorney relationship, an attorney is then constrained by the instructions given to him or her by his client and a client's instruction is often pegged on the reality and the experiences of that client. So even if in 2019, an undertaking was given, and even if in 2019, the undertaking was that there ought to be some priority or priority ought to be given to parliamentary autonomy, the instructions of an Attorney General or any attorney-at-law, as I indicated and I have placed on the record, it is now he or she must now act within the parameters of the instructions given to you by your client. And your client's instructions as I have said before, are pegged on the reality of that client.

We, therefore, must not take likely the submissions made by the hon. Attorney General when he spoke about the realities that exists in Trinidad and

Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

Tobago and why his goalpost may have been shifted. We cannot for a second Mr. Vice-President undervalue that salient point because crime and criminality is indeed a priority agenda that the Government has been treating with. Of course, he would have spoken about economic circumstances that this country would have been faced with and Mr. Vice-President as a result, I believe in written law, especially in the Constitution of Trinidad and Tobago. There is nowhere written or on case law that exists that compels that Attorney General to of course, acting—I do not want to say acting in accordance because an undertaking was given, but it does not peg him or constrain him from changing his goalpost.

To that end, Mr. Vice-President, I also want to say because the Opposition's response to that would be that the PNM comes here and makes promises and then does not deliver on those promises. Yes, a man's word, a man should be held to his word, I agree with that statement as well, but Mr. Vice-President, our Attorney General to date, this Government to date, has not said for a second Mr. Vice-President that we are not committed to looking at the issue of parliamentary autonomy. What we have never given—and we have given our commitment to review the issue of parliamentary autonomy. But what we have never done—whether it was in 2019 or 2023, I believe when this Motion was debated—was give a commitment to looking at parliamentary autonomy in the manner which was proposed by the Mover of the Motion.

So yes, we would have given an undertaking to prioritize parliamentary autonomy, to look into the issue of parliamentary autonomy but there is zero commitment to look at that issue through the lens or what was proposed by Sen. Mark, which is three months, “vap bring ah Bill, leh we pass it, Joint Select Committee.” That was not—we did not give a commitment to do that. But what is

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

the route that we did take, Mr. Vice-President? It then begs the question in looking at parliamentary autonomy, what is the process or the route that this Government decided to embark upon? The route that we decided to embark upon, Mr. Vice-President, is looking at the need for constitutional reform. That is the route we decided to address Parliamentary autonomy, through that route.

Mr. Vice President, the Opposition's Motion to grant parliamentary autonomy within three months reveals a startlingly narrow, very narrow perspective on what autonomy for a parliament truly entails. Yes, I agree parliamentary autonomy may include giving the Parliament to budget, to deal with staffing issues, to deal with training. Mr. Vice-President, they no doubt, I agree, are important aspects of parliamentary autonomy. These issues however, most respectfully and most respectfully, especially to Senior Council Vieira, represent just one subset of a broader, interrelated set of constitutional, operational and institutional, Mr. Vice-President, considerations that go beyond just administrative concerns, that go beyond simply bringing a standalone Bill to give the Parliament administrative autonomy over its running and its operations.

Part of parliamentary autonomy yes, is administration but to get to even that point, it requires us as a Government to comb through the Constitution of Trinidad and Tobago Mr. Vice-President. And that is why I made the point that when this Government did give and undertaking in 2019, that we will look at parliamentary autonomy. We did not give then a commitment that we would do it in the manner as proposed by Sen. Mark. The mechanism in which we have proposed to do it is via constitutional reform and I will get into the Opposition's view on constitutional reform in a few minutes.

Mr. Vice-President, let me give you on simple example. We have heard

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

about giving Parliament its autonomy to deal with its staff, to deal its staff through the said Bill that Sen. Mark would have referred us to, to be taken to a joint select committee. Have we stopped to consider how will these changes—so I am dealing with the issue of staff—affect staff in this very said Parliament, governed by the Public Service Commission, Mr. Vice-President? Have we stopped to consider how that—and the Public Service Commission is constitutionally enshrined. The role and functions of our service commissions are there. Have we stopped to think about that? But we as a Government, what I can say is that this raises significant—if we are to deal with those members of staff, for example, who fall within the remit of the public service, their terms, their conditions, their protections are all found within the parameters or protected by these service commissions.

Are we proposing, Mr. Vice-President, to create—I do not know, yet another group of employees operating outside the framework of service commissions without firstly addressing a long-standing need to even reform service commissions? Are we prepared to do that? Create yet another pool of employees who will be operating at the—create this other pool of employees and not even deal with the issue of service commissions? Why I raised that issue, Mr. Vice-President, is because the service commission and the manner in which they operate, is one of the areas when this Government made it their priority to focus on constitutional reform; that was one of the areas that we were hoping that a committee, once constituted, would be able to do its work and advise this country on, Mr. Vice-President.

Mr. Vice-President, there are many other complex matters that, of course, our Constitution deals with. Our route—and I have to belabour the point, especially to the sober, prudent-thinking citizens of Trinidad and Tobago—in

Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

which we have given our commitment to looking at parliamentary autonomy as a Government but our commitment is we will do it via constitutional reform and not in a piecemeal manner. And I am very surprised, Mr Vice-President, by this Opposition because how many times, the Opposition will come here and they will blaze this Government about approaching law from a very piecemeal point of view. And over times when we as a Government, we bring what they refer to as piecemeal legislation.

Oftentimes when we do that and we bring pieces of legislation here, our justification for doing that is always because we see an immediate need and time does not permit us to be able to go through the length and breadth and the consultations and the processes that are necessary. The gravity in which we would have wanted to apply our minds to, we are unable to do so because the circumstances of the society at that time, require us to come to the Parliament not just amend entire parent legislation but bring some sort of amendment to the existing parent legislation. That is why when we come here, we bring those pieces of legislation in the manner in which we bring it.

So to address the issue of parliamentary autonomy, I ask all members, all members of the Independent Bench, particularly, Mr. Vice-President, yes parliamentary autonomy is critical. But what is happening currently in this Parliament that requires us to rush and hurriedly deal with this issue, when we can all stand together and call upon the Opposition to support the independent committee that was created to deal with constitutional reform, Mr. Vice-President? That should be our focus and this debate—I know Sen. Lutchmedial-Ramdial, I thought this was the Pavement Report. I do not know if this was the Monday Night Forum or the Pavement Report—what they call it? They criticized—we are



criticized as a Government often for “politicking” and—

**4.45 p.m.**

Today, I honestly expected that we were coming here to debate the law because I am an attorney-at-law, and I want to believe “ah bright attorney-at-law too”, and I thought we were coming here to discuss the law. I thought we were coming here to discuss the complexities of the Constitution. But it really just turned out to be—they have shown themselves, they exposed themselves to Trinidad and Tobago. They do not care about parliamentary autonomy. This was just free-speaking time for 45 minutes and 40 minutes. Free publicity, because I do not think “much people does pay attention” to the “Monday Night Forum” and the “Pavement Report” so this was just free-speaking time. Nothing of substance. Nothing of substance was made in their contributions.

So that is why my focus is on the Independent Bench, and I ask you honourable Senators of the Independent Bench who may be minded to adopt the approach of Sen. Vieira and give this Government a three-month timeline. The first respectful submission I make to you is, before you consider what your position is going to be today, let us objectively analyze the state of the Parliament currently in Trinidad and Tobago. I want to use Sen. Vieira’s very own words in the *Hansard* the last time this Bill was debated. Sen. Vieira said, Mr. Vice-President, and I am referring to a *Hansard* dated 25<sup>th</sup> April, page 39, when Sen. Vieira—it was 25<sup>th</sup> April, 2023 and I quote from the *Hansard*, it is at page 39 and Sen. Vieira said:

“When I evaluate this Parliament using the Inter-Parliamentary Union’s toolkit, it seems to me that this branch of the State is essentially democratic and well-functioning...”

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

He said that on the *Hansard* in the last time that this was debated. Sen. Vieira then did not go through in detail the toolkit, I want to take the opportunity to go through that toolkit and I want to go through that toolkit because the point that I would want to make is if our Parliament—let us assess the operations of Parliament now. And honourable Independent Senators, if at the end you believe that this Bill ought to be rushed and we ought to be committed to a three-month timeline, of course, you are free to uphold your opinion. But if we look at that same toolkit that Sen. Vieira referred to in his last debate on this Motion, we would be pleased to know that while the Government takes its time with constitutional reform, we have a democratic, functional Parliament that is totally in alignment with that very same toolkit as referred to by Sen. Vieira in his *Hansard*.

Mr. Vice-President, in that toolkit, that parliamentary toolkit, it defines a democratic Parliament as:

“representative  
transparent  
accessible  
accountability  
effective”

I am really trying my best because you know I could go into political mode in one second “eh” but I am really trying my best to speak to the intellectuals in here who I believe are the Independent Bench. So as Sen. Vieira said, because Sen. Vieira said that he did not want this to turn into a politicking event and I am really, God as my witness, I am trying hard to not turn it or go down that road and my colleagues will know I am trying very hard.

But let us go to the toolkit. In that toolkit, it speaks about—one, two, three,

Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

four, five—these five principles that are used to assess the functioning of a Parliament. Let us assess the representative nature of our current Parliament: House of Representatives, the Senate. For the layman on the street, in assessing if our Parliament is a representative Parliament, we can ask and I want to ask something that is dear to most of my sisters in here:

“How the representative of women”—or the representation of women—“is...”—in—“the composition of”—a—“parliament?

How easy is it for a person of average means to be elected to parliament?”

Because I was from average means, I was “no big shot”.

“How effective is parliament as a forum for debate on questions of public concern?”

These are three questions that can be applied, and the toolkit speaks to it, if you want to assess if a Parliament is representative. The representativeness of a Parliament.

I think we all can agree, Mr. Vice-President, my sisters in this Senate, when we look around, “ah mean, we not just 10 out ah 10” but we are very, very bright and the contributions that we make in the Senate, in the Upper House and the Lower House as well, I want to believe as women we are represented in this Parliament. Certainly, we have had in our Independent Bench, we have the young Sen. Francis, the young Senator who represents the youth voice in this Parliament. That is a representation of youth. “Ah does always make reference to my colleagues from Tobago, these good-looking boys dem, dey young, in their 30s.” Sen. Dennis, “you have yuh milk in yuh face, ah doh—” [*Laughter*] Sen. Dennis in particular. That is a representative voice of the youth in this Parliament.

Something dear to my heart is being Hindu and Indian and proud. I am not

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

confined to speak about my religion and my beliefs and wear my *sindoor*, “doh mind they like to—on their side who speak about democracy, they like to bad talk meh about my *sindoor*. Small thing, ah learn to live with that.” I am not confined to be a proud East Indian Hindu woman, I am represented in this Parliament and I represent those who could probably relate to me when I sit in this Parliament, Mr. Vice-President and that is—I am not politicking or “making up ah story eh know”. This is the toolkit, a toolkit that as I indicated before, it is actually used. It is the Inter-Parliamentary Union’s Self-Assessment Toolkit for Parliamentarians. If we are to look at that issue of representativeness of a Parliament, I believe and I want my brothers and sisters on my Bench to join us as give tribute to this Parliament and the way in which our Parliament is representative of all the people of Trinidad and Tobago.

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

**Sen. The Hon. R. Sagramsingh-Sooklal:** Mr. Vice-President, another aspect of that toolkit is transparency and accessibility to Parliament. That is an aspect of that toolkit that is suggested when you are assessing the operations of a functioning and democratic Parliament. The questions that that toolkit refers to that one can ask themselves are:

“How open and accessible to the media and the public are the proceedings of parliament and...”—parliamentary—“committees?”

I speak to Sen. Richards now who is known in the realm of media. Dr. Richards, sorry, put a handle to the goodly Senator’s name. That is a question out of the toolkit that Parliamentarians are asked to apply. Two:

“How free from restrictions are journalists in reporting on parliament and the activities of its members?”

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

How effective is parliament in informing the public about its work, through a variety of channels?”

That is some of the questions that this toolkit suggests to parliamentarians when you are doing that self-assessment and you are assessing how transparent and how accessible your Parliament is.

In response to assessing or self-assessing ourselves, Mr. Vice-President, I am sure my colleagues will agree with me, we have a Parliament channel. I am sure by two minutes from now, I would be trending for something I would say because it is either *Tik Tok* or whatever but we as a Parliament, we have the Parliament channel that the public could look on at these proceedings: joint select committees, motions, everything. We are open for the public. We have the YouTube channel, it is carried on radio as well. We have an entire media gallery where the media is welcome to come and sit and pay attention to these proceedings.

Why I am making this point, Mr. Vice-President, is in assessing ourselves and assessing whether we are a transparent Parliament, whether we are an accessible Parliament, I believe Trinidad and Tobago, we can put a tick there and again tap ourselves on our shoulder and be proud of this Parliament of Trinidad and Tobago.

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

**Sen. The Hon. R. Sagramsingh-Sooklal:** And again, why do I raise these issues? In Sen. Mark's contribution and in Sen. Lutchmedial's contribution, Sen. Lutchmedial said “we like *The Boy Who Cried Wolf*. Well they like *Chicken Little*, always crying the sky is falling, the sky is falling.” Because anybody who did not know the reality of our Parliament will swear to God that this Parliament ready to

Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

“bun down, thing cyah function, it cyah operate” so we must rush one time, go and bring this stand-alone Bill immediately.

Mr. Vice-President, I respectfully paid some attention to assessing ourselves as a Parliament for us to understand and especially the Independent Senators to understand that what this Government has agreed and we have given our commitment to looking at parliamentary autonomy but our commitment is not to do it in the manner as prescribed by Sen. Mark. The manner in which we are prescribing, Mr. Vice-President, is, of course, by the route of parliamentary autonomy because when we assess our Parliament for now, we are functioning, the Parliament is operating. And that saves us from the time of having to rush the process but allow now our constitutional reform conversation to begin.

You know what is surprising? When we started to talk about constitutional reform, right, and I have three articles here. I have three articles here. The first one is dated Saturday, August 17<sup>th</sup>, 2024 where the Political Leader of the Opposition, the headline from the *Guardian* newspaper, mind you, by Kay-Marie Fletcher, senior reporter and that headline was:

“...Constitutional Reform...an election gimmick”

That was what the Opposition Leader said about us, right, when the People’s National Movement, or the Government, sorry, made the agreement to constitute this independent body to look into constitutional reform. That is what we were criticized for.

There is an article by Gail Alexander, 10<sup>th</sup> April, 2024, the headline of that—in that article Opposition Leader blast Mr. Sinanan, Barendra Sinanan who is the head of that Constitutional Reform Committee. Then of course, there is an article Saturday, August 17<sup>th</sup>, 2024 when we brought up the issue of constitutional

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

reform, the Deputy Political from the other place, Dr. Moonilal, the headline of that article was:

“...Constitutional reform ‘an election gimmick’”

So three times we were criticized and of course on their platforms and wherever that constitutional reform was a political gimmick. But you see what the Opposition does is that they judge us by their own standards.

Today, Sen. Mark stood up and in this Parliament said, ‘If we the UNC come back in power, we promise the people of Trinidad and Tobago parliamentary autonomy, we promise the Parliament parliamentary autonomy.’ Sen. Mark, I say to you that that is political gimmick because you came here and you made a political promise if contingent on. So parliamentary autonomy if contingent on the UNC coming back into power.

Mr. Vice-President, well before our election, we started the talks about constitutional reform. We did not do this because we were preparing for an election and that is what I ask the people of Trinidad and Tobago because Sen. Lutchmedial asked them to judge us, judge the Government. Sen. Mark stood on his legs and said—and I am reiterating and I am belabouring the point—we would bring parliamentary autonomy once we come back so “we giving that if this happen, if allyuh vote we”.

We started constitutional reform talks well in advance of any idea of an election date or election because led by our honourable Political Leader, he recognizes and recognized that the time had come for that because society and life in Trinidad and Tobago is not static. It is not, it is very dynamic and there is no way that our Republican Constitution caters to the needs of the reality of today in Trinidad and Tobago and it was against that backdrop that the talks of

constitutional reform began.

**5.00 p.m.**

Mr. Vice-President, you know when that talk began? And I want to quote out of the article now, where Mrs. Persad-Bissessar, the Opposition Leader, that—and this is for the purpose of *Hansard*—August 18, 2024; it is a *Guardian* newspaper article. Mrs. Persad-Bissessar said:

“This reform...is just a con job to be used as the PNM manifesto for the upcoming general election. Ninety-nine per cent of the population saw it as a propaganda ploy and it was very poorly attended, not even PNM supporters took it seriously...”—well, I will come to that—“The committee comprised persons unqualified for the task and they were met with mostly empty rooms throughout the country in their consultations.”

So, that was her point about these; degrading the meetings, and the discussions, and the consultations that were taking place. But this is someone, the political leader, the Opposition Leader, and her Members of her Opposition team, they are standing and holding themselves out to be the Government in waiting. They are holding themselves out to care about Trinidad and Tobago.

Now, I could understand if a man on the street probably did not see the need to probably—because the Constitution might fly over his head. He may not see the need to attend these consultations on constitutional reform. But then what excuse does the Opposition have for not actively participating in the conversations on constitutional reform, Mr. Vice-President? Not one submission, they come to this Parliament time and time again and boast about how they represent 400-and-something-thousand people. Well, I feel so sorry for “dem” 400-and-something-thousand people. Because the Opposition who purports and holds themselves out



Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

to be the next Government in waiting, did not see it fit that one party group self, not even a constituency, one party group, one Senator, could have contributed to their discussions on constitutional reform.

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

**Sen. The Hon. R. Sagrarsingh-Sooklal:** Maybe their submissions could have spoken about parliamentary autonomy in their submissions. Had they really had the concern for Trinidad and Tobago, Mr. Vice-President, why they could not—so instead of Freedom Chambers every Monday morning, studying to bring FOIA on the Office of the Attorney General, why some of “dem” could not sit down and put “dey” pen to paper and write some submissions? And, as I said, it did not have to be a constituency. It could have been one party group. One bright lawyer they claim to have, and give a submission on parliamentary autonomy when the conversations were happening with constitutional reform, but not one.

You see, it is nice. But their track record speaks for itself because Members on this side, we know what happened when local government reform conversations started. When local government conversations started, “we know was Riot Act” that corporations were read. UNC-held corporations were read to not attend those reforms. I bring this up, why? Because they asked the question. The Opposition asked the question to the public, or they put to the public, judge them. I say to the people of Trinidad and Tobago, judge them equally.

We have committed, Mr. Vice-President, to looking at parliamentary autonomy, but the manner in which we have chosen to do it is via the route of constitutional reform. The People’s National Movement held a general special convention in which we solicited the views and opinions of our membership, which is also more than 400,000 people. And we did our patriotic part in giving

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

submissions or settling on submissions, which we then handed to that national committee. So you want to judge the People's National Movement? You want to judge the Government? Judge us against that.

We called a special convention of all the arms of our party, impressing upon them that you could be a part of history. We are looking at a Republican constitution older than me, and I old, eh. So we are looking at a constitution that is even older than me. The People's National Movement called upon its membership. We told people rally "yuh" forces from wherever you are in Trinidad and Tobago. Attend this function. Voice your views, and be a part of history. Because if you are a part of constitutional reform, your children and your grandchildren will be proud that your mother, and your grandfather, or your aunty or uncle, at that time, at that date, raised your voice and made a positive contribution, not for UNC people, not for PNM people, not for NJAC, and whichever other, "it have so much of dem". But we made a contribution to the people of Trinidad and Tobago.

So, Mr. Vice-President, we are committed. I know that we certainly are committed, but what I can say is that I do not believe the manner in which it is being proposed is the correct manner. The reason for that is because—I have never heard Sen. Vieira use it. I know Sen. Mark said he heard Sen. Vieira use it, but I have never heard Sen. Vieira use these words. I have heard my colleague Dr. Amery Browne use it, where he spoke about Trinidad and Tobago punching above its weight class.

I believe, Mr. Vice-President, that we can be proud of this Parliament of Trinidad and Tobago because it certainly punches above its weight class, Mr. Vice-President. When you compare our Parliament to similar and like parliaments in

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

similar and like jurisdictions, we are “crème de la crème” in Trinidad and Tobago and in this Parliament.

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

**Sen. Gopee-Scoon:** In the region.

**Sen. The Hon. R. Sagramsingh-Sooklal:** In the region, I want to take from the words of my colleague Minister Gopee-Scoon. And because of that, I make the point that there is no need to peg the Government to a three-month deadline. We are operating. The sky is not falling.

Give us the time to engage in academic, intellectual conversations about the need for constitutional reform. Because that constitutional reform—you see the same institutions, the independent institutions, that they come here and they talk about us not appreciating separation, the separation of powers principle, that constitutional reform can strengthen the Office of the Director of Public Prosecutions. It can strengthen the role and function of the Judiciary. But come and tell us what your opinion is. Give us your submissions on what we can do to build and make Trinidad and Tobago a better place. Mr. Vice-President, with those few words, I ask the Members of the Independent Bench to consider that—let us do this together, Mr. Vice-President, but let us do it through the route as proposed by the Members of Government. I thank you, Mr. Vice-President.

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

**Mr. Vice-President:** Sen. Deeroop Teemal.

**Sen. Deeroop Teemal:** Mr. Vice-President, I thank you for the opportunity to contribute to this Motion brought, once again, by Sen. Wade Mark. I am going to start off by noting the tenacity of Sen. Wade Mark in persisting with this Motion

for it brings to the fore, for this Senate, the opportunity to, once again, reflect on parliamentary autonomy.

Now, one of the arguments put forward against this Motion, including similar arguments in 2023, when this Motion was brought, is that Parliament is performing well, and it has developed into a well-respected institution over the years. We heard from Sen. Sagramsingh-Sooklal extensively about how well the Parliament is doing. But I think we are missing a basic point here. While the Parliament of Trinidad and Tobago is performing relatively well in its current state, achieving parliamentary autonomy is not just a matter of performance but of principle and institutional integrity.

A well-functioning parliament today does not guarantee resilience against future challenges. An autonomy ensures the protection of democratic principles, accountability, and good governance for generations to come for the good of this nation. As custodians of democracy, the Parliament must not be content with the status quo. Instead we must ask ourselves: Are we truly empowering this institution to operate independently, effectively, and in the best interest of our people? The dependency of Parliament on the Executive for funding, and administration, and even its legislative agenda, compromises its ability to function as a fully independent branch of Government.

Another factor is that its dependency on the Executive can limit its ability to function as an independent, robust, and effective institution compromising the principle of the separation of powers enshrined in our Constitution. Mr. Vice-President, I would like to explore parliamentary autonomy in the context of combating executive dominance. The current system places significant power in the hands of the Executive, including control, as we have heard, over Parliament's

budget and administrative and operational matters. This creates an imbalance in the separation of powers.

In Trinidad and Tobago, as in many countries with a Westminster-style parliamentary system, executive dominance is a persistent challenge with the potential to undermine the principles of the separation of powers, if not engaged responsibly. In the shaping of government policy, this concentration of power in the hands of the Executive can lead to a situation where decisions are made unilaterally if adequate consultation of checks from other branches are not meaningfully sought.

Now, some other factors contributing to executive dominance include the common practices by political parties in Trinidad and Tobago to enforce strict party discipline, particularly among Members of Parliament. They are expected to toe the party line and support policies and positions of their party, thus limiting their ability to exercise independent judgement and oversight. In addition, the Executive branch also controls the allocation of resources, including government funding and appointments to key positions. These dynamics further strengthen the hands of the Executive, as dissent within parties is often discouraged or punished.

While the Trinidad and Tobago Constitution provides for mechanisms of accountability such as parliamentary oversight and the possibility of judicial review, the question is asked: Are these mechanisms sufficient to effectively check the power of the Executive? Do we require parliamentary autonomy to add to the powers? Are the Parliament and parliamentary committees tasked with scrutinizing government actions adequately resourced or independent enough to conduct thorough investigations? Are they subjected to executive dominance through some of the shortcomings that I have mentioned?

In a parliamentary system dominated by the Executive, the effectiveness of the Opposition in holding the Government to account is crucial. And the question is asked, have parties forming the Opposition in Trinidad and Tobago, over the many years, been limited when it comes to facing challenges in mounting effective opposition due to factors such as limited resources and electoral dynamics?

**5.15 p.m.**

A limited Opposition can further entrench executive domination by reducing the incentives for government to engage in transparent and accountable governance. And the same question, in terms of limited resources, would apply to Independent Senators in this Senate, and how it affects our ability to fulfil our role that we have taken an oath to fulfil. Effectively addressing concerns about executive dominance would require concerted efforts to clearly identify issues based on actual occurrences and measures to effectively address the identified issues. Any debate, any exercise, to introduce parliamentary autonomy would inevitably have to address this.

Executive dominance undermines the independence of Parliament, as it may hinder its ability to fully scrutinize government policies, budgets and legislation, without fear of financial or administrative repercussions. Parliamentary autonomy, in my view, would rectify this imbalance by empowering the Legislature to act as a true check on executive authority, ensuring democratic governance has not been compromised.

Mr. Vice-President, I would like to look at parliamentary autonomy, just for a short while, on strengthening legislative oversight. Another key factor in the separation of powers is improving legislative oversight, and parliamentary autonomy would definitely contribute to this. We should be seeking to strengthen

legislative oversight, through the Parliament, in scrutinizing and holding the Executive branch accountable for its actions. Again, party politics come into play.

Political parties play a dominant role in Trinidad and Tobago's parliamentary system. MPs are often bound by party discipline, which means they are expected to vote along party lines, limiting their ability to exercise independent judgment or challenge the Government effectively. This party discipline can weaken the Legislature's oversight function, as MPs may prioritize loyalty to their party over holding the Executive accountable. Parliamentary autonomy would also address the issue of the Executive determining the legislative agenda by rebalancing the power dynamics between the Executive and the Legislature.

Currently, the Executive has significant influence over the legislative agenda, prioritizing Bills and policies that align with their objectives. This leaves little room for the Legislature to independently set priorities or address issues that may not align with the Government's agenda. Parliamentary autonomy would empower Parliament to have greater control over its legislative schedule, allowing Members of Parliament, MPs and committees to introduce debate and advance legislation based on national needs rather than Executive priorities. It would also reduce instances of—I will use what I have here—legislative ambush.

Whilst I do not question the intent of the Executive in any regard, in introducing legislation—I do not question their intentions, I am sure it is based on good reasoning, but there have been several instances in this Senate in which some of us feel that we have been legislatively ambushed. The lack of parliamentary autonomy blurs the line between the Executive and Legislature, and parliamentary autonomy legislation reduces the extent of this blur.

In the context of addressing the risk of partisanship and manipulation, Mr.

Vice- President, the dependence of Parliament on the Executive for funding and administration can lead to partisanship in decision-making and susceptibility to manipulation. The autonomy ensures that a Parliament operates as a non-partisan institution, focused solely on the national interest, rather than political convenience or executive priorities. This independence is critical for fostering trust in democratic institutions and ensuring unbiased decision-making.

In the context of empowering Parliament to serve the people, autonomy would enable Parliament to better prioritize the needs of the people without interference, whether by allocating resources to public consultations, improving transparency or strengthening oversight mechanisms and legislative processes, not just solely left up to the Executive. MPs and committees will be more empowered with the tools and support they need to better serve their constituencies and to hold the Executive accountable, irrespective of if they belong to the party that forms the Executive.

Parliamentary autonomy, in terms of mitigating the impact of political changes—and I will just be brief here, although this topic is something that I would have liked to expand a lot more on, but probably on another occasion, if it does present itself. In a system where the Executive dominates, changes in political power can disrupt parliamentary operations and weaken institutional continuity.

We, in Trinidad and Tobago, we know about our electoral dynamics, we know about the electoral equations that really revolve around two major parties. And one of the factors that really impacts development, change and progress is the time it takes to adjust to the changes in government. You know, because what we have experienced is that apparently, governments, when they do change, the previous government did absolutely nothing good and everything has to be



changed and we suffer as a nation due to a lack of continuity.

Now, parliamentary autonomy creates a stable foundation for governance, ensuring that the institution functions continuously and effectively, regardless of political landscape. In the context of tackling current weaknesses to avoid future crisis, the Parliament's relatively good performance today does not negate the structural weakness inherent in its dependence on the Executive. It does not negate the structural weakness inherent in its dependence on the Executive. Addressing these weaknesses now, through autonomy, ensures that the institution is prepared to withstand future challenges, whether political, economic or social. I know the Attorney General did mention about some of the risks of aligning with other countries who have adopted parliamentary autonomy, and wholesale adoption of their models, which is not what I think is intended by this Motion.

Trinidad and Tobago Parliament should try to meet practices of Commonwealth democracies, many of which have autonomous legislatures that uphold the principles of independence and accountability. And I put this forward, by achieving autonomy, the nation will demonstrate its commitment to democratic governance and reinforce its international reputation as a progressive democracy, and we have made a lot of strides in this area. Parliamentary autonomy would reinforce our international reputation as a progressive democracy.

Mr. Vice-President, I listened carefully to the contributions, all contributions, but in particular, the last contribution by Sen. Sagramsingh-Sooklal. And as I sat here, I was wondering whether it is a debate about constitutional reform. I was trying to catch the context of parliamentary autonomy within constitutional reform but at times, it was not possible for me to do so. I do not know, I wonder about the approach. Of course, I could be totally wrong, in that,

the approach is that we fix the whole, when we have mechanisms to fix parts, especially when the fixing of the whole is an exceedingly ambitious exercise in the context of the history of constitutional reform in this country.

Since I have been a little boy, I have been hearing about constitutional reform and the many attempts of constitutional reform. And I did not hear in the contribution from the Government Senators, you know, a level of optimism or any time frame. Of course, it is dependent on the electoral dynamics but you know, to effect wholesale constitutional reform, we have been down that path many times, or several times, rather unsuccessfully. Because it is indeed a massive undertaking, and tying parliamentary autonomy legislature into constitutional reform, linking it to constitutional reform, to me, is a backward step, especially when Parliament provides the mechanism through the introduction of legislature, through debate, through referrals to joint select committees that would engage in private consultations—extensive private consultations—and utilize the best minds of our Parliament. That mechanism is already existing and we are negating that mechanism into a framework of constitutional reform that may not materialize due to past history and due to possible future electoral dynamics. So I really—I am not convinced that it is valid and it will be a productive approach with regard to the introduction of parliamentary autonomy legislation here for us in Trinidad and Tobago.

Now, before concluding, I would like to address one other point that keeps coming up in this debate, in 2023 and today, and it is the issue of rushing this legislation. Now, I would not go into the history of the legislation. I think the Attorney General did a great job in giving the chronological order of this particular intended piece of legislation and also, Sen. Vieira, Sen. Mark and other speakers

before me, except to note that this thing has been around for almost a decade, 10 years. And in the concept of rushing, I am not sure at what stage how long it takes for us to creep—

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

**Sen. D. Teemal:**—when we give birth to something, you know. After 10 years, we are still creeping, rather than—well, not even running, we are walking—not even walking. Are we trying to limp to perfection here? Are we trying to creep to perfection here, when there are avenues and there are mechanisms for the engagement of the best that the Parliament has to offer and the best that this country has to offer, through consultation, to address the issue of parliamentary autonomy?

The draft Houses of Parliament Service Authority Bill was done since in 2014. A JSC was established and I think I heard Sen. Mark mentioned that over 100 persons we engaged in consultations. How many more consultations do we need? And that Joint Select Committee, if you look at the report, some of our top parliamentarians were part of that Committee, the report was produced. So I do not understand, you know, the reluctance to move forward with this thing at a faster pace.

Now, the resolution within this Motion, we keep harping on three months but Sen. Lutchmedial-Ramdial did mention, the resolution is not only about three months, it is 10 years in the making, which you have—you know, when you are handicapped and you are starting a race, sometimes you get a little advantage, they put you in front?

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

**Sen. D. Teemal:** We have a 10 years lead on this thing and I do not believe that

the Government is handicapped in any way, both in resources, intellectual capability, skills and ingenuity because we have seen legislation come to this Parliament in record time.

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

**5.30 p.m.**

So the rushing, we are forgetting in the Motion that there are provisions, and there is a definite statement about the Bill being referred to a joint select committee of Parliament. I mentioned the effectiveness of joint select committees, both in terms of thoroughness, through diligence, and consultations, and I think by not remembering that part of this Motion we are doing an injustice to the role of the joint select committee.

[Mr. President *in the Chair*]

Joint select committees on the whole, and the intention of joint select committees, in thrashing out even complex legislation, that has been done in the past. Complex legislation, in order that we can move forward. As I said, Mr. President, I would not get into the chronological history of this thing, it has already been spoken about. But on the basis of the parliamentary history outlined by others, spanning a decade, I will just repeat, that I do not support the argument that this proposed legislation is being rushed.

In concluding, we should not see parliamentary autonomy as a luxury, but we should see it as essential for addressing the systemic issues of Executive dominance, improving legislation, improving legislative oversight that will help us to further build our democracy in Trinidad and Tobago. It would establish a clear separation of powers—it would further establish a clear separation of powers, further empower Parliament to hold the Executive accountable, and ensure that the

institution serves the people with independence and integrity. By pursuing autonomy, the Parliament can secure its rightful role under our Constitution to be the guardian of democracy for future generations. I thank you.

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

**Mr. President:** Sen. Roberts.

**Sen. Lyder:** Oh yes! Oh yes!

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

**Sen. Anil Roberts:** Thank you, Mr. President. Before I get into the Motion—a critical Motion to be debated here today—let me extend my deepest condolences to the sporting fraternity, to the football fraternity, on the passing of the great man from Point Fortin, Leroy De Leon.

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

**Sen. A. Roberts:** One of the most skilful, passionate sons of the soil who flew the flag high internationally, and came back and gave his life to extending his skill, his knowledge, and his experience to bringing up and helping other young footballers. So, condolences to the people of Point Fortin, Trinidad and Tobago, St. Benedict's College, and the national football fraternity. I want to also, commend the pilot who managed to land a plane with one engine without fuel—

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

**Sen. A. Roberts:**—because Trinidad and Tobago has a great safety track record, and a lot of citizens were on that plane, and regardless of what investigation will come, it took a level head and skill to bring our people home, and down safely, and he must be commended.

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

**Sen. A. Roberts:** Getting to the Motion, the hon. Sen. Vieira said, “By its inaction over the last eight years, this Government risks losing public trust, goodwill, and respect.” Hon. Senator this Government has lost that long time. People are just waiting for this.

**Sen. Lyder:** Yes. Long time, yes. Long time ago.

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

**Sen. A. Roberts:** So, I wish them all the best. The hon. Senator said he wanted to debate, and get this issue moving because parliamentary autonomy is critical to our democracy, and he did not want theatrics, and dramatics over substance. That is the DNA of this version of the PNM, dramatics, theatrics, no legislative agenda, moving, and calling the Senate to rush ten Bills, and make us all read 53 different documents to come, because some international body is going to blacklist us. They have moved this way for nine years, they will not change, and we must change them by giving them a rest.

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

**Sen. A. Roberts:** The draft Bill was done since 2018 by this Government. The hon. Minister in the Office of the Attorney General, who was there before with the previous Attorney General, and has been there for an inordinate amount of time said that, “She does not find the Government should be rushed with three months, and so on.” Okay, three months, maybe six months, maybe nine months, but seven years? I think that is a bit too long, but maybe a public servant misplaced the document, and the draft Bill and so on.

My hon. colleague, Sen. Mark—I do not know if it is the Christmas spirit or the sweet soca music that is emanating from our calypsonians, and our soca artistes—Sen. Mark said that, “He wanted to try to beg this Government to rethink

its position, hoping that they would come to move towards autonomy, democracy, to allow the Parliament to represent the people in a transparent manner.” I do not know what is wrong with my hon. Sen. Wade Mark today, that will never happen as they say, in Trinidad and Tobago “that and God face, you will never see.” This version of the PNM, is the worst, most undemocratic, tyrannical, oppressive, dictatorial Government in history.

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

**Sen. A. Roberts:** Their track record is one of, as you think for yourself, they would bring down the weight of the Executive upon you. They will deal with you in any manner whether with privilege in this Parliament or without. Just ask the hon. Auditor General who I did not even know. Before we heard that the Auditor General was doing her work, well I learned that it was a lady, because the PNM came here, they were down in the place, and they were attacking this Auditor General who was simply carrying out her constitutional function to the letter of the law with a professional capacity. And I had to hear parliamentarians, and Ministers, Executive power, people with power coming down on this lady attacking, and sending pre-action protocol letters, and they come here to talk about democracy? Well let me read because they also make the argument. I—and Sen. Vieira will see, and we will disagree, and debate because I believe that in the Caribbean, in Trinidad and Tobago, we are great enough to chart our own future. We are intelligent enough, we are brilliant enough to succeed in any sphere across the globe.

However, I guard jealously that relic of colonial past called the Privy Council. Why? Not for all cases but for cases especially with a political tint, a political flavour because we have seen, and we have learned, and I am not going to

bore you with all the examples because the country, and the media, and people know about the persecution of the Opposition by PNM forces, and people in cocktail parties who are close together, and can talk, and quietly. We need, at least for cases with a political tint to keep the Privy Council, Sen. Vieira, because we have heard about cases involving the United National Congress, and the EMBD where a judge sat on a case for four years, and then realized it was her brother who brought the case. I am not making this up. This cannot be right.

So, I will hold on to that, but I will read something from the Privy Council, hot off the press. And it is so timely for this debate because if you sit here, and you listen to the hon. Minister in the Office of the Attorney General, you will believe that the PNM loves democracy, that the PNM fights for independent thought, that nine can remain nine versus 11, and not turn to 21-0 in just one boff. We would believe that the PNM allows freedom of speech like Martin Luther King, speaking to the masses. They will want the people to believe that all of them are free to do as they wish, when they know that this version of the PNM, is the worst version of itself.

In the Privy Council where this Government attacked an Auditor General for simply asking, “Please provide documentation for \$3.2 billion, \$3.6 b-b-billion, \$2.7 billion, \$1 billion expended, please?”

**Sen. Dr. Browne:** Standing order 46(1). Irrelevant to the—

**Sen. A. Roberts:** This is the best example. They now start to talk.

**Mr. President:** So, Senator, I understand the point you are trying to make but you have to get to it faster.

**Sen. A. Roberts:** Okay. Thank you.



**Mr. President:** You are expanding way outside of what we are discussing today, which is parliamentary autonomy. Just get straight to the point that you want to make.

**Sen. A. Roberts:** Thank you, Mr. President. They just made my point in front of the camera for the whole nation to see. Because as soon as you start to make a point that they cannot take, and it gets to their heart and the truth, they start to stand up and down.

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

**Sen. A. Roberts:** Nobody stood up when they were talking.

**Mr. President:** Senator, all of that is allowable under the Standing Orders. Any Senator can raise a standing order as a contribution is being made, we have a procedure. Continue.

**Hon. Senator:** Yes we do.

**Sen. A. Roberts:** I really do not mind. I think I have heard Standing Orders more than anybody else but I am glad to have you here sir, it is really good because you lead, you go down to autonomy greater than some of your predecessors. From the Privy Council today, when this Government was trying to thwart the process of the Auditor General going before an independent institution to argue a case of, whether or not a committee or an investigation was appointed properly, this PNM wanted to stop even that, and the Privy Council was aghast, they said, and I quote:

“This is because in general, the exercise of public law powers by a public body is amenable to judicial review where the powers are exercised unlawfully, unfairly or for an improper purpose. Natural justice is concerned with exercise of power.”

This debate about the autonomy of the Parliament; it is about thwarting the power of the Executive. It has already been built in to our parliamentary democracy because the PNM wrote the first Constitution, and Sir Ellis Clarke when giving people five minutes to debate the first Constitution at a meeting held in the north-west he said, “We were trained to follow this Constitution, so we do not need to hear any disparate opinions.”

This leads us here where we are 69 years of the PNM, and 64 years later in our parliamentary democracy where we cannot speak, we cannot debate, we are thwarted. The Government has its way, and they want to have its say, also. We have gone backwards. The Privy Council continued in their judgement to allow a citizen of Trinidad and Tobago to fight against Executive power, to ask another independent institution, separation of powers at its best, natural justice to hear, to rule, and to adjudicate on an issue, rather than the Executive investigating and appointing a committee by themselves, for themselves to investigate themselves.

The Privy Council continued,

“Like the Court of Appeal, the Board regards it as significant that the Minister not only recommended the investigation but also selected and recommended the investigation team; set the investigation’s terms of reference; is responsible for remuneration of the investigation team; and has required that the investigation team report to him.”

**Sen. Lyder:** Wow! Wow!

**Sen. A. Roberts:** That is the PNM, that is an indictment, and that is why we need the Privy Council. So, when we talk about parliamentary autonomy, the Parliament is the highest court of the land, and if the Parliament is not allowed to

handle its own affairs, then all other institutions fall by the wayside. We have examples of that across the board.

**5.45 p.m.**

Autonomy seems to be a foul word for the PNM. They do not believe in autonomy. The hon. Minister in the Office of the Attorney General and Ministry of Legal Affairs showed me today that she is in fact a good attorney, because I come from a legal family, and the basis of a good attorney is that you should be able to argue any side of any issue. No matter how ludicrous, illogical, insensible or ridiculously wrong, you have to be able to make an argument, and she certainly attempted so to do and I commend her for that.

However, the case is very weak, because it is not winnable. It is not possible to make an argument to the contrary, that autonomy of this Parliament, which was committed to by that Government, seven years later, we are nowhere closer, and a pending election is coming. That argument is dead from the onset, just like when they went to argue in the Privy Council, and the board did not even need to hear their Senior Counsel paid for by taxpayers' money. They said, "That is enough." They said that is a world record. Not only Regrello and the pan, but the PNM is breaking a record. Judges do not even need to hear them. Their arguments are so ridiculous.

The hon. Minister in the Office of the Attorney General and Ministry of Legal Affairs did something that—it was quite shocking. She started to go through a timeline, and stated that the Opposition did not get this done quickly. In 1997, 1998, 1999, 2000, 2001, 2010—Well, "I cyah go through all de years PNM was dey, since 1956 to now, because den meh time will run out."

**Sen. Lyder:** "Nah, go ahead man."

**Sen. A. Roberts:** No, I would not do that, I am not like the Minister of Foreign and CARICOM Affairs who needs to waste time to filibuster. But it is absolutely amazing that a PNM will say that the Opposition, who has only been in power 24 per cent of the time that we have been in existence, could be blamed for not pushing through autonomy. That is the first point.

The second point is, in 1997, our independent institutions were not frontally attacked by an Executive. There was a Constitution, there was the spirit of the Constitution, and the leaders back in those days of both the United National Congress and the PNM had some sort of belief in the separation of powers, and would not wield the executive power to the point of tyrannical dictatorship. In the last nine years, we have gone towards tyranny.

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

**Sen. A. Roberts:** So therefore, to compare now with 1997 or 2010, there is a different Prime Minister, there is a different human being, who wields his power differently across the board. You can check the Auditor General, you can check the Integrity Commission, you can check the DPP, you can check the Judiciary, you can check the Police Service Commission, you can check the Commissioner of Police. You could check any independent institution, and you would see that it has been under attack by this Prime Minister more than any Prime Minister ever.

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

**Sen. A. Roberts:** So clearly, there is a need to protect the Parliament now more than ever, because it is under attack by a Prime Minister who does not have the wherewithal and ability—

**Mr. President:** Senator, you have to be careful in relation to the statements that you are making, especially when you single out a Member of either Chamber and

indicate that that Member is attacking the institution of the Parliament. That will not be allowed. Do you understand? Because it is along the lines of imputing improper motives.

**Sen. A. Roberts:** Well, I have not said any motives, I am stating facts. There is a Prime Minister. The Prime Minister admitted on August 11, 2021, he went to the Office of the President—

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

**Sen. A. Roberts:**—when he heard that a Police Service Commission list—

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

**Sen. A. Roberts:**—was there, that an independent institution had discussed, done their work, ranked human beings in whatever form or fashion they thought. That Prime Minister admitted that he had a problem with that list, and he took action to ensure that that list was thwarted.

**Sen. Mitchell:** Mr. President, 46(8) please, 46(8) I believe, is the Standing Order he is offending.

**Mr. President:** So, Sen. Roberts, the statement that was made, which I was referring to, was the one indicating—I do not want to really repeat it because I do not want to inject myself into the debate, but it was a statement in relation to Parliament and the particular individual in that Chamber. There is no need to reiterate or defend in relation to that. What you can do is, you have made your point, I will ask you now to move on from that.

**Sen. A. Roberts:** Of course, I could move on. No Member or hopeful Member of La Brea could ever disturb me because this is Port of Spain—

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

**Sen. A. Roberts:**—and this is definitely not Rome. Okay? So, I could deal with

that. The hon. Minister in the Office of the Attorney General and Ministry of Legal Affairs said that, “Parliament is going good because of its representative nature, and there are women here and they are represented”—and so on. But she failed to take into account that while the representation may be superficial, that she could save the theatrics and the dramatics because it was since 1961, into '62 up at Marlborough House, that Dr. Williams promised then-leader of the Opposition, Capildeo, that the boundaries, the Election and Boundaries Commission, the boundaries would be looked at because they said that they were gerrymandered in favour of the PNM. Dr. Williams made a commitment just like this Attorney General did in 2018 to this Parliament and has not fulfilled it up to now, where he said, “Let us get this done. Our country requires it. Our flag is ready. Our coat of arms with the three ships is ready. We have our anthem to play. When we go home, we will discuss that. We will redo the boundaries in a fair fashion for our democracy.” We are still waiting and it gets worse up to now.

So for this Minister in the Office of the Attorney General and Ministry of Legal Affairs to come here and say that “this Parliament is representative” is the furthest thing from the truth. However, that is the system that we have and we will deal with it. We will not run from it and they will get what is coming as soon as they call it.

The hon. Minister in the Office of the Attorney General and Ministry of Legal Affairs, said that “all the UNC lawyers, every minute is an FOIA, FOIA, Freedom of Information Act application.” And she said that off the back foot like Brian Lara hitting a ball for six, but does it not strike you that attorneys or the Opposition representing people have to apply for Freedom of Information applications? Why do we have to do that? Because the information is not

forthcoming. So it is not transparent. It is not true for the people.

**Sen. Lyder:** Correct.

**Sen. A. Roberts:** So it is not transparent. It is not true for the people.

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

**Sen. A. Roberts:** You have to force them to give you information. That is an indictment on the Executive. The Executive overreach and parliamentary autonomy and power will ensure that this will not occur—whichever is in power, and this side will be in power soon. But on this side, we believe in merit. We know that we are skilful. We know we are creative. We know we can move forward. And we know we do not need to control anybody in order to force things down the population's throat. When you are not good, when you are not skilled, when you are not creative, when you cannot move legislative agendas forward, you need to control institutions in order to remain in power. These are the total aspects and qualities of a dictator.

The track record of the PNM, it cannot even follow its own constitution, but they come here to tell us that our Parliament is good, that our Parliament is free, that these rules are being followed. Yet, they have to be forced to accept a Prime Minister selected by their sitting Prime Minister, and that sitting Prime Minister who says he is retired is now actively screening future candidates. I would love someone to explain that to me, because if you are gone, if you have retired, why are you sitting now to select who will be the future in the Parliament?

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

**Sen. A. Roberts:** That is what they do in their constitution and then want to come here and dictate to us and pretend. And he says “stay out of PNM business.” I would love—I will give you a commitment, hon. Member for La Brea next time,

when you are on the other side, I will tell you, we will stay out of PNM business. The only problem right now is that “PNM business is national business and I will be down in allyuh throat.”

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

**Sen. A. Roberts:** But after the next election, I would not care about PNM business. PNM can go all about their business, but right now PNM business has our citizens under stress. “Getting pat down when a Caribbean Airlines plane land in the USA, cannot get Visa.”

**Mr. President:** Senator, back to parliamentary autonomy.

**Sen. A. Roberts:** Parliamentary autonomy? Yes, the Parliament requires the Trinidad and Tobago Defence Force to protect it in case of any emergency. You need it, but now, the Americans have pulled funding from the TT Defence Force because of that Government. They are sending home citizens and deporting them.

**Sen. Dr. Browne:** Mr. President, Standing Order 46(1).

**Sen. Lyder:** “When da happen today? When dat happened, Sen. Roberts?”

**Sen. A. Roberts:** Today.

**Sen. Lyder:** Today? Trump—

**Sen. Nakhid:** “Allyuh inna mess.”

**Sen. Mark:** “Yeah boy, allyuh inna mess.”

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

**Sen. Mark:** The Americans coming for you too, Amery.

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

**Mr. President:** Before they arrive, you will deal with me.

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

**Sen. Mark:** My apologies.



**Mr. President:** Sen. Roberts, the berth is too wide. We are dealing with parliamentary autonomy. Understood? So I would like to hear more about parliamentary autonomy.

**Sen. A. Roberts:** Thank you, Mr. President. When you were not here, the hon. Minister in the Office of the Attorney General and Ministry of Legal Affairs said, “They strengthened the DPP and they talked about strengthening the Judiciary.” You did not say that? Well, because you could not say that because it is weaker, the DPP is weak. I am glad you are being honest. The DPP is operating at 33 per cent. How can a country who has or wants autonomy of the Parliament, and the Parliament is an institution that requires to function in a society where the separation of powers, each element is functioning at its maximum. So the Parliament of a country, which is the highest court, if the DPP’s Office is underperforming, understaffed, under-resourced, the Parliament’s autonomy will be affected and—

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

**Sen. A. Roberts:**—the separation of democracy will be weaker. If the Judiciary is weaker and does not have the requirement, the staff, the stenographers, the judges, the courts, to move quickly, our entire democracy of which the pinnacle is the Parliament will collapse and fall into tyrannical dictatorship, which is why this Government has starved not only the Parliament, the Judiciary, the DPP, the Police Service Commission, and all the PCA, and all the independent institutions of resources. Not only should the Parliament have its own budget run by the heads of the Parliament, the Speaker, and the President, but all of these other institutions should have allocations that cannot be tampered with by any Executive—

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

**Sen. A. Roberts:**—and then we will move into a democracy. But one in the Executive cannot hold a big stick over the Judiciary and you have to come and beg me for money, and the DPP beg me for money, and I do not give you. That is not democracy, that is dictatorship, and it has gotten worse under this PNM over the nine years.

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

**Sen. A. Roberts:** When you see the hon. Minister in the Office of the Attorney General and Ministry of Legal Affairs said, “Well, why did not you come to give your views about constitutional reform?” She quoted the Leader of the Opposition and the Deputy Political Leader of the UNC saying it is “a waste of time, it is mamagism.” Well, that is the track record of the PNM. All you have to understand is that constitutional reform as stated by Sen. Deeroop Teemal has been discussed at length.

Intellectual scholars have given paper after paper so anyone attempting with a slim majority that was one in COVID with a conflicted EBC of 2,600 votes talking about constitutional reform, it is a total waste of time. It is a joke. Just like the local government reform that they said that was coming, “it still eh reach two elections later.” Just like the electoral, the Tobago Self-Government Bill that they said was coming, “we here nine years, it eh reach yet.” Because we know what this PNM Government does, they play games. They are about theatrics and dramatics as Sen. Vieira said. They are not about substance.

When you talk about corporate governance, the idea of a Parliament being autonomous is about corporate governance. It is about the ability of the Parliament to act and function without influence. This PNM Government has trampled over corporate governance. They have Ministers procuring; they have ministerial

committees procuring vessels. They have people—they brought procurement legislation here and watered it down.

So, therefore, for them to start here talking about autonomy, autonomy is a cuss word for the PNM. Autonomy means they cannot control the Parliament and—10 seconds. I will hold my fire. I think I have about 10 minutes for next time. So without further ado—

### ADJOURNMENT

**The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne):** I beg to move that this Senate do now adjourn—

**Sen. A. Roberts:**—Mr. President, I will pause right here. Thank you.

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

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

**Sen. Dr. A. Browne:** I beg to move that this Senate do now adjourn to a date to be fixed.

**6.00 p.m.**

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

### **Petrotrin Employees' Pension Plan (Urgent Government Intervention)**

**Sen. Wade Mark:** Thank you, Mr. President. The matter I have on the Motion for the Adjournment indicates the need for urgent Government intervention to address the growing deficit in the Petrotrin Employees' Pension Plan.

Ever since this plutocratic and kleptocratic administration took the unilateral decision to shut down Petrotrin on November the 30<sup>th</sup>, brutalizing and destroying

the lives of over 10,000 workers, the plan, the Petrotrin Employees' Pension Plan, has been in some grave difficulties. We do not know why they closed it down; they cannot explain why; placing the lives of these workers in jeopardy. What we do know, Mr. President, is that since this Administration shut down Petrotrin, Petrotrin legacy and the State, that is the Government I am dealing with here now, have not put one red cent into that Petrotrin Employees' Pension Plan. And Petrotrin has been shut down for seven years now. So, if you do not put money into the Petrotrin plan, what will happen, Mr. President, is that you will have consistent deficits emerging eventually and they will have to sell out assets of that pension plan to service the needs of the beneficiaries of that plan.

So there is trepidation, there is fear, there is panic among workers as we speak today. My information is that the current asset value of this pension plan is approximately, Mr. President, if I may tell you and this honourable Senate, it is about \$7 billion—that is what we are advised—146 million, and that was at the end of September 30, 2022.

Now, the plan is in deficit and the consequences of no action, which has been the position of Petrotrin since events of November 30, 2018, will have deleterious effects and consequences on the immediate deferred pension/pensioners and the current pension plan payment.

Now, Mr. President, it is important to note that when we look at the current value of the pension plan and we discovered that as at September 30, 2023, right, that is the last one I have gotten, the market value of this plan is now reduced to \$6.9 billion. So when Petrotrin was alive and well and they shut it down on November 30, 2018 because of fake oil and “tiefing”, you know what happened, Mr. President? That plan was \$9.1 billion in value. Today, as we speak, that plan, from my information, is around \$6.9 billion. So what you are seeing, Mr.

President, is that over a seven-year period the pension plan has been in deficit, in deficit, in deficit and the Government is sleeping or maybe sleepwalking whilst this plan continues to fall and devalue.

The people who are going to suffer at the end of the day, if the Government does not pump money into that plan—in fact Bacon Woodrow & de Souza indicated in their actuary report that the Government needs to pump about \$260 million a year in this plan, if this plan is to survive, Mr. President. But the Government has done nothing, Mr. President, to pump money into that pension plan of the workers.

Now, our information is that the amount of active pensioners in that Petrotrin Employees' Pension Plan currently stands at around 7,188 individuals, as at the end of September 30, 2022. And in addition to that, Mr. President, you have deferred pensioners are now about 1,727 individuals. So, the number of pensioners, we understand, who have died between the last two actuarial reports or valuations as at the end of September 2022/2023, is over 586.

Now, Mr. President, this matter is extremely important and that is why I have taken the opportunity to raise it at this moment, so that the Minister of Finance, who has had his own independent actuarial report—

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

**Sen. W. Mark:** He has had his own independent report done, and then you had the Bacon Woodrow & de Souza report also on this matter of the state of the pension plan. We are advancing in this Parliament today that the Government needs to come clean and tell Trinidad and Tobago and the pensioners in that Petrotrin pension plan, what is the state of play. Because we understand that the plan could end up zero if we continue how we are going in the next 15 years.

Right now, Mr. President, as I wind up, all the foreign assets engaged in that

plan are being sold to pay beneficiaries and the local side of it, which is about 60 per cent, is soon to begin that sale in order to satisfy beneficiaries. So foreign assets are being sold and domestic assets are about to be sold and that will have severe consequences for the stability of the workers in the pension plan. So the Government has a duty and a responsibility because they are the ones who shut down Petrotrin, and if they shut down Petrotrin they cannot allow the plan to go belly-up.

So we are calling on the Government to tell the country, tell the workers at Petrotrin and their representative union, the OWTU, what is the current status of the pension plan, and if this thing continues as it is going, it may go belly-up if the Government does not pump money into it and what will be the plight of these thousands and thousands of pensioners and their families. So on that basis I have brought this matter on the Motion for the Adjournment and the workers are listening; they are listening. The pensioners are listening. They want to hear what the Minister of Finance is going to tell them this evening. Thank you, Mr. President.

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

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Mr. President. It is a fact that the Ministry of Finance commissioned an independent valuation of the Petrotrin Employees' Pension Plan. Now, this plan, when Petrotrin was still an active enterprise, was one of the largest pension plans in the country. The numbers quoted by Sen. Mark, for example he referred to a value of the plan as of 30<sup>th</sup> of September, 2022, correspond with the numbers that I have. What the actuaries have told us is that between 2019 and 2022, the plan performed better than expected and the contribution requirement that had been estimated previously was reduced and it is expected that over time there will be continued reduction in the

estimated contribution required for this plan.

Years prior, the estimate was that the plan would last until the year 2045. So at the present time, using that estimate, there are sufficient funds in the plan to last for the next 20 years. But I want to stress that the actuaries have indicated that the plan has improved between September 2019 and 2022 and there is going to be another actuarial evaluation at the end of September 2025. So what I would say at this time is that it would be better to see what the actuaries discover in September 2025, because things are getting better. A plan is essentially a bunch of assets.

Just to deal with one of the comments made by Sen. Mark that the foreign assets are being sold off, and so on, the information I have is that as at September 2022, the total foreign assets were \$2 billion total foreign assets at that point in time. So, essentially what I am saying is that there have been projections and estimates and so on that indicated, previously indicated, that contributions were required to ensure that every beneficiary in the plan received their pension. But at this point in time the plan has at least 20 years life in it and the actuaries say let us see what it looks like in 2025 September, and then see what contributions would be required from the Government to ensure that every pensioner gets their pension, if any. So that is the situation right now. It is improving, okay?

### **Judiciary's Lack of Autonomy in Administrative Affairs**

**Sen. Anthony Vieira SC:** Thank you, Mr. President. At the opening of the 2024/2025 Law Term, the honourable Chief Justice, not for the first time, highlighted a critical issue: the Judiciary's lack of autonomy over its administrative affairs. Now, in the grand architecture of democracy, judicial autonomy stands at its most unyielding pillar, a bulwark against the tides of corruption, tyranny and injustice.

**6.15 p.m.**

Without an independent Judiciary, the very promise of fairness crumbles, leaving the vulnerable at the mercy of unchecked power. It is within the sacred halls of impartial courts that citizens find refuge from oppression, where laws are shielded from political manipulation and where the truth, however inconvenient, is allowed to triumph. Judicial autonomy is not merely a procedural safeguard. It is a soul of justice, ensuring that no authority, no matter how mighty, stands above the law.

Now, I am not suggesting that the Judiciary lacks independence in this country. As is well known, judicial independence refers to the freedom of the Judiciary from external pressures and influences from other branches of government and from private interests. It ensures that judges can make decisions based on law and evidence, without fearing repercussions, external interference or influence. Our Constitution provides that the law is sovereign and that the courts are the final arbiter of all legal disputes. So far, this remains the case.

So far, as the Chief Justice observed at the opening of the law term, even though the Judiciary faces challenges of accountability without authority or autonomy, it has managed to position itself to remain impartial and neutral, so that when issues of public outcry appear in our courtrooms, our judges continue to interpret the law without fear or favour, affection or ill will.

But it begs the question: Why should the Judiciary have to position itself at all? Are we selling ourselves short when we take judicial independence for granted, in the face of repeated cries and complaints from the Judiciary about the need for autonomy? When the Judiciary lacks the ability to govern its own internal affairs, like budget, staffing and organization, without interference of other branches of government; when the Judiciary does not have full control over its day-to-day



functions, but must depend on other branches for operational decisions, is that not a weakening of the Judiciary's role as a counterbalance to the other branches of government? As I see it, judicial independence and judicial autonomy are two sides of the same coin. They should not be one without the other. They are interconnected.

When, as the Chief Justice Riley observes, that those outside the Judiciary presume to, but do not understand court operations, the unique nature of jobs within the organization and the Judiciary's specialist staffing needs; when such persons lack the ability to recognize relevant experience for compensation purposes in standardized positions; when such persons lack a proper or sufficient understanding of the needs of the Judiciary, and yet can impose uninformed policies or views on the Judiciary, it smacks of insensitivity on the part of the Executive and it does not augur well.

Now, I would posit that without a proper framework for enabling judicial autonomy, we are hamstringing the Judiciary in its operations, and if this chink in the separation of powers is allowed to fester or to widen, it can undermine the systemic and structural safeguards envisaged by the Constitution. It cannot be right for agencies outside the Judiciary to have control over the salaries of judicial officers, or be able to determine the terms and conditions of contracts of employment for the judges, magistrates and their support personnel.

How can we extol the critical importance of an independent Judiciary, while at the same time being tone-deaf to the complaint that agencies outside the Judiciary are being allowed to micromanage an organization they do not understand? This is an unacceptable situation. And it is not like we do not know, because successive chief justices have long been complaining about this. It is time to sit up and to take notice. It has time to give the Judiciary complete control over its internal operations,

processes and staffing needs.

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

**Sen. A. Vieira SC:** It is time to harmonize the principles of judicial independence and judicial autonomy, both of which are necessary to help maintain a Judiciary that is both fair in its rulings and effectively managed.

Now, I accept this may be easier said than done. Establishing full judicial autonomy will require comprehensive legislative reform, and that may take a while, but there is a roadmap that we can follow. The framework for enabling judicial autonomy in Trinidad and Tobago, published in June 2016, by the United Nations Development Fund, outlines the elements of judicial autonomy and the most suitable options for achieving the collective independence of our Judiciary.

That document comprehensively details all the legislative requirements, whether under the Constitution, the Judicial and Legal Service Act, the Central Bank Act, and it outlines new legislation to provide, among other things, for the financial powers of the Judiciary; the establishment of funds; the methods and criteria for determining budget allocations for the Judiciary; rules for financial management and internal controls; the reporting, auditing and other external control obligations. We do not have to “buss” our heads figuring out how to do this thing. Long story short, the research and the groundwork are already there, neatly laid out for us. The only thing required is political will.

For those who like the comparative yardsticks, consider South Africa's post-apartheid constitution, which enshrines judicial autonomy by giving the Judiciary control over its budget, allowing it to manage its resources independently. Look at the Canadian situation, where the Judiciary manages its internal administration, including staffing, without external interference. There is no gainsaying the fact that judicial independence and judicial autonomy are intertwined. Judicial autonomy

requires the Judiciary to manage its resources, projects, programmes, procurement and facilities construction.

This does not have to be a 10-year development plan, as there are hanging fruit we can easily harvest now, for example, just by actualizing the two Notes before Cabinet that the Chief Justice referred to, one, requesting the ability to recognize relevant experience for compensation purposes in standardized positions, and the other, requesting the rationalization of jobs within the Judiciary's establishment. Those Notes concern policy changes easily implemented by the Cabinet.

And I am not alone in calling for judicial autonomy. The Law Association has emphasized the importance of financial autonomy for the Judiciary to manage its resources, projects and programmes effectively, and according to an opinion column of the *Sunday Express*, dated 22 September, 2024, I quote:

“It is high time that the Government starts to listen...as the CJ noted, ‘By all means, hold us accountable, but give us the ability and the resources to make it happen. Do not ask for an imposed responsibility and demand accountability without granting authority and reasonable autonomy.’

The other important principle is that the Judiciary must be independent of political pressures and seen to be so. That cannot truly happen as long as the Government is pulling the Judiciary's purse strings.”

Now, earlier in this Sitting, we debated the need for parliamentary autonomy. Both Parliament and the Judiciary should be autonomous. Our systems and institutions should advance in a coordinated fashion.

Let me end by saying that Government has a duty and a responsibility to the Judiciary, particularly in maintaining its independence, integrity and ability to function effectively. This is essential for upholding the rule of law, democracy and

human rights. I thank you.

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

**Mr. President:** Attorney General.

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

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you very much, Mr. President, for the opportunity to address the Senate on this Motion raised by the hon. Sen. Vieira.

Mr. President, the Motion that is before the Senate—and forgive me for quoting it—is the need for legislative reform to enhance judicial independence and establish judicial autonomy in Trinidad and Tobago.

Listening to the hon. Senator, Independent Sen. Vieira, I came away with the impression that he was speaking to one thing and, in fact, used the words, “They are two sides of the coin,” judicial autonomy. But the point is that the subject which he has put before the Senate has two important interrelated components—they are not two sides of the same coin—one, judicial independence and two, judicial autonomy. I will deal first with judicial independence, Mr. President. This Government does not need to reaffirm its commitment to the rule of law and the fundamentally important pivotal roles of the Judiciary as a cornerstone of our democratic society in the constitutionally entrenched and guaranteed separation of powers between the Parliament, the Executive and the Judiciary. Over several years now, this Government has committed to working with the Judiciary, providing plant and equipment, finance and enabling much improvement in the administration of justice.

A free and democratic society, Mr. President, cannot exist without the rule of law, and the rule of law requires an independent Judiciary as its cornerstone. And this independence is upheld by the separation of powers where the doctrine exists, as it does in our Constitution, and as the ample jurisprudence of the decisions our

Judiciary attest to.

In my earlier remarks today, I referred to the February 16, 2000, report of Mr. Justice Telford Georges entitled, *Independence of the Judiciary*, and briefly recorded its genesis. I adopt that record. The honourable Justice Telford Georges, Mr. President, was a renowned Caribbean jurist. He served as Chief Justice of Tanzania; Chief Justice of the Bahamas; Chief Justice, Acting, of Trinidad and Tobago; as well as being a former substantive Court of Appeal Judge of Trinidad and Tobago. I record his stellar record, if only to suggest, with respect, that his views should command some respect. And in that report of February 16, 2000, he makes the simple points in relation—and these are pages 7 and 14 of that report—to the Judiciary of Trinidad and Tobago as follows.

Firstly, that:

The proper safeguards for judicial independence are not intended for the benefit of those holding the office of judge. Rather, they are intended to ensure that judges can fearlessly enforce the fundamental human rights and freedoms when called upon to do so.

So that is the concept of judicial independence.

Secondly, he says:

The elements which come together to create the concept of the independence of the Judiciary are—and he listed three—one, substantive independence, meaning that in the discharge of his functions, a judge is subject to nothing but the law and the commands of his conscience.

Mr. President, we undeniably have an independent Judiciary in Trinidad and Tobago who is substantively independent by that definition of Mr. Justice Telford Georges.

Secondly:

Internal judicial independence—Mr. Justice Georges tells us at page 40 of his

report—which requires that the judge be independent from directives or pressures from his fellow judges regarding his adjudicative functions.

Again, Mr. President, that too, we undeniably have in Trinidad and Tobago. I do not think that any judge will tell you that in the discharge of his functions, he is interfered with internally by other judges in delivering judgments according to law and his conscience.

And then the third point that Justice Telford Georges makes:

Collective independence which extends to the independence of the Judiciary as a whole, as a corporate body, and is measured by its administrative independence.

Mr. President, the short point is that our Judiciary is independent beyond the shadow of a doubt, and I need to see more and more on that. I am not persuaded, going back to the title of the subject before us, that we require any legislative reform to enhance those first two pillars as defined by Mr. Justice Telford Georges.

**6.30 p.m.**

That brings me, Mr. President, to make a further point that no discussion, which intends meaningfully to examine judicial independence can avoid addressing the remarkable irony, which we continue to shy away from. How can we be emphasizing judicial independence, when we continue to cling to the skirts of the Privy Council, instead of affirming our dignity and our confidence in ourselves—

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

**Sen. The Hon. R. Armour SC:**—as a people by making the Caribbean Court of Justice, our final Court of Appeal?

Prime Minister Basdeo Panday was Prime Minister of this country, which signed on to the treaty that created the Caribbean Court of Justice, and yet, having

so signed and affirmed, as a nation we continue to be in breach. And on this Motion, I call on the United National Congress Opposition to join with this Government to give us the vote—

**Sen. Mark:** You will get no vote from me.

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

**Hon. Senator:** What kind of behaviour is that?

**Sen. The Hon. R. Armour SC:**—to abolish the Privy Council and to install the Caribbean Court of Justice as our apex Court.

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

**Sen. The Hon. R. Armour SC:** I remind this Chamber of the 1828 remarks of Lord Brougham of the Judicial Committee of the Privy Council, when he stated:

“It is obvious that, from the mere distance of those colonies and the immense variety of matters arising in them, foreign to our habits and beyond the scope of our knowledge, any judicial tribunal in this country...”—referring to the United Kingdom—“must of necessity be an extremely inadequate court of redress.”

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

**Sen. The Hon. R. Armour SC:** They shout: “No!” But that is the dictum of 1828, of the Judicial Committee of the Privy Council, which continues to be repeated. In 2003, Lord Hoffman of the Privy Council attended a dinner of the Law Association of Trinidad and Tobago in this country and repeated those words, repeated those thoughts. And again, Mr. Justice Michael de la Bastide, the inaugural President of the Caribbean Court of Justice, had been making clarion calls for this country to complete its judicial independence by making—

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

**Sen. The Hon. R. Armour SC:**—the Caribbean Court of Justice our apex Court. So, we cannot duck that issue, and we cannot have a serious conversation about judicial independence—

**Sen. Dr. Browne:** Absolutely.

**Sen. The Hon. R. Armour SC:**—without recognizing that point.

The third pillar of Justice Telford George's report takes us to the point of judicial autonomy, and let us remind ourselves of that third pillar.

**Mr. President:** You have two minutes.

**Sen. The Hon. R. Armour SC:** Thank you Sir. Collective independence, which extends to the independence of the Judiciary as a whole, as a corporate body, and is measured by its administrative independence.

Mr. President, I accept that there are subjects for discussion on the transfer of financial authority, transfer responsibility for human resources, capacity to manage the responsibility of autonomy and necessary legislative amendments, which have to be engaged in. And the very document which Sen. Vieira referred to, the Framework for Enabling Judicial Autonomy in Trinidad and Tobago, June 2016. I have been provided with that document, and I am prepared to engage in the Judiciary on behalf of the Government as Attorney General, to further that discussion. But I do not accept any suggestion that the independence of the Judiciary in this country is wanting. And therefore, Mr. President, I end by saying that we have already committed ourselves as a government to the widest possible discussion on constitutional reform, and the very issue of judicial accountability is one of the issues being engaged in the report of the National Committee on Advisory Reform—

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



**Sen. The Hon. R. Armour SC:**—and we will continue to engage that conversation.

**Sen. Mitchell:** [*Inaudible*]

**Sen. Mark:** La Brea waiting on you.

**Sen. The Hon. R. Armour SC:** Thank you very much, Mr. President.

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

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

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

**Mr. President:** I believe you want to stay here a little later.

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

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.35 p.m.*