

SENATE*Monday, June 30, 2025*

The Senate met at 10.00 a.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**PROTECTION OF PARLIAMENTARY PRIVILEGE**

Mr. President: Hon. Senators, a serious issue has been raised with me via correspondence, which I have determined warrants my early and urgent intervention. Parliamentary privilege provides essential protection from external interference of any kind. It guarantees Members of this Parliament the freedom to speak, deliberate and vote without fear or coercion. This is enshrined in section 55(1) of the Constitution of the Republic of Trinidad and Tobago, which provides and I quote:

“Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Senate and House of Representatives there shall be freedom of speech in Senate and the House of Representatives.”

This freedom is not a mere courtesy. It is a fundamental constitutional right, sacrosanct and beyond challenge or compromise.

As further affirmed in *Parliamentary Privilege in Canada* (Second Edition) by J.P. Joseph Maingot, Q.C., page 253 and I quote:

“To reflect improperly on vote in the House and motives of some Members is a breach of privilege.”

Let me be clear, healthy criticism is not only permitted, it is expected in any functioning democracy. No one is suggesting that expressions of disappointment over policy outcomes or disagreement with a vote are out of bounds, but what we

are dealing with here is not mere criticism. When words or actions cross the line into harassment, intimidation, or attempts to shame Senators for how they vote or to pressure them to vote in a particular way, that is something entirely different, and it will not be tolerated. Such action strikes at the very heart of parliamentary democracy and may constitute a serious breach of privilege. They will not be taken lightly.

Every single Member, be you Independent, be you Opposition, be you Government of this Senate, possesses the inalienable right to speak and vote freely, guided by conscience and without undue influence. These are not abstract ideals, they are binding principles.

Let this serve as a clear warning to all. This House and certainly this Chair will act firmly to protect the privileges, rights and immunities of this Senate collectively and each Senator individually. That protection will be exercised to the full extent of the Senate's authority, and if necessary, the appropriate avenues for redress will be pursued without hesitation. I so rule.

Hon. Senators: [*Desk thumping*]

SESSIONAL COMMITTEES AND APPOINTMENT LIST

Mr. President: Hon. Senators, I have received the following correspondence from the Speaker of the House of Representatives dated Friday the June 27th, 2025, in relation to the appointment of Members of the House of Representatives to Joint Select Committees.

As a result of the large number of committees and appointments listed in said correspondence, the Clerk was directed to circulate same to all Members in an effort to efficiently utilize the Senate's time. I hope that we would be in a position to conclude our part of this exercise before we go into the recess break, that is, the appointment of all Members to our sessional committees and all Members to our

Joint Select Committees. This is directed by the Constitution, so I am looking forward to those committees being properly populated.

PRIME MINISTER'S PENSION (AMDT.) BILL, 2025

Bill to amend the Prime Minister's Pension Act, Chap. 2:51 [*The Minister of Finance and Minister in the Ministry of Planning, Economic Affairs and Development*]; read the first time.

Motion made: That the next stage of the Bill be taken at a later stage in the proceedings. [*Hon. Dr. K. Swaratsingh*]

Question put and agreed to.

PAPER LAID

Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Office of Procurement Regulation for the financial year ended September 30, 2023. [*The Minister of Planning, Economic Affairs, and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh)*]

Hon. Senators: [*Desk thumping*]

Mr. President: Leader of Government Business.

WRITTEN ANSWER TO QUESTION

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, there is one question on the Order Paper for written answer, and this is question No. 4. I have spoken to the hon. Sen. Dhanpaul and he has no objections to that written answer being circulated in the next two weeks.

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

Body Cameras for use by TTPS

(Details of)

4. Could the hon. Minister of Homeland Security state:
- (i) The status of the 5,000 body cameras, which were purchased for use by the TTPS; and
 - (ii) The percentage of TTPS officers who currently use body cameras on active duty?

Question, by leave, deferred.

Mr. President: Minister of Planning, Economic Affairs, and Development and Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

PRIME MINISTER'S PENSION (AMDT.) BILL, 2025

The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance. (Sen. The Hon. Dr. Kennedy Swaratsingh): Thank you Mr. President. Mr. President, I beg to move:

That a Bill entitled an Act to amend the Prime Minister's Pension Act Chap. 2:51 be now read a second time.

Mr. President, good morning and good morning, colleagues. Before us today is the Prime Minister's Pension (Amdt.) Bill, 2025 aimed at introducing the requirement that a person is required to serve at least one year in order to qualify for a Prime Minister's pension.

10.15 a.m.

The Bill also seeks to introduce a tiered system of meritocracy where maximum benefits of pensions are earned, rather than bestowed, for an individual serving for four years of more as Prime Minister.

Mr. President, the Bill has retroactive effect from March 10, 2025, thereby

Sen. The Hon. Dr. K. Swaratsingh (cont'd)

requiring a special majority of three-fifths and nevertheless seeks to address a serious inequity in the governance of this country, where there is a time-based benefit structure for diplomats, civil servants, police, teachers, members of the defence force, but not for the top-tiered leadership of our country. This therefore constitutes a grave injustice perpetuated against the people of Trinidad and Tobago and against the principles for which we stand.

Mr. President, there is a disproportionate pension benefit system that can be considered an unfair human resource practice, as one parliamentarian receives a generous fully-funded pension for life, regardless of the length of service and in contrast, ordinary public servants must have minimum periods of service to be eligible to receive pension benefits. In fact, as Sen. Dr. Browne would know, when we were in our first incarnation and an early election was called, at that time, we were not entitled to pensions, not having served the requisite time, and I went to Barbados fully understanding that.

The Prime Minister's Pension (Amdt.) Bill, 2025, seeks to address the current reality that a Member, who has been appointed as Prime Minister, is entitled to a pension for the rest of their lives, regardless of their tenure. So, essentially, a person can be Prime Minister for a nanosecond and is still entitled to a pension of someone who has been Prime Minister for four years or more. I wish to wholeheartedly indicate that this notion is not only unacceptable, it is unfair and unjust and against sound human resource principles from which we have all established and abided by all from the beginning of our Republic.

Mr. President, please permit me to provide some background to this Bill before I share my thoughts on the matter at hand. Mr. President, at the core of the Bill and this ensuing debate is the interpretation of section 76(1) of the

Constitution, an important legal provision that deals with the appointment of a Prime Minister in Trinidad and Tobago. And, Mr. President, section 76(1) reads—sorry, Mr. President. I just lost my trend of thought.

So, Mr. President, as clearly envisaged, this Government recognizes the fact that while we have given citizens the assurance that we will manage the country's affairs reasonably and equitably, for far too long we have been crying out, especially for those who have served across the board. And I just want to give another anecdotal story, Mr. President.

I spoke to a former soldier of mine, Brian, this morning. And he called me to—he served—when I was there, he had probably served five or six years of his service, but he has now served 19 years and four months. And for Brian to get a pension, he had to serve 20 years. And the only way that he could have received his full pension is if he had either gotten a promotion or found a way where they could have extended his service by four months. He was honourably discharged and though he served 19 years and four months, he would not be able to get a pension from the defence force. These are the kinds of principles of which we speak to today, that public servants are fighting for wage increases, that persons across the public service have to serve particular thresholds of time in order to qualify for pensions and therefore, the type of actions that are envisaged, that we are addressing today, would seek to correct this particular anomaly and bring it in line with what we are trying to do and what we have done across the entire public service.

So, Mr. President, this Bill before you serves to implement a legitimate area of reform. The introduction of a mandatory minimum period of service to gain a tiered system of meritocracy, where one looks at the landscape of pension laws in

Sen. The Hon. Dr. K. Swaratsingh (cont'd)

Trinidad and Tobago, one will see that most officers have a minimum period stated in law: Members of Parliament, section 5(1)(a) of the Retiring Allowances (Legislative Service) Act requires a period of not less than five years; diplomatic service, section 7(1)(a) of the Retiring Allowances (Diplomatic Service) requires a period of not less than eight years; public servants, Regulation 2 of the Pensions Regulation requires a period of 10 years or upwards; teachers, Regulation 4 of the Teachers' Pensions Regulation requires a period of 10 years or upwards; Regulation 185(3) of the Police Service Regulations requires a period of not less than 10 years; fire service, paragraphs (3) and (4) of the Fifth Schedule of Fire Service Act, requires a period of not less than 10 years.

So, Mr. President, the proposal for reform as contained in this Bill is to have proportionality, a proportionate pension benefit system across the country. It is a result of the genuine need for reform that has arisen based albeit on a set of very peculiar circumstances. But it is either we believe in the principles of good human resource management that have guided our entire public service and our financial and regulatory framework, or we do not.

So, Mr. President, this Bill has regional consistency as our CARICOM neighbours, such as Antigua and Barbuda and the Bahamas, have established in their laws a minimum period of service in order to obtain a pension. Furthermore, international territories, such as Canada and the United Kingdom, have reformed their legislation to reflect a tiered pension system of meritocracy. So, with this Bill, Trinidad and Tobago will be aligned with global norms, as applying time-based benefit structures to top leadership, which reflects best practices and keeps our system consistent and transparent.

So, Mr. President, going even further, the population may ask a very real and

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sensible question, which is: Is there any precedent with what the Government is seeking to do anywhere in the world? And, Mr. President, the answer to that question is, yes. We find examples right here in the Caribbean. In Antigua, a Prime Minister's pension is paid in accordance with the Pensions and Gratuities (Parliamentary and Special Officers) Act, Chap. 23:22. And, Mr. President, section 3 of that Act states that:

“Every person who having held office of Prime Minister on or...”—before the date this day—“...the 27th day of February 1967, for one full parliamentary term or for a period equal in the aggregate to five years ceases at any time thereafter to be Prime Minister shall be paid a pension under the Act with effect from the date on which he ceases to be Prime Minister and, subject to subsection (2) and section 16 such pension shall be continued to be paid during the lifetime of that person.”

So, Mr. President, if we turn to the Bahamas, a Prime Minister's pension is paid in accordance with the Prime Minister's Pension Act, that:

“Every person...having held the office of Prime Minister on or after to coming into operations of this Act, ceases at any time thereafter to be Prime Minister and has serviced as Prime Minister for at least eight years shall be granted —

(a) a gratuity equivalent to the annual basic salary...”

So, Mr. President, so when the Government seeks to introduce the period of one year's service as Prime Minister for a person to be eligible to receive a pension, this is a very balanced and fair approach. Mr. President, I now turn to the Bill at hand, which consists of only six clauses: A short title, which is straightforward and requires no explanation.

Clause 2, Mr. President, seeks to establish March 10, 2025 as the effective

date of the Bill. Mr. President, this ensures that the Bill has retroactive effect and because of this, the Government is being caution and ensuring that it passes with a special majority.

Mr. President, clause 3 of the Bill contains the required statement that the Act is inconsistent with the Constitution and, again, arises the retroactive nature of the Bill, but is being included out of an abundance of caution.

Clause 4, Mr. President, is the interpretation clause and simply refers to the phrase, "the Act", to mean, the Prime Minister's Pension Act.

Clause 5 amends section 3(1) of the Prime Minister's Pension Act and introduces the requirement that the person is required to serve, at least, one year as Prime Minister in order to qualify for a Prime Minister's pension. Mr. President, this is done by inserting the words "one year from the date of" in section 3(1) as follows:

Every person who having been appointed Prime Minister on or before the 31st of August, 1962, ceases at any time after one year of the date of such appointment to be Prime Minister shall be paid a pension under the Act with effect from the date on which he ceases to be Prime Minister and subject to subsection (2) the pension shall continue to be paid during the lifetime of that person.

Mr. President, clause 6 of the Bill introduces a tiered system of meritocracy, where the longer a Prime Minister has served, the more benefits they receive in relation to that pension. So, Mr. President, for the benefit of those viewing and those listening, this simply means that where an individual has served as Prime Minister for not less than one year, but not more than two years, a pension of one-third of the highest annual rate of salary paid as Prime Minister; not less than two

years, but not more than three years, a pension of one-half of the highest annual rate of salary paid as Prime Minister; not less than three years, but not more than four years, a pension of three-quarter of the highest annual rate of salary paid as Prime Minister; and not less than four years, but not more than five years, a pension of the full amount of the highest annual rate salary paid as Prime Minister.

This Government is taking the position that a tiered pension system is necessary to ensure that there is fair and a balanced approach for compensation of holders in such a high office. A Prime Minister who has served for one year and one who has served for 10 years should not walk away with the same retirement package. A leader should be rewarded based on their length of tenure. And so, Mr. President, that means that from a budgetary perspective and from a fairness perspective, that the public service ought not to carry the burden of the type of remuneration that is being contemplated if this legislation is not approved today.

Our failure to amend this and put in the tiered system would therefore require the public service the onerous responsibility of having to carry an existing pension arrangements that will lead, based on one's lifetime, to millions of dollars, beginning immediately. And that why, Mr. President, this tiered system also reduces the possibly of exploitation or abuse. There should not be a scenario where one receives a lifetime pension benefit having served outside of the tiered system that this Bill contemplates.

Additionally, this measure will promote the continuity and leadership example that will strengthen public trust and confidence in all of us and in the system. This Bill has also been introduced to protect public financing by ensuring that pensions are all equitably given and earned based on merit. Mr. President, we cannot set a precedent where the majority of public officers receive their pension

having served specific periods of time, and others not.

10.30 a.m.

We must be fiscally responsible, and prudent, particularly, in these challenging economic times. Our taxpayers must be reassured that we are doing what it takes to ensure that public funds are not misused, and that public officers all form part of the same system. It goes back to the example, Mr. President, that those of us who sit in higher offices are expect to be held to better standards.

In closing, I want to emphasise that this Bill, is attempting to correct a wrong that is a glaring example to all us. So, Mr. President, this Bill, is proportional, it is fair, it is just, and it is responsible. I wish to encourage my colleagues in this honourable Senate, to support this Bill, which is based on merit, to support this tiered structure that is based on fairness. To support this amendment that is based on being responsible, and is based on bringing parity across our entire system of compensation.

Mr. President, in one of my former lives I was a Human Resource Director, and I would have also worked across many organizations, where we had to design programmes such as this. And I remember, I was the HR Director for Hi-Lo Food Stores, and we had over 3,000 employees, worked with several unions, in fact, all the majority of unions worked across the Massy Group. And I remember sitting with one of the larger unions and at the time, we were discussing terminal benefits for persons. And one of the things that we were challenged with is making sure despite the differences across the groups, different industries, because Massy would have extended from retail and distribution, for logistics, to motors. We had companies in Barbados, Guyana, Miami, Jamaica, and one of the challenges was to make sure we find and equitable system that would be able to be administered

across the entire group.

What we are seeking to do here today, Mr. President, is bring back some equity into the system of compensation, where public persons or persons who are serving public life are all treated the same. This tiered system brings back that order of parity, prevents political abuse, and maintains fiscal responsibility. So, Mr. President, I thank you, I thank my colleagues for their attention, and I beg to move.

Hon. Senators: [*Desk thumping*]

Question put.

VISITORS

The Sevilla Private Primary School and the St. Mary's Government Primary School.

Mr. President: Before, I recognize the hon. Faris Al-Rawi, I would like us to warmly welcome the children from the following schools who are now located in the public gallery. The Sevilla Private Primary School and the St. Mary's Government Primary School, could we warmly welcome them.

Hon. Senators: [*Desk thumping*]

PRIME MINISTER'S PENSION (AMDT.) BILL, 2025

Mr. President: The hon. Faris Al-Rawi, please.

Hon. Senators: [*Desk thumping*]

Sen. Faris Al-Rawi SC: Thank you very much, Mr. President, and thank you for that acknowledgment of our young audience with us. Mr. President, we have a Bill before us today, that causes me great concern. Let me out at the outset say that I think I must on behalf of this Bench, declare an interest insofar, all of our Members who are belonging to the People's National Movement, we contribute 5 per cent of our income to our party to run itself. And therefore, as my submission has

developed a little bit further, let me say therefore, I believe that the subject matter that I will come to means that there is a potential that some income can come back to us, because I intend to speak about a past Prime Minister, and a Prime Minister receiving pension. And therefore, I think it proper as a person in public life to declare that interest upfront.

The Bill before us is:

“An Act to amend the Prime Minister's Pension Act, Chap. 2:51”

And that law has been around for some time. It was amended three times, in 1976, by Act No. 41, and twice in 2019, firstly, by Act No. 13, and secondly by Act No. 16 of 2019.

The law before us in this Bill, put forward by the Government, has two rear limbs. The first limb, is quite simply to introduce a tiered system for the entitlement of benefits for Prime Ministers in their retiring benefits, and the Opposition has absolutely no difficulty in supporting that, 100 per cent in its prospective form. I think it is commendable to introduce a tiered system, it does indeed match up with retiring legislators, it does match up with other laws in the Caribbean, there is some international precedent. The fact that the longer you serve, is the more you ought to be entitled, including the Office of the Prime Minister, is laudable, it is a legitimate aim, and we do support it. No issues at all.

The second aspect of the Bill, however, causes deep concerns, and as an attorney-at-law, and as a legislator, I am therefore compelled to raise those concerns for consideration. Clause 2, of the Act proposes that the law is

“...deemed to have come into...”— effect at a particular date.

It does not use actually use the word “retrospective” as most laws say, but the point is, I am just putting it in very plain English. The law is intended to have

effect at a date prior to the Sitting, prior to when it is assented to. There is no proclamation clause, so this would come into effect the minute it is assented to.

Clause 2:

“This Act is deemed to have come into force on the 10th day of March, 2025.”

Perhaps, we will hear it from the hon. Members opposite as to why this date was selected. Why was it not nine years ago, 10 years ago, or not? But if we historically look at the circumstances of where we stand today, there is a very short list of persons who have occupied the Office of Prime Minister. As the hon. Senator was going to say and then he was interrupted. Section 76 of the Constitution which is the supreme law of the land, pursuant to section 2 of the Constitution, is the section of our supreme law that speaks to the appointment of a Prime Minister. The Prime Minister is that person

“...who is the leader in that House...”—who—“...commands...the majority...”—and is willing to accept.

In our short list of the Prime Ministers, those who can receive pension are only three in number. They would be former Prime Minister, Stuart Young SC, there would be former Prime Minister Dr. Keith Rowley, and there would be former Prime Minister Mrs. Kamla Persad-Bissessar SC. I am speaking prime ministerial terms, I recognize she is the sitting Member for Siparia and the Prime Minister of this country. In fact, the last person, that is the Member for Siparia enjoyed the position pursuant to this law which we seek to amend, the Parent Law of receiving, as a legislator who was a Prime Minister, but who served in the Parliament as Leader of the Opposition. The hon. Member would have been entitled in the context of this debate to receiving the salary of the Leader of the

Opposition, and then pursuant to the law, which we seek to amend today, a top up. The hon. Member by law was properly entitled to and would receive as a former Prime Minister, the balance of money, which would take the sum to what a normal Prime Minister sitting would be.

You see in 2019, by Acts No. 13 and No. 16 of 2019. We amended the law to say that we would adjust the entitlement to pension for retired Prime Ministers. So that they would receive every five years a review of salary to keep the RPI index in play, and every five years any former Prime Minister would have the benefit of an uplift in salary going forward, no back pay. They would only be a go forward every five years. And, therefore, the qualification of who this law, this Bill applies to can only be three people in general terms as former that Prime Ministers, that would be Dr. Rowley; that would be the Member for Port of Spain North/St. Ann's, Mr. Stuart Young SC; and the hon. Prime Minister, in her former capacity.

This law in clause 2, in saying that the law is "retrospective" it applies in past from the 10th of March, will therefore only identifiably strike at one human being in the Republic of Trinidad and Tobago, and that is Mr. Stuart Richard Young SC, who is the Member of Parliament for Port of Spain North/St. Ann's West, sitting right now as a former Prime Minister. As we know that hon. Member as a former Prime Minister, sat for a very short period, six weeks. Immediately, upon appointment as Prime Minister on the 17th of March, 2025, the day after, a general election was called. And many people in society quite properly viewed that as perhaps one day of service until you called an election, but the fact is, you go out as a Prime Minister when your successor is appointed and takes office. So it was a six to seven-week period, it is indeed a very short period. But any law that

we pass, has to have certain prerequisites. It must have a legitimate aim, we know there is a legitimate aim in saying this is a tiered system, we support that. We say we support that on a prospective going forward basis.

When get to section two and we identify that this law notwithstanding the fact, that no name is called in the law. This law can only apply specifically, by virtue of section two with the date to come enforce being deemed as the 10th of March, 2025. It can only apply to one person that the Stuart Richard Young SC. This Bill correctly calls for a three-fifths majority, and there is a general principle of law that I have no issue with. Not every retrospective law is unconstitutional. Not every retrospective law is deemed to be in trouble just because it is retrospective. We pass retrospective laws all the time. Statutory interpretation tells us that, Bennion you can refer to, multiple cases referred to that. The classic case being *Liyanage v. The Queen* in 1967, and more recently in the *Steve Ferguson v The Attorney General* judgment in the Privy Council of January 2016, and the citation for that is 2016 UKPC 2. The question which calls in the use of the preamble of the Constitution is fine—again, by the leading case of *Suratt*, as confirmed by *Suraj* most recently, by the Privy Council says:

It is axiomatic that rights will be infringed from time to time.

And what are the rights that I am speaking about, Mr. President? The rights that I am speaking about are section 4 and section 5 rights. So, the Constitution of the Republic of the Trinidad and Tobago sets up in section 4 that we:—

“...recognised and”—we—“...declared that in Trinidad and Tobago...”—has certain rights and every persons has a—“...fundamental human rights and freedoms...”—

Including the following:

“...the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process...”

That is 4 (a).

“(b)

the right of the individual to equality before the law and the protection of the law;”—

4 (b)

“(d) the right of the individual to equality of treatment from any public authority in the exercise of any functions.”

So, we have the establish rights. We have one identifiable person, Mr. Stuart Young SC, Member for Port of Spain North/St. Ann's West. We know the law is going to apply to him and to him only. We are passing a law, the Members of the Government have said that this is a law for general purpose, and for the benefit of all persons in the circumstance. But the fact is, that Member, Mr. Stuart Young SC, has a property right which has vested in him. The minute he became the Prime Minister of the Republic of Trinidad and Tobago, pursuant to section 76 of the Constitution—and I will mark that I found it interesting that the hon. Member was stopped from speaking about section 76 of the Constitution. That is something that I will come back to in an appropriate forum.

10.45 a.m.

But the minute that the hon. Member for Port of Spain North/St. Ann's West became Prime Minister he became, under the law which we seek to amend, which this Bill seeks to amend, he became entitled to a property right by virtue of law. The law is, the very law which we seek to amend.

Now, I want to make a distinction. Our Constitution actually entrenches how people are to be treated in pensions. Section 133 of the Constitution, which is instructive, but not fully applicable, treats with the issue of pensions. But, it is pensions for public servants, but there is some persuasion that I think is relevant to this debate. Section 133 of the Constitution treats with pensions. It specifically defines that for the purposes of section 133, a judge of the High Court, a judge of the Supreme Court shall be considered to be a public office holder and that the President of the Republic is also there. The Prime Minister is not there. The pensions section of the Constitution, which are deeply entrenched by section 54, also says that you cannot take away a right, a benefit, for a public officer without consent.

Now, we as an Opposition, having declared our interest, we are aware that there are three things that can happen: we can support this law, we can oppose the law and say no to it, or we can abstain. If you look to the language of the Constitution, section 133 onward, you look to the fact that a right, a property right, which is properly on the table. The Member for Port of Spain North/St. Ann's West has a property right, has an entitlement to a pension which is vested by virtue of taking the oath of Prime Minister. That was upheld by the Privy Council, the oath taking and entitlements in the Chandresh Sharma case. That is now trite law for us. There is a vested property right to this individual. The question is, should it be taken away without consent?

Now there is only one human being, one person, who could say I agree or I do not agree to the right being taken away and it would save us all a huge problem in the law, and that is of course, the same Member for Port of Spain North/St. Ann's West. He could voluntarily say to the world, "I accept this position". He has

not and therefore we in this Senate have to now wrestle with the law. We have flagged and we are aware, we have skirted around it in the piloting of the Bill, but it is there. The newspapers say, in livid form, expressly, that it attacks one individual. One individual is permitted this reflection. He has not consented publicly or otherwise as he is entitled to not do. That is a personal decision of the hon. Member.

However, we are making law under section 53 of the Constitution for the peace, order and good governance of our country. And, in making law and in calling in aid section 13(2) of the Constitution, which is that you can, under section 13(1) and (2), pass a law which infringes fundamental rights. Suraj has upheld that, Lady Hale is the classical quotation. Not every section 4 and section 5 right is one that is so sacred that it cannot be trampled, because our Constitution expressly says, if you get a three-fifths majority, you can affect a fundamental right. But the caveat to that is in section 13 of the Constitution. And, when we look to section 13 of the Constitution there is a formula which we must treat with. Section 13, which is the "Exceptions for Certain Legislation", 13(2) says:

"An Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon...supported by the votes of not less than three-fifths of all the members..."

And 13(1) says, if the Act so declares that:

"...it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual."

So let me explain section 13(1). Section 13(1) as it proposes a tiered

graduated scale for future Prime Ministers, no problem. It is reasonably justifiable. It is explained. People would come in with their eyes wide open. Section 13(1), the reasonably justified in society, and respect for rights and freedoms of the individual. We must look at the rights of the individual. Member Stuart Young, Member for Port of Spain North/St. Ann's West. We know he has a vested right under the law, it is plainly clear. We know that Prime Ministers' pensions were not entrenched in the Constitution. They are only dealt with by the Prime Minister's Pension Act. The Prime Minister was not declared to be a public office similar to the President or Judiciary in accordance with section 133 of the Constitution, which you cannot change without a two-thirds majority. So we know that in amending this Act we have to look to the rights and freedoms of the Member for St. Ann's North---of Port of Spain North/St. Ann's West. North? Good Lord, Minister Stuart Young previous Minister, previous Prime Minister.

Question is, Minister piloting said, this law is proportionate. It is indeed proportionate, go forward. Is it proportionate as it applies to that Member, former Prime Minister, Stuart Young? That is very, very, very, debatable. In fact, I think it is quite clear that the law runs afoul of a principle of law referred to as *ad hominem* against an individual, against a person.

Now I am going to speak very plainly and simply about what *ad hominem* means. The dictum that is best in guide to us is the judgment in the *Steve Ferguson vs the Attorney General of Trinidad and Tobago and others*. It is a judgment of the *Privy Council 2016 UKPC 2*. And, there is a wonderful exploration of what *ad hominem* legislation looks like, in particular at page 9. And it refers to, at paragraph 19, under *ad hominem* legislation:

“The paradigm case of a statute which infringes both the separation of

powers and the due process clause is a bill of attainder. Bills of attainder were legislative acts which convicted a person of an offence...The last attempt to pass one was the Bill of Pains and Penalties of 1820..."

Sounds rather fitting today. Paragraph 20:

"The objection to a bill of attainder is the same as the objection to any exercise by the legislature of an inherently judicial function..."

Now, let me accept that Liyanage, Ferguson and the general cases on *ad hominem* were treating with an issue of separation of powers where a law was being passed to tell a Judiciary you shall have no purpose, you cannot decide something because we have passed which will treat it. But today we are passing a law which says, to former Prime Minister Stuart Young, you will be disentitled to your pension because we passed a law that says you will not get your pension. That is quite simply what clause 2 of the Bill does. And therefore, we would be telling a court, sorry, you cannot have a view on this law because there is a law that says we could do this. So you can stretch the argument into a separation of powers argument, you can bring to light the dicta.

But, listen to what the quotation to paragraph 20 of the judgment in Ferguson was. And they are quoting here from Blackstone commentaries. And Blackstone's quotation is if I may with your leave:

"...it is a rule: not a transient sudden order from a superior to or concerning a particular person; but something permanent, uniform and universal. Therefore a particular act of the legislature to confiscate the goods of Titius, or to attain him of high treason does not enter into the idea of a municipal law: for the operation of this act is spent upon Titius only..."

Substitute that language.

The operation of this law will apply to former Prime Minister Stuart Young only. Let us call out the elephant in the room. And if you take Lord Pearce's reflections in the case of *Liyanage vs the Queen* to be found in the 1967 appeal cases 259. We have now to say, can this law be saved on the basis that it is a general purpose? Because there is absolutely nothing wrong with a law of general purpose. In fact, in the *Steve Ferguson vs the Attorney General of Trinidad and Tobago* case at the Privy Council they upheld the retro-active application of the abolition of section 34 in the face of argument as to ad hominem, breach of due process, breach of separation of powers, et cetera. They upheld it because the Privy Council viewed that the law was sufficiently clothed by the fact that it was general in its purport. But the words of Blackstone in referring to the goods of Titius, Titius being a ruler of, an Emperor of ancient Rome, the Caesar, a Prime Minister being a Caesar, it does cause me concern, that, in this law, there is no gainsaying, that there is one target to the law.

Now, if we wanted to look at proportionality and there was general purport, I think we are bound to investigate, well, why are we not amending more than just the Prime Minister's tiered position retroactively? No problem, go forward. Why are we not amending, for instance, the provisions of other parts of the parent Act? I referred you, Mr. President, to the operation of this law as it related to another former Prime Minister. Another former Prime Minister, pursuant to section 6 of the Act, is certainly entitled—if I get to the law itself. Listen to section 3 of the parent Act, if you want to have proportionality—this is of general purport—the aim expressed by the hon. Minister in piloting said, this is to save taxpayers. I like that. Look at section 3 of the parent Act:

“(1) Every person who having been appointed Prime Minister on or after

the 31st day of August, 1962, ceases at any time after such appointment to be Prime Minister shall be paid a pension under this Act with effect from the date on which he ceases to be Prime Minister..."

That applies to three former Prime Ministers, the hon. Dr. Rowley, the hon. Kamla Persad-Bissessar, and the hon. Stuart Young. And subject to subsection (2) the:

"...pension shall continue to be paid during the lifetime of that person."

Accepted.

"(2) The Prime Minister's pension shall, if the person to whom it is payable becomes a legislator or is again appointed Prime Minister, cease to be payable during the period in respect of which that person is a legislator or holds the office of Prime Minister, as the case may be, but where the rate of the Prime Minister's pension exceeds the rate of salary as a legislator, nothing in this subsection shall prevent the payment of the Prime Minister's pension to the extent of such excess."

In other words then, a former Prime Minister, now Prime Minister, when Leader of the Opposition received Leader of the Opposition salary, but was topped up to the Prime Minister's salary, but the Prime Minister's salary was enlarged by the 120th Report of the Salaries Review Commission. There was song and dance by Members opposite that it was obscene, et cetera, but every single human being in the Opposition, now Government, has accepted the salary. They, like former Prime Minister Young, could easily agree that they would not take the salary, they could give it to the Children's Life Fund, but until that salary was raised as former Prime Minister Kamla Persad-Bissessar, forgive me for using it that way, but I am trying to make it simple, was entitled to.

Why are we not today, in the broadening of proportionality and saving the taxpayers, saying, most respectfully, go retroactively on that and give the top up retroactive effect so that the Member for Siparia when serving both as Leader of the Opposition and as a former Prime Minister did not receive the top up? Why are we not doing that? Why are we only retroactively affecting Stuart Richard Young, former Prime Minister? We have the ability as there is one person to whom section 3 of the Act applies, that is the top up, how come we are not doing that? If it is so proportionate, how come? Because that Member for Siparia is entitled to a back pay of close to \$1 million. Is that \$1 million any different from the \$1 million that the former Prime Minister Stuart Young is going to receive? You see, Mr. President, there is a problem with selection in this Bill. Why am I raising that? Because it points more and more to the words of caution as far back as Blackstone talking about the goods of Titius, and as recent as *Steve Ferguson vs the Attorney General of Trinidad and Tobago* in the Privy Council on the retrospective effect of section 34. We cannot make sense of the general purpose. It is barrelling into ad hominem legislation.

11.00 a.m.

Therefore, as much an Opposition, listening to the people, will say, "Listen, Minister Young will be receiving by the life expectancy of 35 years," the hon. Member, as a former Prime Minister, might receive \$35 million in 35 years. Yes, I can understand that there is a public sentiment about that. There is an easy escape. Former Prime Minister Young could easily say, "I agree to the law," that but he has not. So, therefore, we in this Senate must now wrestle with whether the law we are passing truly meets with section 13 of the Constitution because we are using the formulistic approach of a three-fifths majority. We are entitled to do that. The

Constitution says, if you are going to affect a right, put section 13 into effect.

The hon. Attorney General, who would have assisted in the drafting of the law and has done the drafting of the law, was perfectly correct in saying that: It affects a right, there is a property right, section 4(a). There are other rights in section 4, go to section 13, put the preamble. It affects rights. Pass it with a three-fifth majority. But the problem we have as a Senate is that we must look to whether this is reasonably justifiable in a society that respects due process and the law.

And we know that the case law tells us, once you can target the individual in precise identifiable terms, then you are in trouble. And the law targets the individual in precise terms by selecting, arbitrarily, two things: One, tackle the date as at 10 March, 2025—there is only one person, Stuart Young—but it also omits to treat with a very large benefit that the Member for Siparia will receive as a former Prime Minister in the top-up pursuant to section three. And therefore, you have to ask yourself, why is the Government not coming to say, “Well, look, we will amend section 3 equally, so that is not one man suffering, or one woman suffering, we will give all the former Prime Ministers the problem. We will give Member for Siparia, the hon. Kamla Persad-Bissessar SC, the same problem. We will make sure that the taxpayers do not have to pay the million dollars in back pay. We will make sure that the top-up provisions of section 3 do not apply”? Had you done that, “we easy”, because it is the general purport to two former Prime Ministers, not one.

Am I happy to debate this law today? No, Mr. President. Do I have a personal view? Yes, Mr. President. Has the Government selected to go into an excursion, an exploration of section 76 of the Constitution? They have not, which is why the Leader of Government Business sensibly interrupted the hon. Minister

in piloting to say, "Doh go there," when he was about to read section 76 of the Constitution.

Hon. Senator: [*Inaudible*]

Sen. F. Al-Rawi SC: I am sure.

So, Mr. President, we have a tough decision here. We in the Opposition, I think we are bound to abstain because we have an interest. If there is a benefit to the hon. Member for Port of Spain North/St. Ann's West, we stand to benefit by collecting 5 per cent of that under the Integrity in Public Life Act, section 29. We have to declare that. We are an interested party because the PNM receives 5 per cent of that. Do we wish to be in those circumstances? No. Should we participate in something that offers assistance in that debate? I think respectfully, no. So, Mr. President, this is in no simple Bill.

There is the public sentiment but there is the law, and I cannot divorce the fact that I am a lawyer and I have been a legislator for 15 years. So, what do we do? Where do we go? It is interesting that we have an Independent Bench because all eyes have been on them since an incredible attack against the Independent Bench by the Government yesterday. We have dealt with that, we do not need to go there. I think lesson perhaps marked and learnt. We are new to this Parliament and I do not think anybody means anything pejorative. Let us start with a fresh slate, Mr. President

Mr. President, I respectfully believe that the hon. Attorney General can assist us in better clarification. I confess that it is no easy task. I am sure for any Attorney General, it would not be a pleasant task to draft a law such as this when you are possibly going to face litigation, if the Member for Port of Spain North/St. Ann's West decides to do so.

So, Mr. President, I do not want to say more. I think that I have identified the parameters of the debate. I will tell you, it gives me no pleasure to have to make the debate in the circumstances that I have and but I wanted to be very plain in this, we can either vote for but we have a problem with part of it. We 100 per cent buy the augment of lets graduate the service. The longer the service, more the reward. No problems, perfectly reasonable justifiable.

However, when we get to affecting the individual right of one identifiable person, pursuant to clause 2, could only be Stuart Young, as much as you feel one way or the other in the public, the law must apply. Can we participate in law that we believe is ad hominem? There is a big problem with that, but even if we wanted to participate, I think we have to be clear that the PNM receives 5 per cent of the salary of Stuart Richard Young, as a Member who contributes under our levy scheme. So we have a material benefit. We have an interest and therefore, it would be improper of us to participate in making a decision, one way or the other. Both the parliamentary rules tell us, you must declare an interest at the start but also persons in public life are bound to declare their interests pursuant to section 29 in the declaration of interest clause.

So, Mr. President, all eyes will be on this Senate today in how we balance sentiment and emotion versus law. Ultimately, perhaps, the arbiter will come from the courts, which is why we have the separation of powers. I accept there is a material distinction between the Ferguson matter as it relates to the Privy Council decision and the judicial direction and the arguments on due process and abuse of process, et cetera. But I think we need to think carefully insofar as this law is retroactive and says that you are disintitling somebody who has received an entitlement, you are ousting arguably, in a sense, the jurisdiction of the court by

saying, “No, court, you really cannot change the view on this property right because the Parliament decided so,” as it can. It is the supreme law, the Constitution. The Constitution says, you can infringe a section 4 right on the property, if you use section 13. Section 13 says it must be reasonably justifiable in a society that respects due process and rights to the individuals. We have a problem.

I look forward to the debate. In particular, I look forward to the contributions of the hon. Attorney General. He is a very learned man in the law, certainly on this matter. His parliamentary record will certainly speak to that. So I look forward for the guidance that will come from the Government and I look forward to the debate coming from hon. Members on the Independent Bench. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

VISITORS

Ste. Madeleine Secondary School

Mr. President: Hon. Senators, we have another group of students here with us. They are from the Ste. Madeleine Secondary School. Could we warmly welcome them?

Hon. Senators: [*Desk thumping*]

PRIME MINISTER'S PENSION (AMDT.) BILL, 2025

Mr. President: With the cooperation of Sen. Vieira, I recognize the hon. Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, I know that—I recognize that debates in this Chamber are, generally speaking, fluid in nature. I was—my leader had asked me to speak later in the debate, but in light

of some comments on the law that have been made by my learned friend, Sen. Al-Rawi, who served a fairly decent—he served a long stint in the Office of the Attorney General, I felt it best for me to deal with those—I think that some of them are clearly wrong, some are misstatements of law, and I felt that this was with the appropriate time for me to speak to those.

11.10 a.m.

Now, the Senator spoke extensively from *Blackstone's Commentary* on the law and he spoke in passing to the Ferguson case. Now I will concentrate on the Ferguson case in a bit because in that case there is a comprehensive discussion and analysis of the couple paragraphs from *Blackstone's* including the relevant bit on the goods of Titus and the attainder point. With the greatest respect, I think that the Senator misunderstood, or misconstrued, or failed to tell us what exactly what exactly Blackstone meant. I will attempt to treat with that.

So if I can begin with the contribution to the Leader of the Opposition in the other place, because to a certain extent, that has informed the view of Sen. Al-Rawi SC, this morning. Now in the other place, the Leader of the Opposition did not have a problem with the policy of the Bill. She said so on the Floor of the House. I heard her say so on the Floor of the House and then when we moved to Committee Stage the only objection registered by the Opposition in that place was with respect to the retroactivity provision.

Now as I said that, I believe I recalled one of the Members, perhaps the Member for Port of Spain South, raising an objection on the clause which is designed to insulate—protect the Bill from attack on the basis that it is unconstitutional. In any event, the policy she said she had no problem with and is the policy of the Bill? Well, first of all, we have to recall that the Prime Minister's

Sen. The Hon. J. Jeremie SC (cont'd)

Pension Act, which is the law that we are seeking to amend this morning is a 1969 law. So that at the time the '76 Constitution is enacted, we do not use saved law for measures which do not potentially affect the constitutionality. But it certainly grandfathered it. It is a saved law at the time the '76 Constitution was enacted. It is good and why because it was legislated, it was enacted in 1969—the republican Constitution was 1976—pre-dating the Constitution it is grandfathered in, as part of the body of law that existed at the time the '76 Constitution was enacted.

Now in 1969, if I could just mention some of the provisions, the law sought to make the pension non-contributory. What does that mean? For most of us inside here would recognize that what that means is that the beneficiary of the pension does not pay towards what he gets. Then, there is this provision at the end of the law—it is a very short Act. So it may be clause 5 or section 5 or 6, which says that the funds to meet the pension come out of the consolidated fund.

Now in 1969, it would not have been a tremendous burden on taxpayers because salaries were \$2,000 or \$3,000 a month. Even at the top end.

Sen. Lewis: So much.

Sen. The Hon. J. Jeremie SC: Exactly, that is a lot. Two or \$3,000. That is at the very top end. So the Prime Minister's pension in '69, even on the face of the '69 law, it was not a drain on the taxpayer. Now, less than 60 years later, this is 2025, so that is 96 years? If my math is—no, I am sorry, that is 56 years, if my math is correct. Less than 60 years later you have a situation where someone moves from access to a pension of somewhere in the vicinity of \$30,000, a year. A Prime Minister is entitled to pension who shall position somewhere around \$30,000 per year to a sum, north of \$1 million per year.

Now, if you read the *Hansard* as I did in preparing for the debate here today,

you will see that a Bench of giants, as we have here today, Sen. Lequay said but “what happens if somebody say...”—it was not Sen. Lequay, the Sen. who spoke after Lequay. I cannot recall his name now but he raised the point frontally. He says a “what happens if someone serves for a day?” But you had a Prime Minister in office in '69 who would have had been there for 13 years and it was the sense of the Senate and the House that that was inconceivable.

Now the debate went on and the Bill was enacted. In '76, the republican Constitution came. There was no revisiting of this particular amendment. Why, because the burden—I mean, I could just suggest that this is perhaps the reason why. There was no outcry because the drain on the consolidated fund was relatively speaking, bearable even in 1976, and continuing thereafter with the reports of successive Salaries Review exercises.

What happened was the report of the last SRC. That report catapulted the Prime Minister's pay. Pay is linked to pension—not under our scheme because, you know—I will leave the politics aside for the time being, but the pay catapulted and the Prime Minister's income catapulted to a level, if I am correct just around the President of the country. Maybe even—it is either equal for the first time with that of the President of the Republic or, if it is not, it is less by two or \$3,000.

Now, I do not want to be held to that. My colleagues who will speak after me can check on it. And that is for the first time in this country of you have an SRC saying the Prime Minister is making more than the President of the Republic, or as much because we have a clear hierarchy. The President is the Head of State. Whatever you think of the President, the President is the Head of State and we work—all of us are appointed by the President. The Prime Minister is sworn in by the President. The President is the Commander-in-Chief of the Armed Forces and

so on.

The point is this, that when the salary increased a year or two ago, what happened was that not only was the Prime Minister's salary the subject of serious criticism out there in the society, because here you have at the very time that public servants are being told that they must tie themselves to existing wages after a decade of inertia, and I say that knowing that I am subject to correction. Someone will say, well their wages were not tied to existing wages, they got a 4 per cent increase or thereabout.

The point is that the Prime Minister was the only person in this country to get at that time what amounted to a 50 percent increase in salary. That is a fact and there was an understandable political outcry and my learned friends on the Opposition Bench know that that took place. Once you had that increase in pay, there would necessarily be an increase in pension because the two were linked in 1969, when salaries were about \$3,000 or \$4,000 a month.

Now under the Constitution—okay, I am just being passed a note that reinforces the point that I have made. The SRC report jumped the Prime Minister's salary, over that I am told of the President. So for the first time ever. The President's salary is \$81,000, just under \$1 million a year. The Prime Minister's salary is north of \$1.1 million. This happened for the first time. Now, when that happened, obviously, there was a hue and cry outside in the streets. The after-effects of that is this in front here, in part, and they would be disingenuous if they were not to say that their selfishness and their complete callousness towards ordinary workers, those people who work here with us in this place. Those people who work with our colleagues in the other place, public servants, nurses, teachers, ordinary people, they were being told “no increase for you, we cannot afford it.”

And if you recall, even the judges of the court, the initial recommendation with them is that they should get new increases. This is the Supreme Court of Trinidad and Tobago. Something was wrong with that.

Now, we had a situation where those increases, while there was hue and a cry outside there, we are a peaceful people. Nothing happens, in some countries I imagine people would take to the streets and express their views on something like this. In this country, as one of my colleagues on the other side said, in a different context, the attitude was “dey eh riot yet.” Well they did not, but the people waited. An election came and the people spoke.

Hon. Members: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And Mr. President, section 53 of the Constitution says that it is our function as a Parliament to pass laws for the

“...peace, order and good government of Trinidad and Tobago.”

Hon. Members: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And that is a clause that is in the '62 Constitution when the Prime Minister's Pension Act was passed. And that is all that we are here to do, pass laws for the peace, order and good government of Trinidad and Tobago. That is our job. You failed to do it, you paid the consequence of ignoring ordinary people outside on the streets of Trinidad and Tobago. We are not about to ignore them.

Hon. Members: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: So that if one gets back to the Bill, that is the reason why we are here.

11.25 a.m.

Now, the words used by the hon. Leader of the Opposition in the other place,

she said that there was a lacuna in the law. So she is taking herself out of it as Sen. Al-Rawi took himself out of it this morning. Both of them, in different ways, concede that the provisions of the law are now unjust. That is what they conceded when they said that there is a lacuna in the law. Their problem is with respect to it having retrospective effect. Both of them said so.

In the Lower House, the Opposition did not vote against the Bill. They voted against the retrospective clause. I think it is clause 2 or clause 3, the one that says the Bill shall have effect in March. They did not vote on the Bill. They conceded, but there is a lacuna in the law and that there is nothing wrong with fixing a lacuna, and we agree with them on that. No one can argue with that. There is a problem with this law.

The law, at present, allows a person who was a legislator to collect an income—that is what pension is, an income—of \$1 million a year after having performed a job for—I am taking Sen. Al-Rawi's calculation without question—after performing a job for 36 days. After performing a job for 36 days, you get a pension in that job for 30 or 40 years and that is the lacuna that they concede exists. Now the difference between us is this, they say do nothing, change the law going forward; do nothing. That is their position in the other place, that is their position here. Change the law going forward because their problem is the fact that there is this clause, which says that the law is retrospective in nature. So let us look at that.

Sen. Al-Rawi says that the retrospectivity—and I have to deal with this because Sen. Al-Rawi said that the law is targeted on one person and he mentioned the name of that individual. I am going to be careful because what we say here is going to be looked at, what we said in the lower place is going to be looked at by

the others, and as the Attorney General, my words will be scrutinized and I am going to say exactly what I can say and no more. Sen. Al-Rawi said this law is targeted on a particular person.

Now, those of us who have any memory of the Ferguson and Attorney General case would remember that that is a point that Lord Sumption, a colourful character, dealt with in respect of the AJIPAA amendment, the Administration of Justice (Indictment Proceedings) Act. The AJIPAA amendment came about because Parliament enacted clause 34. Who did clause 34 affect? Mr. Ferguson. I can say that today. It affected Mr. Ferguson and a small class of persons who were affected by the Piarco litigation. That is it, a small class of persons. And, it is in that context that Lord Sumption takes us to Titus and Blackstone, but not in the way that Sen. Al-Rawi stated. Now I am not sure if he understands what a bill of attainder is, but I will tell him. Okay.

So Lord Sumption pulls out the paragraph from *Blackstone* and he says this and forgive me if I repeat a bit. He says:

“...it is a rule: not a transient...”

Just let me get—no, I am sorry. He says:

“The objection to a bill of attainder is the same as the objection to any exercise by the legislature of an inherently judicial function.”

Now that sentence sort of tells you what a bill of attainder is. A bill of attainder is a law that punishes a specific person or a group of persons without a judicial trial. So it is a bill that comes afterwards and says X is guilty of high treason. Titus is guilty of high treason. Well—and confiscate his goods. I mean I do not know if my friend got confused with the word “attainder”. It is not just a bill, it is a bill that deprives a person that takes away his access to the courts. And

it goes on to—what *Blackstone* is saying is that:

“The objection to any exercise by the legislature of an inherently judicial function.

Because the court is supposed to tell you whether you are guilty of treason, not the monarch. So that is how *Blackstone* phrases it. He is dealing with a punishment. “We not dealing with locking up nobody here.”

Hon. Senators: [*Desk thumping*].

Sen. The Hon. J. Jeremie SC: What we are dealing with—our job here today is to keep faith with the charge the Constitution sets for us. You have to pass laws for the peace, order and good government. This is the law that is passed and sought to be enacted for the peace, order and good government of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Our job is not to lock up Titus, we are not locking up anybody else and, more than that, we are not thinking of doing that without access to the court. Okay, that is the first thing that you have to do, access to the courts. So this has nothing to do with *Blackstone* coming through. It might sound nice to talk about a bill of attainder but, really and truly, it is just not relevant.

But *Blackstone* goes on, he says the reason a bill of attainder is objectionable is that:

“It does not have essential attribute of law, which is its generality of application.”

And, he describes that as the first principle, the first requisite of a law.

Now, the Privy Council in *Ferguson* and I am taking *Blackstone* from *Ferguson* because Lord Sumption actually pulls out the paragraph from *Blackstone*

that my friend spoke to. It was more relevant in that case because there was jail involved for Ferguson and Galbaransingh and others. That is not what we are doing here today. We are discussing and debating entitlement to pension. That is a general matter which falls within the good government of Trinidad and Tobago.

Now Lord Sumption goes on to say these words. He says, after he deals with the *Blackstone* and what is objectionable retrospectivity and he says objectionable retrospectivity is dealing with someone's access to justice. That is what he is saying when he speaks of a bill of attainder and Titus. Do not lock up someone or do not have someone at risk of being in prison without giving that person the benefit of passing a law, of having him know what is against the law and above all, the Executive should stay out of the business of passing retrospectivity legislation to lock up people. That is what he is speaking about.

Now and I know that because Lord Sumption goes on to say:

“Direct interference with judicial proceedings is, however, rare.”

And then he says:

“More commonly, legislation impinges on them indirectly by altering general rules...”

Now—and he gives examples. They might change:

“...the elements of...a tort,...”—take away—“a special defence...”—alter certain—“rules of evidence...”—interfere with—“a relevant period of limitation...”

And he says that where those things occur, then you have not objectionable retrospectivity but you have a greater challenge. Objectionable retrospectivity is locking up people after the fact. But he says where these types of things occur, then you have something that is maybe more of a challenge.

And I know he means that because he says it:

“This kind of legislation gives rise to more difficult problems.”

He says—why is that case? Because:

“It is general, not particular. In Blackstone's terms...”—however, he says—“it is a law, not a sentence.”

So you are not sentencing Titus to a period of time in jail, you are not sentencing anybody here to anything.

And in that regard, he speaks about the principle of retrospectivity and he says that you begin with the fact that it is just a presumption. He says that in Ferguson at paragraph 24. He says:

“There is...a presumption against retrospectivity...”

And understand that when he says there is a presumption, what he is saying to us is not, do not do your job to pass good legislation. He is saying that when it comes to him and the exercise of his judicial function, he is going to look at what we have done and begin with a presumption that the legislation cannot be with retrospectivity. That is his job, looking at what we do. We have a duty to pass law for the good order of Trinidad and Tobago.

Now, it is important to look at what he says at paragraph 24 and I have to belabour these points because he says:

“...this is no more than a principle of construction.”

So you begin with a presumption, but right away, “yuh tell yourself” it is a presumption, it is not a rule. Not a hard and fast rule. We know that he is saying that because he says this is no more than a principle of how I approach constructing legislation. And then he says these words:

“Once...”—I—“...established as a matter of construction, mere

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Sen. The Hon. J. Jeremie SC (cont'd)

retrospectivity does not violate the separation of powers or the rule of law...is not contrary to due process”—then I have a more general question to ask myself.

Now he speaks about cases like this, what he describes to be politically controversial cases, because if you remember, the challenge in section 34, I mean there was a hue and cry, a public outburst and the Legislature was called back two weeks after the law was enacted.

11.40 p.m.

And I am coming to deal with that point about vested rights. Because once the law was enacted, rights became vested immediately. But the Government of the day, came back two weeks later and said—

Mr. President: You have eight more minutes, AG.

Sen The Hon. J. John: How many?

Mr. President: Eight more minutes.

Sen The Hon. J. John: Okay. The Government of the day came back two weeks later and they said, “We made a mistake, we vest rights in people, we taking away those rights.” Those are vested rights. Rights that were vested were taken away, after the fact, by retrospective legislation. Do you know by who? By Members on this side.

We recognized that we erred in section 34. We recognize that we erred. We came to this Parliament and we said we are passing a law retrospectively because we have a duty to pass laws for the good order of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen The Hon. J. John: And, there was a lot of debate in the society, “You cannot do that. The rights are vested. You cannot interfere with those vested rights.” We

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Sen. The Hon. J. Jeremie SC (cont'd)

did it and the case went right up to the Privy Council, and the Privy Council said, yes. That was not objectionable retrospective legislation. That is what happened.

Hon. Senators: [*Desk thumping*]

Sen The Hon. J. John: And the court dealt with that argument about focusing on—well, I suppose my friend says that this law affects one person, but it is not written in that way, and the law in Ferguson was not written in that way. It was written to cover every person, including X, or Y, or Z, or others who fell into that category and who might come to be in this position in the future.

So, what the Privy Council says there is that although framed generally in practice, the law before them applied—because that is what we did when we changed the law. It applied only to a limited category of persons, including the appellants before them. And then, they said, you know, really, it is targeting them *ad hominem*. But the court says, this is manifestly not the case. Why? Because it does not only looks like general legislation, it is general legislation. It affects, and this is important, all cases to which section 34 would otherwise apply—and then, this bit is crucially important—past, present or future. And that is the complete answer to this argument that this is *ad hominem*.

The Privy Council is saying that the test to determine whether something is *ad hominem* is whether as a matter of substance, not form, the legislation speaks to all cases to which the section would otherwise apply, past, present or future.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. John: Mr. Speaker—I am sorry, Mr. President. That is one of the perils of moving up and down. Last week Friday I was there. But, Mr. President, that is the complete answer to this legislation being *ad hominem*, it being retrospective. And it is captured in the remarks of one of the most brilliant

jurists that we have had in this century, in Lord Sumption. He is the one who decides Ferguson and Galbaransingh, a very interesting character.

And I say that the decision in Ferguson, which my learned friend cited but skirted around, the decision in that case answers all of the objections that have been made by my learned friend. And what we are about today is not punishing any person. We are about doing our business in faithful reliance to section 53 of the Constitution, which requires us to make laws for the peace, order and good governance of Trinidad and Tobago. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Vieira.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. President. I would like to begin my contribution with a reminder about the rule of law. Now, I know many of us are aware of the rule in a general way, but as legislators it may be useful to remind ourselves that the rule of law is fundamental to peace, security and political stability. The rule of law demands that all persons, regardless of race, religion or station must be treated equally and are deserving of equal protection under the law.

The rule of law prevents the abuse of state power. It requires that the law be followed by all. And it ensures that legal rights are fulfilled in practice. The rule of law is a fundamental principle underpinning our Constitution, which, as we all know, is the supreme law. The rule of law is a lighthouse to avoid the rocks. It is against this backdrop that I rise with considerable unease at the precedent this Bill will be setting.

My first concern relates, as I have foreshadowed, to the rule of law. Because at its core, this Bill undermines the rule of law, specifically at the principle of legal

certainty. The rule of law demands that laws be general, prospective and known in advance, not retrofitted to remove entitlements after they have been earned under existing law. Now, I think we heard about Ferguson, but if memory serves me right, in Ferguson, no vested legal rights had accrued before the appeal.

Lord Bingham, another brilliant mind, in his seminal work, *The Rule of Law*, emphasized that laws must be applied equally and fairly, not arbitrarily to disadvantage specific individuals. As I hope to show, this Bill is fundamentally in conflict with the rule of law and should not be contemplated by any government which has respect for the rule of law.

My second concern relates to the Bill's retrospective nature, and this is, and should be, deeply troubling. In the well-known and highly respected text, *Maxwell On the Interpretation of Statutes*, the 12th edition on page 216, quoting from one of the most well-known statements of the rule regarding retrospectivity from the judgment of Justice Wright In re Athlumney, it is written that, and I quote:

“Perhaps no rule of construction is more firmly established than this - that a retrospective operation is not to be given to statute so as impair and existing right or obligation, otherwise than as regard matter of procedure, unless that effect cannot be avoided without doing violence to the language of the enactment.”

And this is in accordance with the general principle that current law should only govern current activity, and there is a host of case law on this. So, when I see legislation purporting to enact the retrospective deprivation of benefits already earned, I am troubled because that offends settled constitutional and administrative law practice.

In the case of *Wilson v First County Trust Ltd (No 2)*, 2003, UKHL, the

House of Lords confirmed that retrospective legislation interfering with vested rights is constitutionally suspect and must be justified by compelling public interests. I do not see any such justification in this Bill. In fact, in Trinidad and Tobago, prospective application of salary or pension reductions is the settled norm, as reflected in the long-standing practices of the Salaries Review Commission and related statutory instruments. To do otherwise, as this Bill seeks to do, is an affront to the fair administrative practice and dignity of office.

My third concern flows from a cluster of facts, given that this legislation pertains to Prime Ministers, of whom we may have only had seven since independence, given the timing of the legislation, given the proposed time frame for a person to serve as Prime Minister in order to qualify for a Prime Minister's pension, given the retrospective effect from the 10th of March, 2025, and given comments in the media. For example, in the *Express* newspaper, dated 18 June, 2025, it was reported that, and I quote:

“The Government will today introduce legislation in a move designed to deny former prime minister Stuart Young a prime ministerial pension for life.”

In the other place, Legal Affairs Minister, Saddam Hosein, is reported to have said that:

“It...cannot be deemed fair for an individual to serve as a Prime Minister for a minimal period and subsequently receive a lifetime monthly pension of \$87,000...”

He was critical of the fact that:

“...an individual could serve as Prime Minister for as little as ‘five seconds, for five days or for five months,’ and upon ceasing to hold office,

immediately becomes entitled to a lifetime pension of \$87,000 per month...

As an example, the..."—hon. Minister—"...cited...—former Prime Minister—"...Young, who, having been appointed in March, would have qualified for this substantial lifetime pension despite serving for less than a month before the PNM's electoral defeat to the United National Congress..."

In moving the Bill, the hon. Ministry of Planning, Economic Affairs and Development and Minister in the Ministry of Finance spoke of a set of very peculiar circumstances. He spoke about one parliamentarian receiving generous payments for life, regardless of length of service. Now, I accept and I agree with Sen. Al-Rawis's reasoning and conclusion that this law will only apply to former Prime Minister Stuart Young. As he put it, there is only one target to this law. I am not going to rehash so as to avoid tedious repetition. So, given all of this, I can see no escape from the conclusion that this Bill is plainly *ad hominem* aimed at a specific individual, the hon. Stuart Young.

11.55 a.m.

And this must ring alarm bells in this Senate because *ad hominem* legislation undermines parliamentary integrity. Lord Cooke warned in Fraser against State Services Commission, 1984, New Zealand law reports page 116. He warned against legislation targeting individuals rather than setting general rules of law, stating that power of legislation is not a license to victimize.

Now, history is not a study of the past, it is the study of change. And in this vein, permit me to cite two examples, drawn from legal history, that illustrate *ad hominem* legislation, that is, laws targeting specific persons backfiring, backfiring with unforeseen consequences. The first example pertains to the Act of Attainder

against Thomas Cromwell in 1540. Now, as many of you will recall, Thomas Cromwell, Chief Minister to King Henry VIII, engineered the English Reformation and the King's marriage to Anne of Cleves. And when Cromwell fell from favour, Parliament passed an Act of Attainder against him, convicting him of treason without trial. Attainder was a legislative tool to punish specific persons, stripping them of life, liberty and property without judicial process. But there were unintended consequences.

First, the Act of Attainder established a political precedent of fear. Cromwell's execution set a precedent for using Parliament to settle personal or political scores, and this bred fear among the nobles and the councillors, weakening the stability of Henry's later reign as loyalty became rooted in survival, not duty. Secondly, it undermined the Judiciary. The use of Attainder eroded the role of courts in ensuring due process. It later fuelled a constitutional crisis over arbitrary legislative punishments. And thirdly, it laid the groundwork for what we call 'reciprocal vulnerability'. As those who sponsored attainders soon realized that they themselves could be targeted. For example, the Duke of Norfolk later faced an attainder under Henry VIII. And finally, it triggered long-term constitutional reform. The misuse of attainder contributed to public and legal revulsion against such ad hominem laws.

By the late 17th Century, they were seen as instruments of tyranny, and they fell into disuse. Long story short, Cromwell's Attainder exemplifies how laws targeting individuals rather than general conduct undermine legal predictability, they breed political insecurity, and they degrade the rule of law. This event is well documented in English constitutional and legal history as a classic example of ad hominem legislation producing destabilizing and unintended consequences. My

second example pertains to the Roman Lex Julia de adulteriis passed in 18 BCE. When Augustus Caesar became Emperor, he passed a Lex Julia de adulteriis ostensibly as part of his moral legislation to promote public morality and social stability. However, while the law appeared general in practice, it was targeted at his daughter, Julia the Elder, who was prosecuted under it for adultery and exiled.

Now, that law also reaped unintended consequences, including erosion of Augustus's public image, it caused public sympathy for Julia, and it painted Augustus as a hypocrite. Roman citizens saw the law as an instrument of political control rather than moral reform. More than that, the law triggered social destabilization. Elite families became fearful that private conduct could be criminalized if it conflicted with imperial interests and that undermined loyalty to Augustus's regime. Worse, it became a political precedent for personalized law by normalizing imperial use of legislation to target rivals or disfavoured family members. Long story short, this example demonstrates that laws targeting specific persons, even if cloaked in general language, can undermine legitimacy and public trust in our political institutions.

My fourth concern should be a familiar refrain because lawyers often raise it in the courts. And this is the matter of reasonable and legitimate expectation. Mr. Young, upon acting as Prime Minister, acquired a legitimate expectation under the Prime Minister's Pension Act to receive the pension attached to that office. This doctrine was affirmed in the *Council of Civil Service Unions v the Minister for Civil Service* [1985] Appeal Cases at page 374, where Lord Fraser noted, and I quote:

“A legitimate expectation arises either from an expressed promise or by reason of established practice.”

Now, the practice in Trinidad and Tobago is that any person appointed or acting as Prime Minister qualifies under the Act. Unless legislation—and this is the word ‘prospectively’, not retrospectively—changes the entitlement. A fifth concern relates to the constitutional status of Prime Ministerial emoluments. As made clear in the explanatory note, the Prime Minister’s salary, pension and conditions fall under the Salaries Review Commission’s remit by virtue of section 141 of the Constitution. And this is why, a three-fifths majority of all Members of each House of Parliament is required.

Now, on this point, the ruling in *Devant Maharaj v the Attorney General of Trinidad and Tobago* is instructive. The High Court—per Justice Rampersad—held that it was unconstitutional for Cabinet to alter the Senate’s precedence terms and conditions without recourse to the Salaries Review Commission. And so by parity of reasoning, Parliament should not, Parliament should not, unilaterally alter the pension terms for the Prime Minister, an office falling under the purview of the Salaries Review Commission, particularly on a retrospective and targeted basis.

My sixth concern relates to what is described as the slippery slope. That is to say, a course of action likely to trigger a series of other events leading to undesirable or extreme outcomes. Simply put, today it is Mr. Young, tomorrow it could be any other office holder. This utilitarian approach, focusing on what is expedient or politically palatable in the short term, it risks eroding the constitutional guardrails that protect us all. In my opinion, if this Bill is allowed to pass, we in this Senate will have to take responsibility for establishing a bad precedent. This is a moment when we should be thinking instead of ceding control to political impulses. The objective of this Bill is to deny a certain person equal protection under the law, and that constitutes, in my opinion, an invidious

discrimination.

We need to understand the peril of this moment and that there is a significant hidden danger. When political parties see their counterparts as enemies rather than as political rivals, democracy is untenable. I am sorry to be so blunt, but it is my duty to describe the situation as I see it. We took an oath, and this is about being true to the oath we took. An oath set out in the first Schedule of the Constitution is that we will uphold the Constitution, and will conscientiously and impartially discharge our responsibilities to the people of Trinidad and Tobago.

A seventh concern pertains to the fact that this Bill is inconsistent with other statutes. For example, the Prime Minister's Pension Act, section 3, entitles any person who has held the office of Prime Minister to pension at the prescribed rate. The amendments seek to misapply this to appointments under a certain duration, contradicting that clear wording. The Pensions Act, which guarantees accrued pension rights to public officers, this Bill subverts that underlying principle. And the statutes Act, which requires clear and general drafting, this Bill's targeted language is arguably inconsistent with the generality and clarity expected in legislative drafting.

My eighth and last point pertains to the broader constitutional values at stake here. It behoves us to remember that constitutionalism is not merely about power, but restraint. When the law produces inconvenient outcomes, our duty is not to change it ad hominem but to abide by its terms, amending prospectively, not retrospectively, where justified for the public good. This Bill offends fairness, certainty, and constitutional propriety. And so for these reasons and in these circumstances, I respectfully urge all Senators to consider whether the passage of this Bill will not in the fullness of time prove corrosive to the very constitutional

democracy we have all sworn to uphold.

Ultimately, this is not about whether one likes or dislikes the former Prime Minister. While this way of thinking may be jarring to some people, this is not about quantum. Whether the former Prime Minister gets \$8,000 or \$80,000 is irrelevant. This is about constitutional rights. The Constitution protects rights regardless of popularity. Courts have warned, courts have warned, against a referendum on rights mentality where benefits already earned become hostage to the next election cycle. A pension vested under law is not a privilege subject to public opinion or to party manifestos. When clawback is driven by campaign promises and majority sentiment, the retrospective provision becomes a political act, not a constitutionally valid one. And that is a very serious issue.

[*Member gives way to Sen. Roberts*]

Sen. Roberts: Thank you, hon. Senator for giving way. Earlier in your contribution, you may have quoted from an *Express* newspaper and quoted the Member for Barataria/San Juan having spoken about an individual in a certain manner. I have checked, and the hon. Member did no such thing. The *Express* report was wrong, and you can check the *Hansard*.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: I know that you are a man of fairness, so I would want you to just correct the record so that that would not be used to make a point about ad hominem, thank you.

Sen. A. Vieira SC: Well, I did not read the *Express*, and I did not—so I was relying on a report, and if what you are saying is accurate, I will withdraw that particular aspect, and I thank you for the guidance. But I want to come back to the point that this may seem like a little thing, but this is a very serious issue we are

dealing with here today. And Parliament has a duty, we have a duty to act fairly and legally, not punitively. Retrospective adjustment is permissible only for fraud, misrepresentation, calculation error or demonstrable inability of the State to pay.

12.10 p.m.

In *Ray Harry Sooknanan*, a 1989 decision, the Court held that genuine fiscal impossibility may justify a temporary reduction, but mere policy regret will not. Fiscal or policy regret does not reach the threshold of reasonable justification.

So in conclusion, I sincerely urge Members of this honourable Senate to weigh very carefully and to exercise caution on whether you will support or reject this Bill. And I would put out these reasons again just by quick summary. In my view, this Bill undermines the rule of law and legal certainty. It ignores the constitutional limit of the Salaries Review Commission. It is retrospective, *ad hominem* legislation, which is improper. It erodes the doctrine of legitimate expectation. The law is always a balance. It is always a balance between competing and sometimes incompatible ends. But when we consider legislation, we must always be mindful of the broader implications for good governance.

In my respectful opinion, the attempts to justify this Bill are specious and unsatisfactory. No amount of moral disagreement can undo a pension lawfully earned outside of fraud, misrepresentation, or fiscal impossibility. And even then, it is the State that bears the burden of proving this. Under our Constitution and the rule of law, no one should get special treatment. These are fundamental pillars of democracy. They require an even-handed application of the law. We must live under the rule of law, not the rule of men. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Candice Jones-Simmons.

Sen. Candice Jones-Simmons: Thank you, Mr. President. Warm congratulations are due to you on your elevation to this esteemed office of President of the Senate. I would also like to take this opportunity to express my heartfelt thanks to the President, Her Excellency, Ms. Christine Carla Kangaloo, for granting me this opportunity to serve as an Independent Senator. It is a privilege and an honour and also a solemn responsibility. And it is from a deep sense of responsibility and a commitment to the adherence of the rule of law in a legislative process that I feel inspired to rise today to contribute to this debate on a very important matter.

Now, Mr. President, the Government has presented us with the Prime Minister's Pension (Amdt.) Bill, which seeks to amend sections 3(1), and (4) of the Prime Minister's Pension Act. The current Prime Minister's Pension Act, enacted in 1969, entitles a Prime Minister, regardless of the length of term of service, to a lifelong pension equal to the higher salary earned during his or her tenure. So, a person who is appointed Prime Minister for one day, one week, one month, one year or more, is entitled to the full amount of this salary, which is now, I believe, \$87,847. And it is this figure which has caused a lot of concern.

Under this Act, there is no minimum service requirement. And there is nothing unique about that, Mr. President, because there is precedent for that in other jurisdictions. We have heard before in the other House Barbados, Jamaica, and Guyana, to name a few. In those jurisdictions, there is also no qualification for eligibility.

The role of a Prime Minister is crucial. The officeholder is the head of the Government. That person shapes national policy. They lead the Executive Branch. They manage national security matters, foreign affairs. It is a role of significant responsibility and also carries incredible personal sacrifice. So we can all agree

that it is a role where the benefit of a pension must be commensurate with the obligations of the office. And the current legislation recognizes the significance of the responsibility and the sacrifice.

Now, this current Act—*[Electronic device activated]*

Mr. President: Someone's—please. Sorry Senator.

Sen. C. Jones-Simmons: Mr. President, this current Act was passed on July 23, 1969, and has been in force for 56 years without challenge. So it begs the question: What is the need for the proposed amendments? Sections 5 and 6 of the amendment Bill change two key significant provisions. Section 5 amends section 3(1) of the parent Act by introducing a one-year minimum service requirement. Section 6 amends section 4 by implementing a tiered pension system based on the length of service. So the structure where a Prime Minister's eligibility is based on the length of service also is not unique and there is precedent for that in other jurisdictions.

Permit me to go through the proposed tiered structure. So, a Prime Minister who serves essentially one to two years under the proposed legislation would get one-third of the full salary; two to three years, a half; three to four years, two-thirds; four years-plus, the full amount.

Now, since achieving Independence in 1962, Trinidad and Tobago has had eight, I believe, eight individuals serve as Prime Minister. Now, of these eight individuals, seven have met the proposed minimum threshold of one year and have served for at least four years, thereby entitling all of them, save for one, to the full amount of the highest annual rate. So under the proposed legislation and the current legislation, the entitlement for almost all of the former Prime Ministers remains the same. So again, where does the mischief lie? What is the problem

that we are seeking to fix? What is the Bill targeting, or who?

What is the mischief? The answer lies in the recent unprecedented circumstances of the eighth Prime Minister. In fact, the hon. Attorney General said it was something that before was seen as inconceivable. And now the inconceivable has arrived. Now, this eighth Prime Minister, whose tenure in office did not meet the proposed minimum one-year threshold, in fact the tenure was just under two months or 42 days, that person is now eligible for the full pension and the Government has sounded an alarm on this matter, and we must be honest about that, and has decided to address this issue through legislative reform, and that is why we are here today.

Most of us are aware of the public sentiments on this matter. In a reference to the amended Bill, permit me, Mr. President, to refer to the *Express* newspaper on June 26, 2025, a prominent attorney is reported as saying, no one is so stupid or disingenuous not to vote for this proposed Bill. But I want to say, Mr. President, that a person who has misgivings is neither stupid nor disingenuous.

Hon. Senators: [*Desk thumping*]

Sen. C. Jones-Simmons: I agree that the proposals in this amendment Bill for a minimum threshold of one-year service and a tiered system of eligibility are reasonable, balanced and proportionate. No one could argue with that. It aligns with practices in other jurisdictions. And so I have no difficulty at all in supporting a Bill that introduces these requirements and is intended to apply to all future Prime Ministers. In this way, the legislation is prospective. The general rule applicable in most modern legal systems today is that laws must be applied prospectively. That means the law will only change things in the future. Prospective laws are considered, and we have heard this reinforced today by Sen.

Vieira, that prospective laws are favourable because they are considered to be fair, because they allow individuals to understand the rules that they need to follow, so that they can adjust accordingly.

So this brings me to my concern with the Bill. My concern also lies with the fact that the provisions of the amendment Bill are intended to come into effect from March 10, 2025. This gives the Bill retroactive effect. Another concern is that the inclusion of this commencement date appears to affect a specific individual who has served in the Office of Prime Minister. Let me state at the outset that no one, regardless of office or reputation, is above accountability. However, accountability must be pursued within the bounds of legality, fairness and constitutional propriety.

The Bill in its current form raises concerns on these three counts. First, the retroactive nature of the proposed law. It undermines foundational principles of legal certainty. The rules regarding public service entitlements must obviously be clear and prospective. To change the law after the fact, reaching backwards, to affect rights already accrued, not only offends this principle, but it sets a dangerous precedent. The hon. Attorney General reminded us that we are not here to lock up anybody, but what we are doing is taking back rights. Both are objectionable, in my view. It should be noted that the current legislation, although passed in 1969, was amended by Act No. 41 of 1976. And while the 1976 legislation was retroactive, it conferred benefits. It did not revoke any rights. However, this Bill seeks to do just that. Constitutional propriety demands scrutiny.

Secondly, the Bill may be unconstitutional because clause 3 of this amendment Bill expressly states that it is inconsistent with clauses 4 and 5 of the Constitution, and therefore, it requires that the Bill be passed by a special majority.

And in these circumstances, I want to say to all of us here today, it is our collective responsibility to scrutinize the proposed legislation to ensure that it does not violate legal norms. Pensions granted by law form part of the legal rights of officeholders, and to claw back those rights might constitute not only a breach of the principle of non-retroactivity, but also a violation of property rights and natural justice and it may open the door to potential litigation. We are walking towards it.

Thirdly, the Bill has the hallmarks of ad hominem legislation and we have heard that phrase before. And we know that ad hominem legislation targets a specific individual rather than applying generally. Laws must be framed in a way that they are impartial. And if we as legislators begin to draft laws to deal with persons rather than principles, we are going down a slippery slope that could undermine the very legitimacy of this very house. Today, it may be a former Prime Minister. Tomorrow, a public servant. Another day, a person who falls out of political favour. Where does it end? So some may be willing to depart from these well-established legal principles in the pursuit of righting a perceived wrong. But do the ends justify legislating retrospectively to correct the perceived unfairness? This is the question that we must answer. We must balance equity, Mr. President, with legal principle. We must be careful not to support political grievances cloaked in the language of reform.

12.25 p.m.

To be clear, I fully support prospective reforms to ensure fair treatment and avoid this issue in the future. But I ask us all to consider what we have heard here today and choose responsibly. With that, Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Allow me to extend congratulations to Sen. Candice

Jones-Simmons on her maiden contribution.

Hon. Senators: [*Desk thumping*]

Mr. President: I recognize the Minister of Labour, Small and Micro Enterprise Development.

Hon. Senators: [*Desk thumping*]

The Minister of Labour, Small and Micro Enterprise Development (Sen. the Hon. Leroy Baptiste): Thank you, Mr. President. Today, I feel like I am in a courtroom. I have had the pleasure of listening to lawyer, after lawyer, after lawyer. Mr. President, I am not “no” lawyer, but I recall at some point in time, some place, I have heard the maxim that, “Where equity and the law is in conflict, that equity must prevail.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: And someone—in case it needs a little—“allyuh could always brush it up”, but that is where my memory—I recall that need to allow equity to reign supreme over all that we do, because if not equity, then what? We have had laws throughout this—I am not purporting to be a lawyer by any stretch of imagination, I am talking here as a layman. But we have had laws throughout our existence that was wrong, that was unfair, that was unjust. Everything was legal at some point in time, including slavery. It did not make it right. And sometimes, you just have to do what is right, so that—let me leave the people law alone and go back to the human—people’s matter. I am dealing with the people’s matter. Sen. Mc Nish, the legal matter, from where I sit, equity must prevail.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: So, thank you allowing me, Mr. President, to

contribute to this important debate on the Prime Minister's Pension (Amdt.) Bill, 2025. I rise today in resolute support of this legislation, not merely as a Cabinet Minister, but as a citizen determine to defend fairness, sustainably and fiscal responsibly in how we govern, and serve the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: What this Government proposes today is a reasonable law—I want to stress—is a reasonable law. Let me declare what previously existed under the Prime Minister's Pension Act was not reasonable.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: It stood as a glaring contradiction of equity, justice and fiscal prudence, a law that permitted lifetime pension benefits immediately upon appointment, irrespective of how fleeting or ineffective that service may have been.

Mr. President, what this Bill seeks to do is three vital things: One, it introduces a minimum service requirement of one year for eligibility. Two, it implements a tiered pension structure that scales entitlements based on years served as Prime Minister. Three, it aligns our Prime Minister's pension with international best practices. This is not merely bureaucratic housekeeping, this is fundamental reform. What is a pension? Fundamentally, pensions emerged to ensure income security in old age, promote workforce renewal and recognize long-term service, principles that continue to underpin pension systems worldwide today.

The goal has always been fairness, predictability, dignity, yet for decades, as we all have acknowledged, the very laws we entrusted to guard that dignity did the opposite when it came to the highest office in this land, or the next highest

office outside of the President, of course—I am talking about political office. I am talking about a case of fairness and consistency.

In today's Trinidad and Tobago, fairness in pension arrangement is illusive. Let us consider what our ordinary worker must endure because we spend a lot of time here today. I like the level of energy and commitment to fighting the cause of one, but have a responsibility to fight the cause of the many.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: If we have to give justice to why we are here today, and every day, and every day that we are here, the law must serve the interest. This is a democracy. That is what this is here. It must serve the interest of the many.

So, when we look at the ordinary worker, what do we see? A public servant must serve at least 10 years before qualifying for a pension; at least 10 years. That worker must serve 33 $\frac{1}{3}$ years to receive a full pension. Mr. President, and even then, that full is no more than two-thirds of his base salary. So, a lifetime of service, modest reward. That base pay, by the way, excludes any kind of monthly allowance. So if you are receiving other kind of compensation outside of your base pay, it is not considered for pensionable benefits; if you contrast that with the former system for Prime Ministers, where simply being appointed, however briefly, entitles one to a full pension at the highest salary ever earned.

Just to note the Prime Minister's pension is pegged, as we all know, to the incumbent Prime Minister's salary. When the incumbent Prime Minister's goes up, the Prime Minister's salary would go up also. Where is the proportionality in that? Where is the justice in that, when compared to what the ordinary public servant has to endure?

Mr. President, just this weekend—I want to give the human back—why we are really here. Just this weekend—because we are talking about pensions—I received a text message, a WhatsApp message, and the WhatsApp message—I want to read it out for you, with your leave, Mr. President. The message goes this way:

Hi, pleasant day, Mr. Minister. I retired from WASA in April 2025, and I am not getting a pension from WASA each month. I am pensionless. I worked 18 years and I am waiting on NIS still, which is taking a long time. I am sick at the moment. I had a stroke recently and I desperately need your help in getting a WASA pension every month. Can you talk to someone to help me, please? Thanks and God bless.

I did not call the person's name. That person was a hospitality assistant at WASA. That person worked 18 years of their life in that organization. That organization sent this person home without the possibility of a pension. At 60 years, they would have left that organization, and that person will now have to what? Fend for themselves.

Mr. President, that is the real world. That is what is happening. We are talking pensions, and making all kinds of nice defence. I did not come here to talk about persons, I came here to deal with the Bill, but a lot has been made out of a case for a person, but I am dealing with the Bill, and I hope that people understand, it is pensions we are talking about, and this is the country that we live in. Where people—not just this one person, in many organizations, state-run enterprises, HDC, WASA and the likes, people are working for 10, 15, 20 years, and they not entitled to a pension when they reach age 60, and they are sent home to fend for themselves. And then, we wonder, what is going wrong with the country. What is

going wrong with the country is not the justification of whatever people are justifying for whoever to get what here today, it is when we are not taking care of our people because that is what pension is. It was meant to give persons dignity in old age. That is what it was intended for, not what I am hearing people trying to justify here. It was intended to give people dignity in old age. This is the human face of inequity, a woman who can give 80 years of her life and is now struggling to live.

We have daily-rated workers. I know that Sen. Dhanpaul will be aware of that, right in the central government. Daily-rated workers, since 1994, the PNM administration promised daily-paid workers that, “ay”, they would treat with a pension plan for these workers. These workers work, and at age 60, get sent off without a pension; each and every one of them. Mr. President, that is a problem we have in this country that we have to address, and that must be contrasted to what obtains for a Prime Minister, that somehow we are comfortable saying, one day equals \$1 million for the rest of your life every year when we treat with the average worker, collectively, thousands of workers under central government that are simply not entitled to a pension.

Needless to mention, Mr. President, this whole pension issue, I reflect on how Caroni workers, since 2003, they are still waiting for terminal benefits when they were sent home. Up to now, people are dying without ever receiving their terminal benefits. I am not a lawyer, but I think I know what is right and wrong.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: There are some simple rules in life, you know. “Do unto others, as you would have them do unto you.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: Those are simple rules, or we say, “If it is good for the goose, it ought to be good for the”—

Hon. Senator: For the gander.

Sen. The Hon. L. Baptiste:—“for the gander.”

12.40 p.m.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: Mr. President, so when we have a situation with Caroni workers, we have the Petrotrin workers still in a dicey situation because they have stopped all contributions going to their pension plan. So right now, that looking on the way to find themselves without pension in the not-too-distant future. That is part of the reality. When I, as the Minister of Labour, stand here to talk about pension, I talk about what is fair for not the one, but for the many.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: For the people of Trinidad and Tobago. Mr. President, where leadership ought to inspire confidence, it has bred contempt. Where service ought to be recognized, it has been ignored. The PNM administration found creative ways to fix the PM's pension, yet found none to address the cry of the average worker. And I make no apologies when I say “fix.” “I doh covet. If it good fuh one, it ought to be good for all.”

I have seen what has happened. We all have eyes. Using the SRC, what happened with the Prime Minister's pension? They get a nice bounce to be honest. When others were being told 4 per cent, some people got 47 per cent. “But notin’ wrong with dat.” When they took the Housing allowance and they appended it to the base salary and it became part of the pension of the Prime Minister, “probably nothing wrong with dat.” “But what ah know, dey say if yuh conscience condemn

you, then God greater than yuh conscience.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: We have things that we must know what is right and what is wrong.

Sen. Alexander: Indeed.

Sen. The Hon. L. Baptiste: Do it, fix yourself if you wish. But my God, that is—when you have all workers that are suffering out here. You have where in places like the WASA and HDC, people are leaving, they work at an acting position and then when they retire, they retire at the lower substantive position.

In other words, there is no matching of their pension with what they would have been enjoying all the years of their lives. When we want to ensure that we make sure that the retail price index is pegged somewhat to the PM's salary to ensure that every five years he can get an updated pension, that is not applied to anyone else in our community. To absolutely no one else. That is wrong. And I am here simply trying to support good law. What is good law? Trying to make it somewhat reasonable. Nothing that this Government is in fact proposing on behalf of the PM's salary would disadvantage anyone, no one. What people have sat here and attempted to justify, one way or the next, from where I see it, is just wrong. No one could justify a fleeting six weeks equals \$1 million a year. That simply cannot be justified. Not to the taxpayers of this country.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: Not the taxpayers of this country.

But more than that, Mr. President, I have looked to see if what has been proposed here is somehow unreasonable. So I look at the international best practices, and let me tell you what I have seen. I looked at Australia, and under the

Parliamentary Contributory Superannuation Act in Australia, a Prime Minister must serve at least one year in office to be eligible for a pension. “Ah didn’t stop dey.” Additionally, the pension is based on the years’ service as a Prime Minister and as a Member of Parliament. So it is prorated according to the years of service. I went to South Africa. Under the Presidential Pensions Act. A President must serve at least five years to qualify for a full pension—at least five years to qualify for a full pension. If the President serves less than five years but more than two years, he may receive a proportionally reduced pension. So in South Africa, they too have a prorated pension.

I went to Singapore. You know everybody likes the Singaporean model. “That is ah thing people does love, Singapore, Singapore, best ting since sliced bread.” When you look at Singapore, a person must serve at least eight years of “reckonable” service as an office holder, including the Prime Minister to be eligible for a pension under the Parliamentary Pensions Act. The pension is based on years of service with a cap at two-thirds of the highest annual salary held. So he never receives no 100 per cent of his salary as a pension. It is capped at two-thirds.

You go to Canada. The Canadian Prime Minister is eligible for a “special retirement allowance”. Again, this special retirement allowance for him to qualify for that, that individual must have held the office of Prime Minister for a minimum of four years. I went to Germany. German Chancellors are entitled to a pension after at least two years’ service. The pension amount increases with additional years’ service, reaching the full amount. You have to work at least eight years to get the full amount.

Sen. Alexander: Wow. “Hmmm.”

Sen. The Hon. L. Baptiste: These nations affirm the principle that we are enshrining here today. Pensions must be earned, not gifted.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: That is the foundation of sustainable governance and fiscal stewardship.

Mr. President, let us not romanticize this. There is real money at stake. Every dollar spent on premature, unearned pension is a dollar taken from schools, from healthcare, from roads, to fix our water supply, for social grants, for the vulnerable in society. Grants, food. This Bill reverses that, it restores proportionality and plugs a long-standing leak in our fiscal plumbing.

Mr. President, today's amendment is not a cure-all but it is a signal, a firm and reasoned one. It tells the country what leaders demand for themselves; they must be willing to extend the principle to others. This law narrows the gap between how the Prime Minister is treated and how the average worker is treated. It aligns pension rewards with actual national service. It lowers the fiscal liability for taxpayers. And yes, it brings our pension framework closer in line with the very ILO standards and global norms that we have subscribed to. Let us not frame this Bill as an attack on any individual, past or present. Instead, let us celebrate the principle it affirms that in the Republic of Trinidad and Tobago, privilege must never outpace responsibility.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: And benefits must always be tethered to service.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: The law we seek to pass today is reasonable. It corrects what was unreasonable.

Sen. Alexander: Amen.

Sen. The Hon. L. Baptiste: It is progressive, responsible and long overdue.

Sen. Alexander: Yes.

Sen. The Hon. L. Baptiste: I commend it to this honourable Senate without reservation, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Members, I would like to propose that we suspend at this time, and we return at 1.35 p.m. This Sitting is now suspended until 1.35 p.m.

12.51 p.m.: *Sitting suspended.*

1.35 p.m.: *Senate resumed.*

Mr. President: Sen. Courtney Mc Nish, please.

Hon. Senators: [*Desk thumping*]

Sen. Courtney Mc Nish: Mr. President, I stand here this afternoon somewhat between a rock and a hard place. I stand here hearing the contributions of other Members, and as an industrial relations and human resource management practitioner, I too live by the maxim that equity trumps the law. That guides my practice—facts and equity. What do we have before us today? This amendment is twofold, as we have all been told, the introduction of a tiered system of pensionable earnings to be applied retroactively. As far as I am aware, a pension really is about deferred earnings for past service, particularly, that would apply where there is a contribution to that pension plan. In this case, there are no contributions, but it is still about compensating for service. So therefore, I see absolutely nothing wrong with the model proposed. Nothing is wrong with it. As a matter of fact, to me, it is the best practice.

We are aware that the proposal to effect this amendment retrospectively impacts one individual, one former Prime Minister and if I take a bit out of what Sen. Al-Rawi said, it is very possible we would not be engaged in this discussion this evening if that particular individual had said, "I do not want this. I do not deserve this. I have only served as Prime Minister for 30-odd or more days, that is no service and therefore I will let it go." If he had said that, we would not be here today. It is not my business to say what he should do, but by him not doing that, we are now caught in the discussion of what is fair and what is the law.

Let us kind of look at them as best as I can. Now, I am not an attorney. I am legally trained but I am not an attorney, but everybody understands what fairness is as far as I am concerned. As far as I am aware, retrospective legislation is not totally unconstitutional. There are circumstances, situations and events that can justify them. We have heard the lawyers and the attorneys here speak about those circumstances. Is it this situation of compelling public interest? How do we determine whether it is? And, if it is a situation or a condition of compelling public interest, does it justify retrospective legislation, even if it impacts on the rights of others? I challenge anyone here to walk outside, go around Woodford Square, go down Frederick Street up Charlotte Street, come to my community in Couva. This particular matter is certainly, in my view, of compelling public interest.

I got calls yesterday from people who I thought were friends. One of them tried to disguise his voice, but I recognized him. Yeah, I recognized him. And saying to me, "Courtney, you cannot let this man get a million dollars a year for 30 days service." That is what he told me. I got another call, but she identified herself with the same thing. This particular matter, in my view, the country is looking at

us in this Parliament, in this Chamber, as to what we will do, and it could go both sides.

Sen. Vieira, who I have the most respect for, spoke eloquently about the slippery slope. If it could happen now, then it could happen then and what will happen? We will lose the essence of what the rule of law is. But how can I stand among my colleagues, my compatriots, my profession and justify a million dollars a year for a month and a half of service? That is why I am between a rock and a hard place.

Mr. President, the Attorney General told us our obligation is to create laws for peace, good order and good government. That is undisputable. Are we risking peace if the legislation as it now stands takes effect, given the noise that I am personally hearing around this issue in the country? And this is not only political activists I am talking about, Mr. President. Are we risking good order if we allow the legislation as it now stands to take effect? I do not believe, I however, can accept completely the Attorney General's view that the that retrospective legislation—and this is my understanding of what he said—could be deemed unconstitutional only if it impacts some penal sanction or attracts—I am not sure whether I understood him correctly but this is my understanding of what he said. But I am certainly convinced that as a body charged with the responsibility for making laws, we must ensure that the laws that come out of this Chamber treat with the standards of maintaining peace, good order and good governance.

What has happened in this country, and I accept the AG's view that there is a hole in the law, there is a look a lacuna in the law that we have allowed to exist for 56 years. Why? How? I was not here. Most of us were not here. Why did we

allow it to continue, even though there is evidence in the *Hansard* that somebody said, “Hey, what if somebody served a year?”

There was naivety then—it probably still existed up to very recently. That is a very highly improbable state, but that would hardly happen. And the reason why I might believe this, that we sought not to address it, was because we thought it would never happen. But if we are good lawmakers, we have to look at every single possibility. Every word of ambiguity we must try to bring specificity to, so that we are not caught with our pants down sometime in the future.

I do not think therefore that the Government's attempt to apply this law retroactively is obscene or objectionable. I think the Government is attempting to plug a hole that existed so that fairness and equity and good governance could prevail. That is my view. I am also of the view that it is—in these circumstances, it is reasonably justified. It is justified on the simple grounds that you did not serve you do not deserve it. That to me is justice, regardless of what the exact wording in the law said.

As I said before, I come from a background where there are parts of the Industrial Relations Act that tells you that demand the adjudicators in that jurisdiction, to look beyond what the letter of the law is, to look beyond the technicalities of the law and speak to the facts, speak to the truth, speak to the justice of the case. In this particular case, I have asked myself, the one person who is affected, does he deserve it? Because I had to break down all this, you know, I really had to cleanse it from my mind. Is it deserved? Is he being denied something he deserves, notwithstanding what the law said?

1.50 p.m.

And I have come to the conclusion that he does not. He has not served and therefore, this pension which is, in fact, to reward service should not, in my view, apply as law is written. I do not intend to take up much time—because I wrote a whole long contribution, Mr. President, yesterday. Phone calls were disturbing me. But after hearing many contributions, I abandon everything I wrote.

Hon. Senators: [*Laughter*]

Sen. C. Mc Nish: Everything I wrote. I am certainly impressed by the contributions of Sen. Al-Rawi. I want to thank the AG for his clarification. And may I add, Mr. Attorney General, thank you for your sentiments this morning. I really appreciate it. I think each and every one of us, particularly here on the Independent Bench, must make that call for themselves. I have made it. I have cleared it up in my mind and therefore, I have no objections to the legislation for amendment as proposed. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: May I recognize, Sen. de la Bastide SC

Hon. Senators: [*Desk thumping*]

Sen. Michael de la Bastide SC: Thank you, Mr. President. Mr. President, as we have been told, the purpose of the Bill is to ensure that a former Prime Minister only receives a pension under the Act if he has served at least one year as Prime Minister, and that the amount of his or her pension is tied to the length of his service or her service.

Under the Act at present, Mr. President, a former Prime Minister is entitled to a pension equal to the full amount of his highest annual rate of salary paid to that office, which, as I understand it from my follow Senators, is about \$87,000 a

month. So that, as we have heard, even if a Prime Minister is sworn into an office on one day, resigns on the next day—

Sen. Allahar: Mr. President. Mr. President—

Sen. M. de la Bastide SC: Mr. President—

Sen. Allahar: Mr. President, if I may, on a point of order, just ask for some clarification because I think we have to be very delicate with respect—

Hon. Senator: Mr. President—

Sen. Allahar: I heard my—please. I heard—

Hon. Senator: [*Inaudible*]

Sen. Allahar: Please, I am not speaking to you.

Hon. Senator: What is the point of order?

Mr. President: [*Inaudible*]

Sen. Allahar: Mr. President? Mr. President?

Mr. President: Yeah, yeah, yeah. Just—yeah. Everyone, apart from yourself, new,. So you have—I am prepared to give the Leader of Government Business a little space, even though I have set some rules down. In this instance, if you could get to your point of order, quickly, I will appreciate it.

Sen. Allahar: Mr. President, what I want to say is that I heard my very learned friends say in his opening that the Bill applies to a former Prime Minister, and I do not know if it is fair to say at this stage.

Mr. President: Well, that is a point of elucidation or clarification, not a point of order. Continue, hon. de la Bastide.

Sen. M. de la Bastide SC: What I mean is the Bill, if passed, it would apply to a Prime Minister who ceases to hold office and it would grant that person a pension under certain circumstances. The Act, sorry, at present gives that person who

would have ceased to hold office a pension if on one day—no matter how long they had served. So I was just making the point that if they were sworn into office in one day, they left the next, they would be entitled to a pension in the amount of \$87,000 a month. They would have that.

And so, that, Mr. President, is startling for me and I think for most people. It is a startling proposition. I would say, it is a disturbing proposition. And I think for all of us here, it strikes as being quite unfair. As Sen. Mc Nish had said, it is undeserved. I think that is what most right-minded thinking people would come to the conclusion, that it is undeserved. And that when we ask why, it is simply because we all understand that under the usual pension arrangements, the issue as to whether you get a pension and how much it would be is tied to your length of service.

So I think it is commendable that the Government has brought this Bill to rectify things, if you like, to make sure that someone who leaves office, the office of Prime Minister, that the pension they get would be determined by length of service. I do not think—I think we all agree on that. But I think the only issue here is that the Bill has a prospective element. It applies to all future persons who leave the office of Prime Minister, but it has a retrospective effect as well because of the clause that says that the—of the Bill that says it takes effect, I think, from the 10th March. And the question is, ought that to be included in the Bill?

Now, Mr. President, with that clause, it means that any Prime Minister, who has left office after the 10th of March, will no longer have the right to a pension under the Act as it stands now. There is only one person, as we know, that as of today, has left the office of Prime Minister since the 10th March, and there is no doubt in my mind that the Act has the effect of depriving him of property and

without compensation and I think, in my view, without due process of law. That would impinge on his rights, under section 4(a) of the Constitution, of that fundamental human right. But the effect of—sorry, Mr. President, but I do not want to get too much into case law and so on, because I know as non-lawyers, when we talk too much about case law, one eye's tends to glaze over and—it is like any other technical area. If it was a civil engineer talking, it might have the same effect on me, but I think as we are talking law, I have to go into it to a certain extent.

I am relying on the Privy Council decision in *Dominic Suraj v Attorney General of Trinidad and Tobago*, 2022, UKPC 26. I am not going to try not to get too technical, but what the Privy Council was saying is that it is not every little impingement on one of the human rights in section 4(a) that is going to constitute a contravention of that human right. It is not going to make it unconstitutional, because we have a lot of laws that are passed by a bare majority that impinge, in many ways, on one or more of those rights. And if you needed a constitutional majority to pass each of those laws, or the laws that do that, then you would be restricting or hindering the function of Parliament, which is to pass laws for good governance and so forth.

So, the Privy Council, they set down a criteria by which you apply to test whether or not a particular legislation that impinges on one of the constitutional rights, does so in a manner which amounts to a contravention, if you like. And the test that they put down was a four-part test. You have to look and see whether the objective of the legislation is sufficiently important to justify the limitation of the fundamental rights you are dealing with. You have to look at whether it is rationally connected to the objective, that is, whether the legislation is rationally

connected to the objective that it is seeking to achieve. The third thing is whether you could do—you achieve that objective in a less intrusive manner, than the manner in which the particular provision does. And then finally, whether, having regard to the matters and to the severity of the consequences of the measure, a fair balance has been struck between the rights of the individual and the interest of the community.

And so, I talked about the constitutionality of the provision in this Bill, which makes it retroactive. Because I think if it is unconstitutional, if it does breach section 4(a), that is something that as a legislator, one should take into account, if one can form a view as to whether this thing is—whether that provision breaches one of those fundamental rights.

Now, it is certainly—I mean, as a lawyer I am able to do that—perhaps, I am more equipped to do that than other persons, so that is how I approached it. I am not saying that if it does breach one of those rights that I would vote against it because, of course, one would have to decide whether you would vote for it on the basis that if it was a three-fifths majority, it would pass, so if you wanted to join such a majority. But certainly, I looked at first of all whether it is constitutional and whether it passed that criteria or whether it met that criteria.

The first one is whether the objective is sufficiently important to justify the limitation of fundamental rights. Is it sufficiently important that—well, first of all, we define what is the objective, Mr. President. The objective is to bring into line the terms that on which the former Prime Minister would receive his pension entitlement to bring that into line—to adjust it in a manner that makes it fair, to adjust it in a manner that makes it fiscally prudent, that his terms are fiscally prudent from the point of the State. We heard from the hon. Senator, the Minister

of Labour, Small and Micro Enterprise, about the inequity of the Prime Minister's pension being as it is as compared to the rest of the country, and I think he put it very—he made the argument very well.

And so, the objective of the Bill to detect the extent that it is retroactive is to rectify that inequity. It is a startling inequity, that you have people who maybe are working every day, some of them are—as the Minister said—“going without pension”. Also, we have taxpayers who are—maybe they are paying taxes, maybe they are earning \$10,000, \$12,000, so they pay some tax over the \$7,500 limit. They are struggling and their taxes are going to fund a pension that is being given to someone who has done maybe 30 days of service, but who is walking away with a pension of a \$87,000 a month and they maybe are not getting a pension.

And so, I think the aim of the objective of the Bill is to rectify that kind of inequity. Is the provision rationally connected to the objective? Yes. If we want to rectify that inequity of someone who has already left office, getting that sort of windfall, this is the only way to do it. Whether a less intrusive measure that could have been used? I do not think so.

2.05 p.m.

If we had said, for example, that someone, a Prime Minister, had to fulfill five years of service before getting any pension, one could say, “Well, that is going too far. Let's give him, as we have done in this Bill, let's give him a graduated amount as his years of service build up, one year, two years, three years, four years, and so forth. So, I think, and on the final criteria or criterion of the test, whether it is proportional, I think it is proportional given the stark inequity that the present Act creates.

The Prime Minister, or the former Prime Minister, in this regard, in this case, is a

legislator, he will have a pension, as I understand it. He gets a pension as all Members of the House of Representatives do. So, in my view, Mr. President, I do not believe—I could be wrong, the courts could hold me to be incorrect if it is ever challenged, but I do not believe this. In this case, when you apply to criteria in *Suratt*, you can come to the conclusion that, in taking away the right of the former Prime Minister to his pension is a contravention of his human rights or, in particular, section 4(a). It does impinge on it, but it is not a contravention of that right.

Now, I apply this—now, okay, so I have determined in my own mind it is not unconstitutional. It does not breach his right. Of course, I still have to determine whether albeit constitutional, is it a law that we should have? Should this provision be retroactive so as to deprive him of that benefit? I apply the same criteria, the same criteria as in *Suratt*, I would apply to the question, and I come to the same answer. I think, given its objective, and it is a valid objective and is proportionality, I believe that it is a law that should be passed. Now, a lot has been said about *ad hominem* and that this law is *ad hominem*, let us assume it is *ad hominem*.

Mr. President, when you look at the decision of the Privy Council in *Steve Ferguson v The Attorney General*, 2016, UKPC, when they looked at the whole issue of *ad hominem* legislation, if you read it closely, you will see, quite clearly, that what they are saying is, just because legislation is *ad hominem* does not make it unconstitutional. It is only whereby virtue of it being *ad hominem* that it breaches the principle of separation of powers, does it become unconstitutional. We have three arm of the State, we have the Judiciary, we have the Executive, and we have the Legislature.

Now, in some cases where legislation is ad hominem, it breaches the principle of separation of powers because it usurps the function. Passing such legislation would usurp the function of the courts. The Legislature would be usurping the function of the courts, and we have had the example of the bill of Attainder, where the legislation being passed is something to the effect of declaring that a person is guilty of X" or Y or Z, and has to be punished. Obviously, in a case like that, it is ad hominem, but it is unconstitutional because it is usurping the function of the court to determine who has committed a crime or who is liable for this or that, and setting the punishment.

I think there was another interesting case which shows that it does not have to be as direct as that to be ad hominem and to be in breach of the separation of powers and therefore constitutional. They refer to a case of—this is the same Privy Council in the Ferguson matter—*Liyanagev The Queen*, 1967, AC 259. Now, in that case, it is a case out of Ceylon. A group of persons had attempted to—they had conspired to effect a coup d'état, but they were found out before it happened and they were charged. But before they were charged, the Legislature passed laws that affected—that impacted directly on their prosecution. So, for example, legislation which authorize the detention of without warrant of persons suspected of having waged war. They modified the elements of the offence.

They modified the mode of trial and the rules of evidence applicable to it. They prescribed a heavy minimum sentence for those convicted, and then it was expressed to be retrospective so as to cover an aborted coup d'état. It also contained a sunset clause so that all these modifications would come to an end after the trial. So you would have a special law for these persons to be tried under and then it would end. So the Privy Council held, "Well, that is obviously ad

hominem and it is obviously affecting the proceedings, the court proceedings, and therefore you are interfering with, in a sense, you are interfering with the prosecution of these persons, and it is targeted at them. The Privy Council held that even though their names were not called, given all the circumstances, in particular the sunset clause, it was targeted at them.

So I am just referring to those cases to show that just because something is ad hominem, does not mean that it is unconstitutional. It has to have the effect of usurping the functions of the court. Now, in our context there are no proceedings. This legislation does not affect any court proceedings, it fixes the law. I heard it said that this law is telling the court what to do, but all laws tell the court in the future what to do. Well, not what to do, but what the law is. So once there are no proceedings going on, we cannot say this is ad hominem, and therefore not unconstitutional. You can say that it is ad hominem and therefore you have a problem with it being ad hominem and you object as a legislator to that, but we cannot say that this is unconstitutional because it is ad hominem.

I mean, like Sen. Mc Nish, I had a whole speech but I am going to leave a lot out of that, because I do not want to bore all the non-lawyers with my legalese. I know that this legislation comes in a certain context, like we have just had general elections. There had been a lot of, you know, campaigning, and so forth, and I am reminded a lot that, you know, the Opposition on this side, because they did not do X, Y, and Z, and they—I know all of that and that is fine, but I think in determining whether this is really ad hominem, we have to be careful, and we have to separate all of that political noise and see whether it is justifiable for a government to say, as a matter of policy, “We want these terms to be applied, not only to persons who may leave office in the future, but to anyone who may leave

office in the past.” Now, it may be that there is only one person, but that does not mean that I am targeting you, because in a different scenario—and a government, there may be two or three—there may have been two or three different persons who would fall into that category and the Government may backdate the legislation to cover them, because they want a policy that no Prime Minister should receive this kind—no former Prime Minister—of benefit.

I do not have a problem with that, subject to constitutional limitations and subject to a situation where retrospective legislation is justified. It may be that—I do not know, it may be that the Government, it is for political motives and they want to target this one and is being vindictive, but I am looking at it from just on the face of the Act and even as to whether that would be a justifiable policy. Even if that policy is informed in some way by some kind of vindictiveness, I cannot assume that, and I have to look and see whether, is this a policy that should apply to persons in the past? Would it be unfair for a person in the recent past to walk away with this? Would it be achieving a legitimate public objective that that person, that the law be rectified so they do not just get that kind of boom, and not just future? I have to say that it is justifiable.

Now, I do not say that lightly, because while there is nothing unconstitutional simply because legislation is retrospective, I think that it is something that generally we should try to avoid. In law there is a presumption against—when you interpret legislation, there is a presumption that it is not intended to be retrospective, but this clearly is.

So, Mr. President, can I ask how much time I have?

Mr. President: You end at 2.31, Sir.

Sen. M. de la Bastide SC: Alright. Okay. I have not been paying attention to

that. I listened with a lot of—I have a lot of respect for Sen. Vieira, and I think he made some substantial points, but I do not, with respect, agree with him. He talked about the rule of law and he seemed to suggest that because this is retrospective, it undermines the rule of law, but the rule of law, you have to consider what the law is, and the law allows for legislation to be retrospective. So simply because this legislation is retrospective, I do not see that we are undermining the rule of law.

He said, Mr. President—the fact that I am addressing his points, I think it is a compliment to him. I think they are substantive points that I had to think about and answer. He said it created a bad precedent because—well, now you could—if we are doing it now, then we might do it in future, and we might change the terms for, “purely vindictive purposes”, and that kind of thing. But we have to vote on each piece of legislation as we see it, and so if a future amendment to a law was retroactive, we would have to consider that as Senators and we would have to see—we would probably have to apply—I could have to apply the Suraj test.

So I do not think it sets a precedent. I think there is room for retrospectivity when a serious error has been made in passing the previous law. I think in this case, with all due respect to the previous parliaments, I think a serious error was made in allowing for a situation where a Prime Minister, a former Prime Minister, is able to get a pension with having done no real service. I think that is a grave error. I think, again, the Minister of Labour, Small and Micro Enterprise Development has eloquently and forcefully demonstrated that error, and I think therefore the error needs to be corrected. While I would like to stay away from retrospective law, I think it is deserved in this case. I do not care whatever the motive is, the fact is it is justified for me.

2.20 p.m.

Now, I do not think it is corrosive to the constitutional democracy. I think the point that it assists in good governance and peace, and so forth, I think that is a good point. I had some concern about Sen. Vieira's point that, you know, this is really a matter for the Salaries Review Commission. That caused me some concern, but it is not something that I have been able to really dive into. But from what I read about the Salaries Review Commission in the Constitution, I do not think that—I could be wrong, and it is probably something for the Government to consider—it prevents the law that is being passed. And I do not think—in a situation like this, while I would agree that these things should maybe be the remit of the Salaries Review Commission, I think in a case like this, where it is in the interest to deal with this now, rather than allow the former Prime Minister to be collecting the pension and then way down the road we—I think it deserves the intervention of Parliament at this point.

So, forgive me if I have been a little—if my contribution has not been flowing as it should, but it was only till late last night that I really crystallized my position. So, therefore, I was hustling this morning to do a rough draft. Notwithstanding the retrospectivity of the legislation, and the fact that we are depriving someone of a right, and I would only ever consider doing that in very extreme circumstances, I think that in this case, we are dealing with such a circumstance, and subject to what other contributions—because I am still having an open-mind—that the Opposition, the Independent Bench might have, I am in favour, at this point, of the Bill. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Leader of Government Business, Minister.

Hon. Senators: [*Desk thumping*]

Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar):

Thank you, Mr. President. Mr. President, I am very honoured to stand here today to make my maiden contribution—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar:—in this Chamber. I have already had the pleasure of congratulating you on your ascension to the Chair of the Senate, and I think it is only right at the outset of my parliamentary career that I express my heartfelt gratitude to the hon. Prime Minister Mrs. Kamla Persad-Bissessar SC—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar:—for giving me the opportunity to serve in her Cabinet as a Government Senator, and as Leader of Government Business in this Chamber Mr. President, I also want to thank my colleagues on this side—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar:—for the unstinting support they have given me, and continue to give me in the role that I have here today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: I want to take a few seconds to say that I look forward to continued cordiality with the Leader of the Opposition Bench, Sen. Dr. Amery Browne, and the coordinator of the Independent Bench, Sen. Anthony Vieira, who is a friend of mine in the legal profession.

So, with those few words, Mr. President, let me just add, respectfully, that I have been an attorney-at-law for all of my working life with 33 years at the Bar. I will always be an attorney-at-law, but I have left my private practice behind in order to serve my country. And today Mr. President, I have been given the opportunity to stand here as a legislator, to make laws because from where I sat before or stood

before, I grappled with bad laws, and badly drafted laws—but I am not seeing the person on the other side I wanted to look at. And I hope that the modest experience that I gained at the private Bar will assist this Chamber in crafting good law as we move forward to further this Government's legislative agenda, and to make a useful contribution during my time here, whether it be short or long.

Mr. President, crafting good law is not only about making laws that are good, it is about amending laws to make them better, and in some cases, adjusting bad law, which, after many years, is discovered to be not in the best interest of the people. Mr. President, the parent Act, the Prime Minister's Pension Act No. 23 of 1969 is one such law. Now, Mr. President, when I prepared some little speaking notes, like Sen. de la Bastide, late last night, I did not anticipate the way the debate would have unfolded, and I had to put a red pen through a lot of what I had to say and write something new on the fly, which I am accustomed to.

So, what I want to do is jump, if I may, to, I think, the things that are entrained in the discussion, and that are fresh in our minds, and that are relevant for the immediate purposes of our conversation. And, then, if I have some time to spare, I probably could jump back to some of the nice prepared quotes that I had about the proceedings of this Senate in 1969, and the context in which the parent Act—Sen. de la Bastide alluded to it—was passed, because I think it is important that we inform ourselves as to how people thought in July of 1969, when incidentally, I was a mere six months old.

So, Mr. President, let me just jump. Let me just jump. And permit me to jump to say at the outset, it is necessary for all of us to grapple with some legal concepts, difficult though it may be, because this area of the law is not the most straightforward. I think we have had the assistance of Sen. de la Bastide, and I just

want to go over some of the areas that he had mentioned, which were very useful, and which actually appear in my notes, incidentally. Maybe—what is the saying?—I would not go down that line. But I want to respond to some of the things that have been said on the other side of the room with—some of the concerns. A lot of heavy weather has been made, Mr. President, that this Bill is *ad hominem* and it targets a particular person.

Now, the hon. Minister Attorney General has taken pains earlier this morning to explain what *ad hominem* law means in its special legal sense taken from the Privy Council decision in Ferguson. And I think Sen. de la Bastide mentioned it as well, quite correctly that that particular label refers to a law targeted against a particular person, where the legislator imposes a civil or a criminal penalty like, taking away the goods of Titus is a civil penalty or imprisoning somebody on a bill of attainder in the UK. That would be in breach of the separation of powers because it usurps the rule of the court because Parliament does not lock up anybody, you know. In the old days, they would do it in England to lock up people for contempt in the Tower of London. We do not have a Tower of London here, we have a Constitution and freedom of expression, but that is another conversation. And I think Sen. de la Bastide has assisted us in understanding that well.

Now, I know, Mr. President, when people speak Latin it tends to impress and sound very good; *ad hominem*. But, Mr. President, let us not invoke this mantra of *ad hominem* without any legal foundation for using the term. Mr. President, the retrospective part of the Bill, that which we acknowledge, and indeed, the entire Bill, is not *ad hominem* in the legal sense of the word, and I want to put that on record. So, let us not invoke the boogeyman of *ad hominem*, and everybody runs away in fear. Mr. President, we have never denied that the Bill has a retrospective

element. And I say that with certainty because it appears at the first paragraph of our Explanatory Notes of the Bill, which every Member of this Senate has. It is the page that we usually do not read. We just jump straight into the Bill. It is paragraph one of the Explanatory Notes. So, we have nothing to hide, Mr. President. So, in local parlance, Mr. President, let us not “beat up”, as they say, about ad hominem. Let us not “beat up” on that.

I want to also put this on record, and I am very serious about this, Mr. President, both Sen. Vieira and Sen. Jones-Simmons were very strong when they said that the Bill was politically motivated. Sen. Vieira, I believe, and he can correct me if I am wrong, I wrote it down, used the term “political impulses”—yeah, he is nodding his head—and, therefore, it would be a bad precedent, you know, with respect. While Sen. Jones-Simmons said that, correct me if I am wrong, the purpose of the Bill was to address what she described as “political grievances”. I think I got those [*Inaudible*]. But with respect to two of my learned friends who are also my friends in the profession, there is nothing, Mr. President, that has been said in the other place down the corridor, and nothing said here today by anyone on our side, on the Government's side, and certainly nothing that has been cited or quoted by Sen. Vieira and Sen. Jones-Simmons to justify those statements.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: So, Mr. President, again, with the greatest respect to my friends, but within the bounds of robust give-and-take, I must register our great disappointment at those particular statements. Mr. President, let us debate real law here. Not legal clichés designed to sound good and throw doubts. So, Mr. President, let us consider the correct approach. But I ask that we do not come here

with preconceived notions about government motives and political motives, because Mr. President, and I want to be very careful, but it must be said because I think I have the right to respond properly to the statements that have been made, and robustly, that I am sorry to say it, but in the absence of any evidence, of any statements coming from the Government side, of malice or some sort of government political motive, those statements show unfortunately, a predisposition against the UNC Government. And I am very, very disappointed.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: You cannot make those statements in a vacuum. You cannot.

Then, Mr. President, there is this invocation about the rule of law. Sen. Vieira spoke about the principle of legal certainty as part of the rule of law, but that, Mr. President, is what we lawyers call a principle of interpretation or statutory construction. It is when reading a law you are uncertain as to its application; does it go forward does it go backward or both? Because one of the many aspects of the rule of law is that it requires laws to be certain, so that we all know our rights.

2.35 p.m.

And that is why we take time here in committee, et cetera, when we are making laws, for the laws to be clear and certain. Because one of the aspects of the rule of law is that if we are to be ruled by laws and not by whims, we must know our rights, obligations, duties and responsibilities clearly. And to say, with respect—as Sen. Vieira has said that this Bill contravenes or will contravene the rule of law, is, with respect, incorrect in my very humble view. Again, Mr. President, the rule of law is larger than that and it sounds nice and high-sounding, but let us stay away, with respect, from legal hyperbole. This is serious business. The sky is not falling.

The legal firmament of the heavens will not fall because we have incanted rule of law. It is not that.

Mr. President, I want to get back to the rule of law, because since that term is so often invoked, it is wide, it also means that we must regulate ourselves by laws and also, what we are doing here or what we wish to do here, we must also make laws using permissible constitutional methods. In other words, our Constitution itself provides the rules for us to make different types of laws, and if we abide by that process, we are, ourselves, complying with the rule of law, in the sense that this Parliament will not be going “vikey-vy” to make a law. And this is why this Bill before us requires a special majority and that has been said upfront.

So, yes, Mr. President, there is a retrospective element and we say that retrospective element is devoid of any malice whatsoever. And again, no evidence has been placed before this Parliament, this Senate or in the other place. But unfortunately, all of my learned friends so far who have spoken, save for Sen. de la Bastide, have focused on objecting to retroactivity for its own sake. But they have never ventured to discuss, which I think we have a duty to discuss—I am trying to work out the time I have. How many minutes? How many minutes, again?

Clerk: You end at 3.02 p.m.

Sen The Hon. D. Allahar: 3.02? Oh, thank you very much. Thank you very much. But I think we need to journey now into some questions and let us put the discussions and take the bull by its horns, whether Parliament can, this Senate can, as opposed to whether it should, enact law, which is retrospective, affects fundamental rights, and if so, what is our role in that process. I think it is obvious that Parliament can, but should we is the question that we should be grappling. We should not guillotine the discussion with notions of rule of law and ad hominem,

and so on. The discussion goes a little further and it is more nuanced, as Sen. de la Bastide spoke about.

And let me start where he ended, in the case of *Suratt v Attorney General*. Suratt not Suraj. People tend to mix them up. Suraj is the cremation case. *Suratt v Attorney General*, which was a case I was honoured to instruct counsel in High Court so many years ago in 2003, and there are certain legal principles which I want to put on the Floor, on the Table, espoused by Baroness Hale, in that:

“...legislation frequently affected rights such as...the enjoyment of property.” —which is a qualified right in any event. And the other principle coming out of that case was that any such limitations of the rights must pursue an aim and must be proportionate to that aim if it has to contravene these fundamental rights. And that is because that section 13 that Sen. de la Bastide spoke about, reasonably justifiable, is what their lordships called in Suraj a “stopgap”. The stopgap is proportionality. “Reasonably justifiable” has a legal meaning. It is that not we sit down here and subjectively say, “That is not looking reasonably justifiable.” No, it has a legal meaning and Sen. de la Bastide espoused the four questions to us, which we will get back to.

But the point I want to make out of Suratt is that Baroness Hale said:

“It was for Parliament in the first instance...”

And that is the point I want to make:“...in the first instance to strike a balance between individual rights and the general interest.”

It is our job, in the first instance, to strike that balance when we make the legislation and in my respectful view, and in the respectful view of the Government, that balance has been struck in this Bill. We have a duty to protect the public interest, even though sometimes it might affect private rights. And the

emphasis I placed on:

“...it is for Parliament in first instance...”

—when Baroness Hale said, it is because later on in that line, she says, however, in certain cases the courts may be called upon to strike that balance. In other words, if somebody objects, you go to court, and the courts will see if that balance has been struck.

But we are not a court of law and we have a job to do as a Parliament, and we cannot wait for courts of law to strike that balance because courts do not make legislation. Cases do not go to court unless lawyers file them, arising out of legislation we make. So we do not have to leave it up to the court. We need to do our job here and if anybody has a difficulty, the courts could decide. But we have a job to strike it here because it is for:

“...Parliament in the first instance to strike the balance...”

Now, before I go off of Suratt, I want to agree and endorse my learned friend Sen. de la Bastide mentioned, which I had to mention as well, that this proportionality test, reasonably justifiable test is a very good four-pronged test. Is the objective of the legislation sufficiently important to justify limiting the fundamental right to property? And we say, yes as well. Are the provisions, which we propose, rationally connected to that aim? And we say, yes, they are. Because what they do with limited retrospectivity, and moving forward, are connected with the aim we have with respect to the pensions of Prime Ministers, bearing in mind, we have to cure bad law. Could we achieve it in a less intrusive manner? We say, with respect, no, because we also have to balance the public interest in contemporary times. And we feel, in the fourth question that a fair balance has been struck between the rights of any individuals who may be affected,

on the one hand, and the interest of the community on the other hand at large, which is, again, from that proportionality test, what is reasonably justifiable.

Well, let me go now into Suraj, which, of course, is the case that went to the Privy Council because of COVID, and the COVID regulations that affected open-air cremations.

Sen. Al-Rawi SC: Suraj or Suratt?

Sen The Hon. D. Allahar: Suraj. That is what is meant. Thank you. People tend to mix up Suraj and Suratt. Now we are going to Suraj. In that case, there was a joint decision of Lord Sales—and I know my friends love to cite, Suratt, Suratt, Suratt. Every day it was Suratt, but we are on to Suraj. Lord Sales and Lord Hamblen they had a joint—I could not resist. They had a joint opinion of the board, the Privy Council, and I just want to quote some paragraphs, just to put them on record. Paragraph 67:

“...the elected House of Representatives is the principal institution of the state...”—that—“... gives effect to the democratic principle...”

I will say it again:

“...the elected House of Representatives is the principal institution of the state which”—sorry, pardon my grammar—“gives effect to the democratic principle...”

And I say that, Mr. President, because if you remember the vote in the House, where it was, I believe, 27 votes for, there was a special majority in the House with respect to this Bill with votes to spare and we cannot close our eyes to that principal institution and with what happened there and the message it is sending us down the corridor of Red House, as giving effect to the will of the people, the democratic principle.

At paragraph 68 of that judgment in Suraj—this is important—it says:

“The natural solution to accommodate the inevitable friction which always exists between individual fundamental rights and democratic decision-making in a constitutional liberal democracy like Trinidad and Tobago...”

—what we are doing here. I continue:

“...is that conventionally adopted so often in such states, namely to require that interference with such rights should be permitted in the public interest, but only if the interference is proportionate to a legitimate aim.”

So, tying back to the principle of proportionality.

And there is another paragraph, paragraph 91, which, I think, is useful for us here which says, Mr. President, and I quote:

“Generally, in a democracy, it is the democratic institutions which have the primary responsibility to identify the public interest and what is required to promote it.”

And later, on the Law Lord says, and I quote—it is a long quote, but I think we have some time:

“Where Parliament gives expression to the public interest not merely by legislation passed in the usual way, but by an Act passed by a super-majority in each House pursuant to section 13 and which records expressly...”

—et cetera, like what we have at the end of the Act:

“...this Act shall have effect even though...”

That is the certificate at the end.

“...Parliament will have identified in a particularly clear and forceful way its opinion as to where the public interest lies. In a democratic state...”

I am continuing with the quote:

“...the courts must be expected to be especially respectful of the choice made by Parliament to pass legislation in that form and slow to substitute their own view of the necessity for and proportionality of the measure taken.”

And they say as well, to close on Suratt, that:

“...the democratic credentials of the measure’ are especially strong...”

—when passed with a special majority.

2.50 p.m.

So, Mr. President, we are not a court of law, but we are entitled to look at the provisions, use the proportionality test and put our democratic credentials on the legislation to pass it with a special majority, bearing in mind that in the people’s House, which is other place, it was passed with a special required majority with votes to spear. So, Mr. President, before I try get into some of the useful historical quotes that I wanted to get into from the *Hansard*, I think I have how many minutes? Ten?

Sen. Roberts: Twelve.

Sen. The Hon. Allahar: Twelve? Oh, good, 12. I just want to put on the record that it is our duty in this place therefore having regard to all of the things that I have just mentioned and the approach of the courts, we must take heed of the vote in the other place when we are coming to our decision. And what we have proposed, yes, but I am emphasizing, what we have proposed are pensionable arrangements that are sensible and reasonable based on the notion of reward, based on length of service, at all times acknowledging the importance of the office of Prime Minister and balancing that with the common good.

We say, Mr. President, that any interference with any private rights are being pursued in this Bill with a legitimate aim, devoid of any malice and in the public

interest. The proposals that we have for the amendments are both necessary and proportionate to that aim. And in that regard I just want to quote, if I may, in the short time that I have. I think the hon. Attorney General referred to it, but did not get into it and he could not remember the name of the Senator. 1st of July, 1969, Independent Sen. Jeffrey Stollmeyer who made a comment for posterity. And many years later I ask my colleagues here today to pay heed to his words because he is pelting a bouncer to us from the great beyond today. And quote him. He says:

I have merely one comment to make and one disagreement with the Bill... And this relates to clause 3 which turned out to be section 3 that we are talking about, which is 100 per cent pension after one day. He says:

“Whereby, in my interpretation, any person who is elected to the office of Prime Minister in this country and who holds that office for merely a single day, to carry it to the extreme”—or, say, two months—“is entitled to the pension of two-thirds of the highest rate of annual salary paid to such person when he was Prime Minister.”

But that was the rate in those days. He says, continues:

“I think that is carrying it a bit too far, and I think that there should be some time-limit established, for instance a year—that this gentleman should be Prime Minister for at least one year before he was entitled to the pension.”

Notwithstanding Sen. Stollmeyer's concerns, the Bill was passed and that the rest is history until today. I want to put a bit more relevant context as well because I have a little bit of time left. I just want to get it on record.

When the Bill was passed in the Senate on 1st July, 1969, everybody including Independent Senators and Government Senators voted for this Bill which

became the Act which we want to now amend. But there was one man, Independent Sen. Clyde W. Spencer who said, no. Sen. Stollmeyer and some of the other Senators expressed their concerns, but still voted for it. But Sen. Spencer said, no. And I want to quote his words because Sen. Baptiste said something, which probably is serendipity or coincidence echoed here and was going to strike it out with a red pen, but I think these words must echo again in this Chamber. Sen. Clyde Spencer, 1st July, 1969. He said and I quote:

But simply because of—

He says:

“As one who is charged with the responsibility of securing pensions for people, it might be a little alarming to find that I am not prepared to support this Bill. It is not because I opposed to the principle of pensions, because that is part and parcel of my daily fight, but simply because of the fact that I am opposed to people, whether they be Government, business or whoever they are who fail to recognize that they must do unto others as they would have others do unto them.”

Later on:

“I do not know if there is a sudden fear of certain officers coming to an end so that you must provide for them.”

Because remember they never had a Prime Minister's pension before 1969. Dr. Eric Williams was Prime Minister at the time. And I continue the quote:

“But I am concerned about the other people—the less fortunate—who have nothing, not even the means...”—to—“...put aside something to get a pension. And you are coming here to ask me today to pass this. No, Sir. Do unto others as you would have them do unto you.”

Prime Minister's Pension (Amdt.)
Bill, 2025
Sen. The Hon. D. Allahar (cont'd)

2025.06.30

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Allahar: It is clear, Mr. President, that the Government wanted to pass into law at the time, the then PNM Government, a special scheme for pensions for the then Prime Minister in the event that they should lose power because these were the days before the Black Power Revolution. I just wanted to put that in context, and that has carried down through all of the years to here and we are fixing it. And, Mr. President, we must fix this and we must fix it today. So, I commend this Bill to this Senate, and I thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Allow me to expend congratulations to the Leader of Government Business and Minister in the Office of the Prime Minister, Sen. The Hon. Darryl Allahar on his maiden contribution.

Hon. Senators: [*Desk thumping*]

Mr. President: I now recognize Sen. Foster Cummings.

Hon. Senators: [*Desk thumping*]

Sen. Foster Cummings: Thank you, Mr. President. Thank you, Mr. President, for the opportunity to join this debate. Mr. President, I have had the pleasure of listening for today to four distinguished senior counsels and one senior attorney who has been at the Bar, by his own admission, for over 30 years, presenting to us several legal positions, none of which I find myself competent to speak to seeing that, at best, I may not even be a “bush lawyer”. But I have a responsibility particularly because we took an oath of office to be fair and just in our office as Senators in this House and to take into account that we are here, of course, to represent not our own interest, but the interest of Trinidad and Tobago.

As I listened to, at least, two Senators before me quoting the *Hansard*,

taking us back in time to a previous Senate that deliberated on this pension, I believe it was in 1969. It tells us that what we do today will not only affect the current situation that we are attempting to treat with, but that those who will come after us, maybe 10 years, 20 years, even 50 years from today, when we will no longer be here, at least most of us, that they will take account of what we at this point in time in the Senate of Trinidad and Tobago what our positions were on this matter.

On these two occasions the Leader of the Government Business, Sen. The Hon. Darryl Allahar, mentioned what transpired in the other place and that we should take note of what the support was for this legislation in the other place. I do not know that what we are doing here today must be guided by the vote, support or lack of in the other place, with all respect.

Mr. President, we are discussing the issue of pension in particular the Prime Minister's pension and therefore, I think I can boldly say that, on this side there is no disagreement with the question as proposed by the Government that there should be a tiered system. As a matter of fact, if I am to consider someone serving for nine years and half, and someone serving for six weeks or about in the same office receiving the same pension, I can understand from the public why they will have an issue with a scenario like that. And so there is no disagreement with the Bill seeking to bring some order to that situation so that, to qualify for this pension one must have served in a particular point in time. I mean, there is a school of thought of some persons speaking to the question of, what happens to someone who may have served less than a year. Is it that they receive zero? Is it that if someone who serves less than a year as Prime Minister and dies in office that their surviving spouse could be left with an issue? Is it that if someone who serves less

than a year and has to leave office because of ill health.

There can be a scenario where someone attaining the office of Prime Minister is of senior age and may have to leave office due to ill health. Has the Government given any consideration to a scenario like that? And it may be that those who initially came up with this law considered all those factors. I have not perused all of the *Hansard* in relation to that debate, but it is a possibility. So as we discuss possibilities on how do we respond to clear cry in the public space that there seems to be some issue that we consider those matters as well. And therefore, as has been said by those before me, there is issue no issue with the tiered system, but there are some additional issues that we need to pay attention to.

Mr. President, the Constitution at 76(1) spells out clearly the question of the appointment of a Prime Minister. I need not quote because we know it speaks to a Prime Minister being appointed from among the Members who commands the majority, et cetera, et cetera. And in our history we have had a few scenarios of appointments of Prime Ministers. Most of them but not all of them following elections, general elections. Our first Prime Minister, of course, Dr. Eric Williams and this was, of course, following a general election.

Our second Prime Minister, however, came to office in an emergency situation, where following the death of our first Prime Minister, and therefore that was the first time that we had to treat with how we appoint a Prime Minister. And the history is clear on how that Prime Minister was appointed. Mr. President, that Prime Minister eventually faced the polls, was victorious and was appointed again as Prime Minister.

3.05 p.m.

Our third Prime Minister Mr. Manning, came to office following a general

election. In his second appointment, which was also following a general election however, we have another new situation, an 18-18 deadlock, and the President of the Republic at the time made a decision and appointed a Prime Minister. That was another first for us, and it will go down in history as to how that appointment took place. Some were happy of course, some were not too happy. However, his third appointment was following a victory at the polls.

Our next two Prime Ministers both, the hon. Kamla Persad-Bissessar SC and Dr. Keith Christopher Rowley, both came to office on the occasions that they had been appointed Prime Minister following victory at the polls. And then we have Prime Minister Young, who was appointed Prime Minister, another new situation. One Prime Minister left office, and then Minister Young was appointed as Prime Minister following the resignation of a sitting Prime Minister. It was another new situation—

Sen. Roberts: Very new.

Sen. F. Cummings:—that we were not accustomed to. And that, Mr. President, is very possible—may contribute to that, in addition to the length of time that the Prime Minister then would have served in office. This may contribute to some of the anxiety and concern surrounding this pension situation.

So, I am not going to, in my few words in this Senate, not take into account that those matters have some bearing on some of the contributions made here today, as well as we do not live in a glass case, as well as some of the sentiments that may be expressed. One particular Senator did say that he received communication from members of the public on this matter. I cannot say that I have not, as well, received communication on this matter. [*Senator laughs*] I understand all too well, the interest of the Government in knowing what happens

on my phone, but I will retain that, my personal position.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: Mr. President, notwithstanding all that I have said before, most of the discussions has been revolving around the retroactive aspect of the Bill, that is what is causing us pause in the Senate today. And it might be that it is because there is concern that if we pass legislation that appears, on the face of it, to be targeting an individual to have the effect of preventing that individual from accessing what some have termed in this debate as a “right” that that is something that requires us to not rush into, but to discuss as a Senate.

Mr. President, when we look at legislation, we have to consider all of the matters pertaining to the legislation, that is, what are trying to cure? We are trying to cure a situation where we are trying to tie pension to tenure. So, you must have served in order to qualify. And the Government, in this piece of legislation, is trying to go a bit further in saying, well, and somebody said it is the elephant in the room, but it is just plain obvious, that clause 2 of this legislation is intended to speak to a particular Prime Minister who has served before for a short period of time.

One Member on the Government side even said that you know well there is a “hue and cry” the exact words. A hue and cry from the public it has to be, over the question of this individual receiving this pension for serving such a short period of time, when others would be in receipt of the same pension who have served a longer period of time. And, it is a matter serious enough possibly for the Government to have considered taking the matter to a joint select committee of the Parliament, to have discussions among Members from both Houses as to how can a matter like this be cured. How can the Government achieve the objective that they

set out to achieve but yet not offend the law and have the question of ad hominem legislation being debated in the House and passed, possibly or not.

What is the main conversation taking place? The main conversation, is should someone who has served for a very short period of time, less than a year in terms of the legislation, be entitled to a full pension. We have had a lot of points of views put forward. As I said, most of them quite legal, and I took the discussion a bit into the question of how Prime Ministers are appointed to office. I mean there is no secret. The Parliament is now shown live to all of Trinidad and Tobago and the world. And, that is not in a vacuum in itself because, of course, other activities in this public space it is no secret. A lot of things are no secret, that for my own part I have voiced publicly my point of view on appointments to the Office of Prime Minister. I may not detain this debate on that matter, and I have made the point to the Government to consider earlier on the question of what happens, if someone does not serve the full year, and two particular scenarios I have raised.

But, Mr. President, I think part of the concern—and the Government has to take note of this as well, has to do with trust. A Government, notwithstanding the majority that the Government has come to office with, a Government must have the trust of its people on its side. And there is serious concern based on some of the actions, the recent actions of the Government, which is a Government that is probably just about two months old, as to whether that trust to start and to set a precedent like this, whether that is going to open the door for this Government to utilize its majority to take action similar to this that may affect individuals in a negative way. And so, whilst we as an Opposition have no issue with the tiered system of the pension, we are seriously concerned based on the Government by its own action, eroding the trust only recently placed in it by the electorate of this

country, by actions taken that seem to zero in on individuals in a personal way. The removal from office of the head of the Central Bank, these are institutions in the country.

Trust is the question, at the end of this day, Mr. President, and, therefore, as a responsible Opposition we have to point out to the citizens to take special note and to take special care.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: Mr. President, it is not too late in the day for the Government to take one or two positions. Proceed and the Bill possibly fails completely. Amend and remove the retroactive clause from the legislation, or commit the Bill to a joint select committee for deliberation and discussions as to how can we cure a situation that I am sure most citizens in Trinidad and Tobago have taken attention and paused concerning. And, therefore, Mr. President, with these few short words, I thank you for the opportunity.

Hon. Senators: [*Desk thumping*]

Mr. President: Alright, I will recognize Sen. Dr. Desirée Murray.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Desirée Murray: Thank you, Mr. President. We meet today to consider the Prime Minister's Pension (Amdt.) Bill, 2025, a piece of legislation that, while narrowly focused, touches on matters of deep national significance, service, sacrifice, fairness, and legacy. The proposed legislation has generated significant public interest and wide public discussion and rightly so.

Occupying the Office of Prime Minister is one of the highest forms of public service. It carries with it great authority, but also enormous pressure, scrutiny, and personal sacrifice, for both the office holder and his or her family. I want to stress

the family aspect of that position. Decisions made here today will directly affect how we as a nation acknowledge and support those who have taken on that responsibility. So, it is important to begin this debate by acknowledging the seriousness of what we are being asked to review.

My comments are offered with care and concern for legislative clarity, institutional consistency, and above all, an equitable approach to public officeholders, like the Minister of Labour and Micro Enterprises alluded to, and spoke so eloquently about, and I agree with. We have a duty to ensure that our laws are just transparent and thoughtfully constructed, not only for those who currently hold office, but for those who have served before, and for those who will serve in the future. In that spirit I wish to share a few observations.

The parent Act of 1969 reads, and I think I will get this right if I say the long title, but I stand corrected.

“An Act to provide for the Payment of pensions to persons who have served as Prime Ministers and to the widows and children of such persons, and for matters connected with or incidental thereto.”

Section 4 states:

“The Prime Minister's pension payable under this Act to any person shall be...”—the full amount— “...of the highest annual rate of salary paid to such person at any time as Prime Minister.”

It satisfies in my mind the principle of legal certainty, which allows individuals to understand their entitlements and obligations and plan accordingly. Clauses 5 and 6 of the amendment Bill introduced a tiered pension system based on the length of service, providing from none, to one-third, one-half, two-thirds, or the full amount of the highest annual salary, depending on tenure. While this may

seem like a rational framework, it also introduces new complexity.

3.20 p.m.

For example, how would we deal with a Prime Minister, who sadly dies in the line of duty within one year, having not yet met the minimum criteria and to receive a pension? How would the spouse and family be affected? Furthermore, would a Prime Minister who served for three years and 364 days receive only two-thirds of the pension in the event of sudden death? Would their family receive a reduced benefit even if their loved one died in the line of duty? Prime Ministers have a security detail for a reason.

The parent Act provides pensions to the widows or widowers and the entitled child or children of all former Prime Ministers. If this amendment reduces a Prime Minister's pension based on tenure, that reduction will extend to the pensions paid to their surviving relatives. At a time of grief, should families face reduced support, especially when their loved one may have died while in service? We recently amended the Children's Life Fund Act and discussed the need to protect the most vulnerable among us, our children. Could this amendment before us today unintentionally affect the child of a Prime Minister, who dies in office during the first year?

The existing Act dating from 1969 seems, to me, to provide better survivors benefits than the proposed amendments. These provisions are not merely symbolic, they are safeguards for families who may have given up privacy, the families may have given up stability and security in support of national service. We must carefully consider whether this shift from a service-based model to a time-based calculation is justifiable in principle.

My second comment, as with most of the other speakers, concerns

retroactivity and the choice of commencement date. Clause 2 of the Bill proposes a retroactive commencement date of 10 March, 2025. I respectfully suggest making any amendment retroactive to 31 August 1962, the date of our independence and the date used in the parent Act. That historic date would ensure that all former Prime Ministers are treated equally and help dispel any perception of ad hominem. This is why I respectfully suggest that consideration be given to removing clause 5, which requires a person to serve at least one year as Prime Minister in order to qualify for a Prime Minister's pension.

We have heard that despite being the UK's shortest-serving Prime Minister, just six weeks in position, Liz Truss is eligible to receive a special allowance that is available to all former Prime Ministers. I must say, I was surprised that the name Liz Truss has not come up in the debate so far, yet there has been so much reference to the UK in other matters. However, she can choose to forego the annual pension of up to £115,000 per year for life to which she is entitled and:

“The allowance can only be used to reimburse expenses ‘for necessary’...”

And I quote:

“...‘for necessary administrative costs arising from their special position in public life’...”

The money is not paid automatically...”

And:

“The Cabinet...releases information about how former prime ministers have claimed...”

So there is transparency.

My third comment reflects on equity among parliamentarians. Mr. President, clause 6 of the Prime Minister's Pension (Amdt.) Bill, 2025, provides

for the calculation of a Prime Minister's pension based on a person's length of service. This model has been executed in the Retiring Allowances (Legislative Service) Act, Act No. 24 of 1969, which established pensions for Members of the House of Representatives and holders of specified legislative offices. This Act takes into account the length of service of any person as legislator. In piloting the Bill, the Minister of Planning, Economic Affairs and Development stated that all persons in public service should be treated equally. If we are to amend the Prime Minister's pension and if we are moving towards a contributory model, similar to the Retiring Allowances (Legislative Service) Act, then I humbly suggest that all parliamentarians be considered in line with section 4(d) of the Constitution.

In conclusion, my main concerns with this Bill are: One, the shift in pension calculation introduces ambiguity in my mind and could unintentionally disadvantage those through no fault of their own and who serve a shorter time, for example, through illness, injury or even death. And it also has implications for their spouses and children. And two, the retroactive clause has raised questions about fairness and intent. Ideally, the clause should be removed but a retroactive date of 31 August, 1962, would be more inclusive and transparent. It has been said that it is the worth of the policies themselves and not their source or sponsor which determines the position of one who is truly neutral. My position remains that of informed, principle-based decision-making. Mr. President, I will circulate proposed amendments to be considered during the committee stage and I thank you for the opportunity to contribute to this debate.

Hon. Senators: [*Desk thumping*]

Mr. President: Thank you. Sen. Francis Lewis, please.

Sen. Francis Lewis: Good afternoon, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: Thank you for the opportunity to speak on the Prime Minister's Pension (Amdt.) Bill, 2025, consisting of just a few clauses. I wish to state at the outset that I support the key provisions of this legislation. The inclusion of a minimum service requirement, whereby the Prime Minister must serve at least one year in order to be eligible for a pension, I could see the sense of it. It is reasonable, it is principled and I think it aligns, as a number of people stated, with people's expectations of public service at the highest level. I commend the move to a tiered pension calculation, where the amount received is tied, in some way, to the level of service, it introduces proportionality and fairness and it ensures a measure of accountability and alignment with what we have been advised as evolving pension reform across the public sector.

Mr. President, I support these core proposals. I have a concern though regarding the commencement date of the Act. It is just over three months ago, specifically the 10th of March, which gives the legislation retroactive effect. I will defer to the legal luminaries in this room. But my understanding is retroactive legislation, especially—well, sometimes called *ex post facto* law, is relatively infrequent in most parliamentary systems, including Trinidad and Tobago. I stand to be corrected on that. But in looking for sources, it was not easy to find where this is a frequent practice. I think good consideration, good regard, because retroactive laws potentially violate, as a number of persons said, the principle of legal certainty. And all of us need change but we also need a level of predictability in our lives, so that we can anchor ourselves to something that is fundamental, and it is fundamental to democratic systems. So retroactive systems or legislation risks undermining public trust in legal certainty, even where there a lawful mechanisms

for enabling such retroactivity.

Mr. President, I support the Government's overall intent. My concern is if you are going to be retroactive, it needs to pass a reasonably high test, beyond what is lawful, to what makes it necessary. Often, from my limited research, it is used to correct a historical wrong or sometimes administrative error or to clarify intent. I do not know that that is applicable in this instance. In thinking about today and this short contribution, I feel the weight of history heavy in this place, how our actions and future actions of the persons that this law will affect and what they will do as a consequence, I think, matters.

So, what I want to do is, I will defer to persons with the training, the experience and their legal wisdom. I would like look for a moment beyond the legal and related arguments offered. And in thinking about it, colleagues, I want to suggest that this Bill gives us an opportunity, and that opportunity is two-fold. We are offered the opportunity to act rightly as a Senate, but it also gives the individuals affected or impacted the chance to act rightly and demonstrate what the older persons in our society call "character". It is an opportunity—so that is opportunity one.

Opportunity two is it sets the tone of this Senate for maybe future discussions, and that is important, particularly in light of the President's statement at the very opening of the session. In thinking about this, it can almost be described as a Gethsemane moment. It is about coming to terms—and in a Gethsemane moment, there is challenge and there is opportunity. Now, when one thinks of Gethsemane—the phrase, "wishing this cup to pass" is what comes to mind most frequently. But it also offers a chance to find and treat with a different kind of strength in choosing to face a challenge with the outcome being

transformative.

Given that, I wonder what the opportunity might be in this House and whether this is the occasion for it, for enabling and building trust. And let me not hesitate to say that trust does not have to be unguarded for it to be effective. It can be calculated. But it helps to build mutual regard, respect and goodwill, and this goes a very long way in improving legal legislative discourse. The goal is not utopia, but it is how to make constructive agreement productive.

My recommendation for consideration is remove the retrospective amendments. If one did this, consider for a moment how the perspective of the person or persons impacted by it. The ball is now in their court and they now have to decide on what they will do. I expect, in weighing their decision among their considerations, is a calculus about, "Well, I taking meh money, is my right, is my property." But on the other side, there is a realization that time is longer than twine. And in the fullest of time, their decision will be judged by others and the wider population. Will this matter to them? I do not know. What will they do given their aspirations? I do not know. Will they act rightly? Will they act with character? Will they demonstrate good character if given the opportunity to do so?

It is said—and this was someone many years ago, a mentor—nobody rises to low expectations. I wonder whether this might not be an opportunity to set a bar of expectations, that if someone wishes to serve and work in a future capacity, there is a very clear public sentiment, and I think the Government's comments reflect that public sentiment of what that person's reaction might be. Will they act in a way that generates repugnance or admiration?

Now, none of us could predict that human behaviour and I may be disappointed by their subsequent action, and it is a risk. And I suppose it is a

question we have to ask: Is it a risk that we are prepared to take in this matter at this time?

3.35 p.m.

But in this matter, with risk there is opportunity. Perhaps it can help build a greater degree of dialogue and trust in this House. Perhaps we are not ready for it. Perhaps this is not the time for it, and as a couple people close to me said, perhaps I am being just unduly optimistic, and idealistic and that is also possible.

So let me move to conclude with colleagues, thank you for listening. I was somewhat hesitant to speak on this matter. I have been very encouraged by the quality and tone of today's debate. I have learnt a lot from you and from everybody in this House, Sen. Al-Rawi, Sen. Baptiste, Sen. Vieira, among others, and for that, I greatly thank you and I have enjoyed today, so thank you Mr. President, thank you for the opportunity to make this contribution. .

Hon. Senators: [*Desk thumping*]

Mr President: Before I call on the Minister of Transport, I want to appeal once again to Members of this honourable House, Senate, please place your mobiles on silent. Three times phones have rang during our Sitting, so I am just appealing again to Members who have mobiles on them. Place your mobile phones on silent please. The hon. Minister of Transport.

Hon. Senators: [*Desk thumping*]

The Minister of Transport and Civil Aviation (Sen. the Hon. Eli Zakour): Mr. President, I rise before this esteemed House today to debate the Prime Ministers Pension Amendment Bill 2025, in my capacity as a Government Senator and Minister of Transport and Civil Aviation. Allow me to begin by extending my most sincere congratulations to you, the newly appointed President of the Senate

on your well-deserved elevation to this distinguished position. Your appointment represents not merely a personal achievement but a testament to your unwavering commitment to democratic principles and the noble art of governance.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. E. Zakour: Today also presents an opportunity for me to express my deepest gratitude to the hon. Prime Minister, Mrs. Kamla Persad-Bissessar SC, for her exceptional leadership in guiding our party, the United National Congress, into Government to what can only be described as a resounding and historic victory.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. E. Zakour: Mr. President, I am especially grateful to the honourable Prime Minister, for the confidence she has shown in appointing me to serve in this capacity. This appointment represents not merely a personal honour, but a sacred trust, a responsibility to serve the people of Trinidad and Tobago.

Mr. President, I stand in strong support of the Prime Minister's Pension (Amdt.) Bill 2025, which stands before this hon. House. This Bill is about fairness, it is about responsibility and most importantly is about correcting the serious legislative flaw that for far too long has worked against the interest of the people of Trinidad and Tobago.

There are many things in my notes that I do not want to repeat here, so I would highlight. The Bill introduces two key reforms and the Bill also has a retroactive effect and as such it requires a special majority to pass. Mr. President, the fact is there is currently no minimum service period for a Prime Minister to qualify for a pension. That is not fair, that is not right and today we are fixing it.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. E. Zakour: We are not reinventing the wheel. My colleague mentioned if you looked across the Caribbean, like countries like Antigua and Barbuda, and the Bahamas, who already have a similar, or even stricter requirements. In Antigua and Barbuda, it is five years, the Bahamas is eight-years. You also have Jamaica which is five years and Barbados which is also five years. By comparison, this Bill proposes just one year as a minimum threshold. This is not extreme, it is measured and it is reasonable. The proposed tiered structured ensures that pension payments will now be proportionate to years of service.

Mr. President, I often think about the masons and builders across the country. No builder lays one brick and then says "I have built a house." They put in the work, brick by brick, day by day until the structure stands strong. Likewise, holding the office of Prime Minister is about building trust, building leadership and building the country, not just holding a title for a brief moment, expecting lifetime rewards. This Bill reflects that. It is acknowledgment that the existing law is flawed and that this reform is necessary. We need to correct the wrong that should never have existed. The Bill is justified, the Bill is legitimate and the public interest is clear.

Mr. President, it is about restoring fairness and accountability to our system of governance. The people of Trinidad and Tobago deserve to know that pensions for Prime Ministers are earned, not automatically awarded. They deserve to know that the elected Parliament has the courage to fix legislative flaws. With this Bill, we will align our laws with both regional standards and common sense principles of fairness. We will protect the public purse, we will strengthen public trust and we will ensure that the title of Prime Minister remains not just a position of privilege, but one of true public service and accountability. With those few words, Mr.

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Sen. The Hon. Eli. Zakour (cont'd)

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President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr President: Allow me to record on behalf of the Senate, our collective congratulations to the Minister of Transport on his maiden contribution.

Hon. Senators: [*Desk thumping*]

Mr President: I recognize Sen. Zola Philips.

Hon. Senators: [*Desk thumping*]

Sen. Zola Philips: Mr. President, I thank you for the opportunity to rise and make a contribution on this Bill, the Prime Ministers Pension Bill Amendment Bill 2025. As I do so, I pause to acknowledge the immense honour and responsibility I feel in standing here today. Not only as an Independent Senator but also a proud daughter of Tobago.

Mr. President, I want to begin by expressing my support for the Bills core intention which is the introduction of a tiered pension system for persons who have held the office of Prime Minister. This is in my view, a welcome step towards more equitable and sustainable governance. It reflects an understanding that not all service in that office is equal in a time or impact and therefore benefits ought to correspond with the length of that service.

For too long, as most of our friends had shared, our pension arrangements have operated on an all or nothing basis, where the mere fact of appointment, regardless of duration, qualifies someone for the same benefits as another, who may have led for years, under immense national pressure. The move towards tiered eligibility reflects a maturity in our legislative thinking, one that signals that public service must be accountable, proportionate and merit based.

In this regard, I believe the Government has made a commendable attempt at

reform. However, Mr. President, I cannot support the provision within the amendment that excludes entirely any person who has served as Prime Minister for less than a year. Let us not forget that the Prime Minister is not simply a ceremonial figure. It is the highest Executive office in the land, carrying the full weight of national leadership of international representation, of policy oversight and at times, crisis management. Even a short tenure in that office is not without real cost, physically, emotionally, politically and professionally.

3.45 p.m.

It is not reasonable to presume that a person who served under a year as Prime Minister did not carry significant burdens on behalf of the nation. Moreover, the history of democratic governance shows us that transitions in leadership do not always follow predictable patterns. Sometimes a Prime Minister may serve for a short time due to the untimely resignation, illness or even death of a predecessor as some of my colleagues have also shared. Other times, political instability may shorten a government's tenure. Should such persons who may have had to take up the reins during difficult national moments be entirely excluded from any form of pension?

Mr. President, fairness does not mean equal treatment. It means appropriate treatment. What I would humbly agree with is the consideration of a probated pension structure, one that ensures individuals who serve for less than a year are still recognized but receive benefits in alignment with the duration and nature of their service. This would preserve the principle of proportionality while also honouring the dignity of the office. Further, I believe it is important to guard against a utilitarian or transactional approach to public leadership. We must not begin to calculate service only in terms of months and years, but also by the depth

of contribution and the context in which that service occurred.

We often speak about upholding the sanctity of our institutions but institutional strength is also preserved by how we treat those who lead them, even for a time. If we are to foster a healthy political culture in Trinidad and Tobago, one that encourages qualified persons to step forward in moments of need, then we must also build structures that affirm the legitimacy of short-term, transitional or emergency leadership. These are not anomalies. They are a part of the life of any mature democracy.

Mr. President, as someone privileged to sit on the Independent Bench, a space not driven by party interest but by conscience and country, I feel compelled to raise this point, not as a political objection, but as a constitutional concern. We cannot allow legislation to unintentionally undermine the very offices it seeks to regulate. We cannot say on the one hand that a person is fit to serve as Prime Minister but on the other hand that their service, however brief, merits no form of state recognition after they demit office.

In conclusion, I affirm my support for the tiered system as a whole but urge this honourable House to reconsider the total exclusion of those who have served for less than one year. Let us send the message that we believe in measured accountability yes, but also in measured respect. Let us be mindful that how we legislate today shapes the tone of our governance tomorrow. I ask that we pass laws that reflect not only fiscal prudence but also human dignity. I thank you.

Mr. President: Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Teemal please.

Hon. Senators: [*Desk thumping*]

Sen. Deeroop Teemal: Mr. President, I thank you for the opportunity to contribute to the matter before us and, before I do so, I must express my deepest appreciation to you for the Motion that you presented at the beginning of the Sitting here today.

Hon. Senators: [*Desk thumping*]

Sen. D. Teemal: It provided reassurance and it, to me, indicated a commitment on your part, a noble commitment I must say, to uphold the institution of this Senate and this Parliament.

Mr. President, I rise today not as a constitutional expert nor as a partisan figure but as an Independent Senator entrusted with a serious responsibility, to contribute thoughtfully and conscientiously to the laws that govern our Republic. I make no claim to legal training. Although like my colleague, Sen. Foster Cummings, I do fancy myself at times as “ah bush lawyer”. But I approach my role with humility to learn, the discipline to research and a duty to reflect on all views presented before this honourable House. I have always believed that my strength as an Independent Senator does not lie in specialized expertise alone but in the capacity to weigh complex issues with fairness, to listen attentively to the contributions of my colleagues on all sides, and to make decisions not on political instruction but according to the dictates of my conscience and constitutional oath.

So, as I consider this Bill, complex as it is in both legal structure, and we must admit, political consequence, I do so with a pragmatic lens guided by the principles of justice, good governance and institutional integrity. And despite the very limited time offered to prepare for debates, I always try my best to read, to listen and to think deeply so when I vote or speak in this Chamber, I do so with the full weight of my responsibility to the Constitution, the public interest and in my own sense, though limited at times, what may be right or wrong. This is the spirit

in which I serve as an Independent Senator, neither blindly deferential nor politically reactionary, but always trying my best to be principled, thoughtful, and faithful to the law and to the people we serve.

I stand in this Chamber not as a representative of a political party nor a voice swayed by populist sentiment or public emotion. I stand here under the solemn oath I have taken to uphold the Constitution of Trinidad and Tobago and to discharge my duties to the best of my ability with conscience, integrity and independence of mind. Mr. President, I know I have probably been a bit long winded there but I just felt that it was necessary that I put that on the record.

Now in this instance, I support the reform objectives of the Bill that is before us, but at the same time, I am vigilant against provisions that may compromise constitutional values, including the fundamental principles of natural justice, equality before the law and separation of powers.

Now let me begin by stating clearly, I support the central purpose and direction of this legislation. I agree with the principle that those that the conferral of pension benefits, upon those who have served as Prime Minister, should be tied to a minimum period of service and scaled accordingly to the time served in that office. In many ways, this Bill reflects a more modern, structured and merit-based approach to public service reward, one that aligns with evolving expectations of fairness, accountability, responsible stewardship of public funds and public expectations.

Mr. President, it is entirely reasonable that a person must serve for a defined period, perhaps one full term or the majority of a term as we seeing in this Bill before being eligible for such a pension. Likewise, a graduated scale proportionate to length of service ensures that long-standing Prime Ministers are rightfully

distinguished from those who held office for shorter periods. It is only fair and reasonable. These are welcomed reforms. But, Mr. President, I am troubled by one aspect of this Bill and that is the proposal to apply these changes retrospectively to a date that would prevent the former Prime Minister from qualifying for pension benefits under the previous regime.

Now, I would just like to look at this point from two aspects, legally and then morally. And in terms of legally, of course, I think for the first time, there are so many senior counsels in this Chamber and I am guided by the many contributions of our respective senior counsels and in addition to all other Senators and those who are not senior counsels. My understanding is that our legal system is founded upon certainty, predictability and the rule of law and retrospective legislation disturbs those foundations. I am not saying it is not permissible but it has the potential to disturb those foundations.

And citizens, particularly officeholders, must be able to plan their conduct and decisions based on the law as it exists at the time. And they must not be left vulnerable to sudden legislative reversal that may strip away previously accrued rights or alter legal consequences after the fact. And our courts have long recognized that while Parliament has the power to pass retrospective laws, that power must be used with restraint especially where the laws affect individual rights, property or legitimate expectations.

In the case of pensions, as is the case before us, particularly for a constitutional office such as the Prime Minister, one could argue that entitlements accrued, under existing laws, may amount to legitimate expectations or even vested rights depending on the timing and context. And revoking or altering such entitlements retrospectively may invite legal challenges on the grounds of

procedural unfairness, legitimate expectations and potentially even in breach of natural justice.

Now, Mr. President, although I was not present for the early part of the Sitting, I still had the opportunity to listen in on the radio and I have heard a lot, including the time I have been here, about ad hominem law and bill of attainder. And from what I understand, the term “bill of attainder” originates from English constitutional history where a parliament could pass a law imposing punishment on a specific individual, often without trial.

Now a bill of attainder is obsolete in form. In fact, it is nowhere found in the American Constitution, but in some Commonwealth legal systems, a principle is upheld that no law should target individuals for punishment without due process. And in most democratic systems of the Commonwealth, although outright bills of attainder are prohibited by constitutional norms or judicial precedent, legislation with such effect may violate constitutional protections, natural justice, due process and equality before the law.

4.00 p.m.

And while such Bills are rare and prohibited in modern democracies, courts in some of the commonwealth countries have recognized what I understand is referred to as the “bill of attainder” effect, which recognizes certain things: Retrospectively disqualifies or punishes an individual or a narrowly defined group of people, where the intent or consequence of the law appears aimed at that person, where the penalty is imposed legislatively, not judicially; where it violates separation of powers as the legislator takes on the role of judge and jury, undermine natural justice, often viewed as politically motivated, and could also be challenged on constitutional or administrative grounds.

Now, in our particular context, from what I have heard in the debate thus far, there are times that the contributions seem to indicate that we are bordering on a bill of attainder effect. But from what I have heard so far, I am still not clear that enough has been presented, at least for me, and I would hesitate to draw a conclusion in this regard.

Then, Mr. President, I have come to the view that not all retroactive legislation is inherently unjust or unconstitutional. The Constitution of Trinidad and Tobago does not prohibit retrospective application of civil legislation, especially in matters of public administration and entitlements, provided it does not violate protective rights, such as liberty or property. Now, yes, the timing may affect one recent former Prime Minister more visibly than others, but that alone, I think, does not render the law discriminatory. Laws frequently have disproportionate effects, but that is different from targeted punishment.

Importantly, Parliament retains the authority to legislate with retrospective effect when no constitutional prohibition is violated. This includes civil service rules, pension structures and standards for the office. And in past cases across the commonwealth courts have upheld retrospective pension reforms, especially where they serve public policy objectives and are not punitive in nature.

So, if you are to build trust in public institutions, we must be willing to review and correct practices that no longer serve the public interest. This Bill sends a clear message: The privilege of serving as a Prime Minister must be matched by a standard of sustained service and public rewards must reflect public responsibility.

Now, Mr. President, in this debate, I have chosen not to get into whether the Bill is politically motivated, despite what has been transpiring in the public domain

over the past few days. And I must say—and I am being restrained in my words here, the attacks on my integrity and my character, as an Independent Senator, and also personally. Based on the oath I have taken, I would not let that affect the clarity of my thinking in the matter before us.

Even if retrospectivity was legally permissible, we must then ask—I have tried to just summarize the legal thing, in terms of how it came to me—is it morally justifiable? Is it ethically sound? And yes, the timing that I have mentioned may seem to, or will affect one former Prime Minister more visibly than others, but if we are to build trust in public institutions, we must be willing to review and correct practices that no longer serve the public interest. And this Bill sends a clear message: The privilege of serving as a Prime Minister must be matched by a standard of sustained service and public rewards must reflect public responsibility.

This Bill also sends a message that high office will be held to high standards. We are talking about the highest office in the land under our Constitution, in terms of the Prime Minister. So, a high office is expected to be held to high standards, and that public rewards will be grounded in merit, service and time, irrespective of how high the office may be.

I am of the opinion that the reform intended by this Bill moves our governance structure towards a more equitable and responsible position, and one that aligns with evolving expectations of fairness, accountability and sustainable public finance. Mr. President, over the years, in our nation, we have been seeing that. Our people are demanding it, actually, you know?—for high levels of accountability and high levels of performance in all our undertakings.

And under the question of morality—I think I did not have this originally to

say in my contribution, but I felt I should add it in, the question of morality. There is another question that needs to be asked, whether someone who has served for such a short time deserves a pension of the amount and expected longevity that will result if this Bill is not passed, and is it fiscally responsible to expect such, and is it fiscally responsible for a government to allow this?

Now, in closing, Mr. President, if I decide to support this Bill, I will not be doing so out of deference to the Government, with all due respect to all the Members on that side, nor succumb to the strategy adopted by the political party forming the Government over the past day—and I am using the word “strategy” in a good way. I could have probably chosen other words, but it is not, “If I decide to support them, I am succumbing to them”—nor out of disregard for the valid concerns expressed by other Senators here today, including, you know, Sen. Vieira, whom I have tremendous respect for, but because I am satisfied—if I do decide to support, it is because that I am satisfied that the Bill meets the constitutional threshold, satisfies public accountability or seeks to improve public accountability and fiscal responsibility, and it will uphold the long-term credibility of our democratic institutions.

Mr. President, I mean, those of us who have been around for a while, not only in the Chamber but just living life in our nation, would realize that today's majority is tomorrow's minority. And how we conduct ourselves and how we conduct the business of this Senate is not only about how much we do and how much change we bring about, but it is how we go about the business of this Senate. I think that is also intrinsic in how we would be evaluated and judged in the future. Mr. President, I thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Amery Browne.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Amery Browne: Thank you, Mr. President, for recognizing me. Considerable content and delivery have already been offered in this debate, quite a consequential exchange in the life of this Parliament. And I want to commend those who have already spoken, particularly some colleagues who have really put into context the weight and import of the matters under consideration that the Government has put under consideration of this Upper House, by way of the Prime Minister's Pension (Amdt.) Bill, 2025.

Mr. President, I would like to begin on a note established by the highly esteemed, Independent Sen. Teemal. And to take this opportunity to reaffirm this Opposition's respect for the Constitution and democracy of Trinidad and Tobago in no uncertain terms.

Mr. President, we will never yield to the temptation of attacking independent institutions, such as the Elections and Boundaries Commission, such as attacking our Head of State, and worst of all, Mr. President, we have seen too many recent examples of attacks on Independent Senators in the Upper House of Parliament.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: Mr. President, this pattern was established, unfortunately, in the last session, and I will not dwell on it, but I want to join those colleagues who have commended and saluted you for an intervention, which, hopefully, will benefit us throughout this particular session and a warning that there will be consequences should those admonitions not be heeded. Unfortunately, even as we are here engaged in this matter, there are those in public life who have continued making Facebook and other social media posts that appear—

Sen. Al Rawi SC: Members of the House?

Sen. Dr. A. Browne: Yes—that appear designed to pressure and intimidate Members in the course of their deliberation and contemplation on how they would vote on matters.

So, Mr. President, I begin by reaffirming our commitment to the Constitution and democracy. And we will have no hesitation in standing in the defence of those who might be menaced or pressured, as we have done before.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: Mr.—

Hon. Senator: [*Inaudible*]

Mr. President: Continue, please.

Sen. Dr. A. Browne: Thank you, Mr. President. And I am not going to yield to any disturbance, but there is another pattern of public officials resorting to social media to undertake analysis and introspection of proceedings here, and those will be properly scrutinized for action as well. I sound due notice in that regard.

Mr. President, we have had a number of debates already in this short session. We had a debate on the Children's Life Fund, which has been the subject of a lot of analysis, post-analysis. And yes, there were exchanges in the committee stage, which resulted—the record is clear in a casting vote on three occasions, but in the end, the Bill carried with the support of this Chamber and with the support of independent voices. I heard no one from the Opposition seeking to put pressure—

Sen. Allahar: Mr. President, I am just wondering, we have given my friend a long road. Let us just get—

Sen. Dr. A. Browne: Is there a Standing Order?

Sen. Allahar: Standing Order 46(1).

Hon. Senators: [*Desk thumping*]

Mr. President: Just connect and—[*Inaudible*]

Sen. Dr. A. Browne: Thank you, Mr. President. It is easily connected, Mr. President. I am just going through the sequence of three Bills that bring us to this particular point. With respect to the TTRA, which the Opposition was very clear in our disagreement with the formula—

Sen. Allahar: Mr. President, once more, what does this have to do with the Bill that is before us, 46(1).

Mr. President: I am just asking you to just quickly—and let us move on, please.

Sen. Dr. A. Browne:—and we made no protest when that succeeded, notwithstanding our position. And here we are, today, Mr. President, with this particular Bill, responded to, initially, by Sen. Faris Al-Rawi, and we have also had a very strong contribution from Sen. Foster Cummings. And it is clear that this Opposition is in support of the reform of the Prime Minister's pension arrangements in its broad sweep.

4.15 p.m.

It is also clear that we have concerns and serious questions about certain aspects of this Bill. I am going to go a little further into a few of those concerns, Mr. President, but I feel compelled to state that, notwithstanding, whether we find support from the independent voices or not, we will respect our democracy and we will respect this Chamber.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: I said it before, there is a reason the framers—and you know, Mr. President—of our Constitution designed the Senate in this way. And therefore, if this or any measure is able—

Hon. Senator: Get to the point.

Sen. Allahar: Relevance.

Sen. Dr. A. Browne: Mr. President—to cross that hurdle. You know exactly the point I am making, Mr. President, we will accept it. Mr. President, let me go immediately to the core of the Government's disquiet. Clause 2:

“2. This Act is deemed to have come into force on the 10th day of March, 2025.”

Mr. President, we have had so many contributions, I was listening keenly and quietly, I did not hear any contribution, analysis or question on that date.

Sen. Allahar: *[Interruption]*

Sen. Dr. A. Browne: Mr. President, there is a Member who is seeking to establish the wrong pattern of conduct in this Chamber, and I ask that I deliver my contribution in silence in accordance with the Standing Orders.

Mr. President: I have not heard the Member.

Hon. Senator: Nobody said anything.

Mr. President: I am focusing on you.

Sen. Dr. A. Browne: Thank you for your guidance, Mr. President.

Hon. Senator: “You in ah different room.”

Sen. Dr. A. Browne: What is special—

Hon. Senator: *[Interruption]*

Sen. Dr. A. Browne:—and they are continuing. What is special and maybe the good Minister in the winding up will take us, the Members of this Chamber, into the confidence of the Government. What is special and particular about that date to cause the Government to draft this legislation in this manner? Put your cards on the table. I listened closely to Sen. Dr. Murray, who hinted at a similar question.

What is special? So, I tried to answer. The Government has not offered any insight into their thinking on this. I tried to do my own analysis. So, I looked at the 10th of March domestically, regionally and internationally to see if there was some trigger, some event that may have caused the Government to be particularly concerned about bringing into force these measures on that specific date. Because that is what we as Senators are being asked to support. So, this is a request, as I have done before to the Government, to put their cards on the table and explain the phrasing of this measure.

I saw a lot of things take place on March 10th, 2025. I could not find anything remotely related to the consideration of prime ministerial pension. There was civil war in Syria with some horrible developments on that day, I could not see a relation. There was a ban in British Columbia on alcohol imports from the United States of America, did not see any trigger there. The situation in Gaza was continuing to deteriorate. I do note that seven days later, exactly seven days later, there was a development in the politics of Trinidad and Tobago. So, I want the Government to indicate whether or not this is connected to developments that took place on the 17th of March. If so, why go back one week before that? What is the logic? What is the intelligence behind this particular drafting? If you are asking me to consider a legislative measure, I think it is only fair to me and other colleagues to be very clear about what would have caused you to draft it in this particular manner. So, that is a question that remains on the table, and an invitation for the Government to respond substantively, take us into your confidence.

I ask those questions, Mr. President, because there has been some dancing around this ad hominem question. The Government has made a case, and I thought

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in his maiden contribution, Sen. Allahar, the Leader of Government Business, went to great pains to make a case that in and of itself, ad hominem legislation is not necessarily radioactive or beyond consideration. He went to great pains in that regard. But my question to the Government is whether or not they accept that this is an example of ad hominem legislation. If it is not, should I—

Sen. Allahar: [*Inaudible*]

Sen. Dr. A. Browne: Mr. President, you did not give the full guidance, and so to the Leader of Government Business—

Sen. Allahar: Mr. President—

Sen. Dr. A. Browne: Wait, wait, wait, you have two options. One is to move a Standing Order, the other is to request of the—

Sen. Allahar: [*Interruption*]

Mr. President:—you would only learn if you listen—to request of the Member speaking, to give way. So, you can do so, or you can move a Standing Order.

Sen. Allahar: Mr. President, thank you for the lesson, 42(9), 42(9).

Sen. Dr. A. Browne: Mr. President, I will continue my—

Mr. President: Member, please. Are you rising on a point of order? Leader?

Sen. Allahar: Yes, Mr. President.

Mr. President: 40?

Sen. Allahar: 42(9). Mr. President, very briefly—

Mr. President: No, that—42(9) will only take place after his contribution.

Sen. Allahar: I want a chance to explain.

Mr. President: Yes.

Sen. Allahar: And if you give me the opportunity.

Mr. President: Yes, yes, but after his contribution. Continue, please.

Sen. Dr. A. Browne: Mr. President, if he had asked to give way, I would have given way, but anyway, let us move on. I think it may be an attempt at distraction, unfortunately. So, I would want the Government to be clear on that, and they took us on a tour of the region, Antigua and Barbuda, the Bahamas, et cetera. There were other references even to Jamaica, Barbados, Guyana, and someone went to India as well. I think quite topical, seeing that we have an esteemed visit coming up very soon.

Hon. Senator: [*Interruption*]

Sen. Dr. A. Browne: Sorry?

Sen. Allahar: India is coming to us?

Sen. Dr. A. Browne: Of course, right. So, Mr. President, I think what the Government was able to establish is that there are a number of jurisdictions in which there is a tiered approach to the Prime Minister's pension arrangement or Head of Government pension arrangement in a number of jurisdictions, depending on duration of service. And that we accept, and that aspect of this amendment Bill find some favour with us for our consideration. What I did not hear in this tour of the region and the world, and India and other places, is a precedent for the approach of the Government with respect to clause 2. So, again, it begs some further information and content with respect to the retroactive—the decision to bring the Act into force on a date in the past.

I would want to remind, Mr. President, all Members of the solemn oath that we undertake as parliamentarians to act without fear or favour, malice or ill will. And in so considering, we must acknowledge strong public sentiment around this particular matter. Members have read from their WhatsApp communication, other Members have indicated that their phones have been ringing off the hook, and I

mean, once you are in Trinidad and Tobago, you must recognize that the society is paying attention to this. There are some, Mr. President, who really do not have any objection. I would say the majority appear to have no objection with their Prime Minister, and more broadly, their parliamentarians having a suitable pension arrangement when they no longer hold office.

There are views that have come to me from the politic space that it would be a grave injustice to go back in time, to reach our hands back into time to reduce and/or remove an entitlement to which an office holder or a former office holder would have had a legitimate expectation at the time. And that is something I also want to place squarely on the table that there are also those views. So, in giving the public sentiment, let us not just assume that everyone is saying the same thing. So if we are giving due consideration to the will of the people and what the voices in society are saying, there is also such a view.

There are views that this really is a very unique situation that we are treating with, and I heard several Senators suggesting that there might be a formula for us to avoid this conundrum in the first place. I do wonder, Mr. President, whether the framers of the parent Act ever really gave contemplation to what we experienced in the first half of 2025. I really do wonder, quite sincerely. And it would be unfair if I do not say, yes, there are some in society who are very disquieted about the reality that there could be a very brief period of service that would have led to a very large pension entitlement, there are those views as well.

So, where does that leave us as decision makers on this matter? Mr. President, I am of the view that people in this society, by and large, do not like injustice and are made uncomfortable if they have a feeling that an injustice was perpetrated. And so that is something that we also have to treat with as

parliamentarians, and as politicians. Is it the right thing to do? To try to cure or treat with a perceived injustice, if we do so by committing a further injustice? Particularly with respect to the law and constitutionality. So, those were some of the questions, you might deem them rhetorical, but I think them important for how we arrive at a final conclusion on this matter. And I do not think the problem is as simple as the Government might wish it to be, but part of the answer is how they would respond to the questions I have already asked. Do you seek to correct a perceived injustice via an unlawful or unconstitutional action or Bill? Is that a responsible position for this Senate to arrive at?

Mr. President, we cannot go back in time, and we cannot go back to March or last week. We have to look ahead. There was a recommendation in the other place, and it was recommended here as well that the Government give consideration to the prospect of a joint select committee which would allow all sides to put their heads together. I have heard no one resisting the overall broad implication of reform of these pension arrangements. I have heard numerous interventions which demonstrate discomfort and disquiet with respect to the retroactive nature of clause 2, and the inescapable ad hominem application of these measures. Unless the Government can point to multiple individuals or former office holders or former Prime Ministers who would have their circumstances, not positively, but negatively impacted by clause 2.

So that is another invitation to the Government, if this is not directed at one individual, to so demonstrate by indicating the other members of this small or large group that would be negatively affected by this March 10 application.

4.30 p.m.

And the Prime Minister of today started her journey in this chapter with a

public address that struck a chord of collaboration. The Leader of the Opposition did the same in her inaugural address as Leader of the Opposition. And my suggestion is this may be an opportunity to put their words to the test, seeing that all Benches find some harmony on the issue of reform. It would only be a very small minority that appears not to generally accept the overall formula presented by the Government in clause 6, but likewise, there is a significant number of Senators who are very uncomfortable about clause 2.

My suggestion, in this debate, and in this regard, to the Government is to avoid crossing this line, because once you cross a line like this, it can be crossed again, and our actions today, Mr. President, will be cited, maybe not by this Government or maybe, maybe by the next or the one that comes after that. The line of withdrawing or reducing a pension entitlement of an officeholder who we do not have to like, or former officeholder, who we do not have to like, and part of our duty in fulfilment of our oath is that we have to be able to take actions to defend those who we may dislike or dislike intensely at times if we are to be fair in the discharge of our duties. So that is a broader message going out to the Chamber. You do not have to like someone in order to defend their rights. You do not have to like or admire someone to defend their rights.

Mr. President, I want to make a few remarks. The Minister of Labour has intervened on two occasions thus far in this Senate, and he has already, his comments today have been remarked upon in a flattering light with commendation by some of the speakers who have entered the debate before me. To my ear, he did not focus on the clauses of the Bill essentially, but painted a broader picture of the labour context against which this measure is to be viewed or juxtaposed according to the Government. And he did make a bit of a political case citing the experience

of one citizen who works or worked at WASA and some other examples. I would say appealing, making a bit of an emotional appeal that there are a number of categories of nationals of Trinidad and Tobago who unfortunately have expectations and entitlements far, far lower and far different to the world of a Prime Minister with respect to pension. So he made that type of political case.

But, Mr. President, I want to refer to a judgment that several have referred to already in the Privy Council Appeal Nos. 0014, 0015 and 0016 of 2015. Of course, this is *Steve Ferguson v the Attorney General of Trinidad and Tobago*, and I want to take you to page 12, paragraph 27 of that particular judgment. And I am going to quote here just a few lines.

“How is the court to ascertain a more specific purpose behind an Act of Parliament than its general terms would suggest? Although this question commonly arises in politically controversial cases, in the Board's opinion the answer does not depend on an analysis of its political motivation. The test is objective.”

So notwithstanding a case being made that this addresses a political concern or a political trigger, we have to apply very objective tests, as a number of Senators have attempted to do in coming to a final determination on this particular matter.

Mr. President, the other thing the Minister of Labour offered us today is a very useful truism when he said privilege must not supersede responsibility. Am I quoting you fairly correctly? Privilege must not supersede responsibility. I agree with this wholeheartedly, Mr. President. But I also want to say that the privilege of an electoral majority does not supersede our responsibility as an Upper House to make and approve good and sound and constitutional laws in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: One of the worrying references, and it is becoming a bit of a refrain from the other side, is that somehow if a matter carries in the majority in the other place, we have to be guided by that or that should guide our consideration. Mr. President, I strongly disagree with such a presentation. As we know, the business of both Chambers is separate and when a matter comes here, it has to stand on its own legs and the presentation and case has to be built on its own merits. So we are not persuaded by that line of approach and I would suggest that the Government discontinue that line of approach.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: The privilege of that majority does not supersede our collective responsibility as Senators to make laws that are fair, just, constitutional and designed not to target one individual in a negative manner, whether you like him or dislike him, whether you like her or dislike her.

So, Mr. President, I do not intend to take all of the time. I heard a reference to the likelihood of an amendment being circulated to amend clause 2 specifically. I want to give the Government due notice that we on the Opposition Bench will also be circulating an amendment in this regard. I look forward to consideration of such amendments in committee stage. I invite further detail into the insight of the Government, with respect to the 10th day of March. I remind all Senators that this legislation, this amendment Bill, is clearly ad hominem in nature. It is the view of the Opposition, and I would say any reasonable observer, that the category of citizens, of nationals affected by clause 2 amounts to a grand total of one person. The Government should put those cards squarely on the table and give some additional insight into their decision to bring this into force on the 10th day of March, 2025.

So, Mr. President, we do not believe this Bill, as it is currently structured, is constitutional. We do not believe it is just. We do support significant reform of the Prime Minister's pension arrangements, and it is our hope that a collaborative approach in this Chamber can achieve a just and fair and constitutional, socially accepted outcome in the best interest of all citizens of Trinidad and Tobago. With these few words, Mr. President. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance.

The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh): Mr. President, thank you, and thank all Members for their erstwhile contribution. As has been pointed out several times that this is a very important debate and a lot has been said. Like Sen. Teemal and others, I am not a lawyer, but the AG reminded me that in his contribution he was at pains to point out that in this legislation nowhere can it be construed as being ad hominem. And, just to remind you what the AG talked about in the Ferguson matter, I would just read a small paragraph, Mr. President, if I may.

“The amending Act not only looks like general legislation. It is general legislation. It affects all cases to which section 34 would otherwise apply, past, present and future.”

And again, this needs to be emphasized.

“It affects all past, present and future.”

It is wrong then, it is wrong now, and it will be wrong in the future.

“This includes a very large number of persons and cases against which it

cannot have been targeted.”

Again, because the future has not yet happened.

“It is right to add that if the concern had been only or mainly with the appellants, the logical course would have been to amend Schedule 6 so as to add the offences with which they were charged to the list of those excluded from section 34. That was one of the options proposed by the DPP, but it was not the one adopted.”

I hope I got that right for the lawyers who are here.

Just to go back, Mr. President, I have also tried in my opening remarks and in this debate to really stay away from the politics. In fact, it is those opposite that have sought to insert politics into this debate. To go back to Sen. Lewis' comment about the Gethsemane moment and hon. Senator, you just do not talk to somebody like me about Gethsemane. But seeing that you introduce it, I will gladly expound on it. I just want to say, based on my limited knowledge of the topic, that that Gethsemane moment led to a transfiguration on a cross. It requires courage, Sen. Lewis, to take up your cross and walk to that journey when nobody else would.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: That is what true strength is, knowing what you believe and being prepared to stand on that belief. That is why, Mr. President, Members of the Senate, it is important for us to recognize the fact.

I just want to, as I am on that, let me just also say to my colleague, the hon. Minister of Labour, it is so important for us to recognize that. And going back to Sen. Browne's comment to put our cards on the table, you know what card we want to put on the table, Mr. President? The card that this Government stands for the working class.

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Sen. The Hon. Dr. K. Swaratsingh (cont'd)

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Minister.

Sen. The Hon. Dr. K. Swaratsingh: Yes please.

Mr. President: This would be a good time for us to take a suspension, refresh and we should come back here at 5.30 p.m. This Sitting is now suspended until 5.30 p.m.

5.30 p.m.: *Sitting suspended.*

5.30 p.m.: *Sitting resumed.*

Mr. President: The hon. Minister of Planning, Economic Affairs and Development and the Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh): Mr. President, thank you, and thank you for that nice break.

Hon. Senators: [*Laughter*]

Sen. The Hon. Dr. K. Swaratsingh: Seeing that some of my colleagues, who I wanted to try to reach out to in this debate, are not here, let me then begin my contribution this time around using the words of Sen. Teemal. Just to say that I agree with fiscal responsibility and I would have shared some data with you, and I will share it with my colleagues, that our annual pension at this time, and Sen. Dhanpaul will probably know the figures better than—based on his own experience, but annually, we pay our fee of \$145 million every month in pensions—

Hon. Senator: More.

Sen. Dr. K. Swaratsingh: More, yeah. And possibly accumulatively from an

annual perspective in the budget, we would have budgeted probably \$1.7 billion, \$1.8 billion in pension payments.

So, pension is no small matter. It does cost significantly a lot, and as we add to that, we keep adding to the cost. My colleague, Sen. Roberts, reminded me that government daily-rated workers do not receive a pension, just a retirement benefit. They have to wait until the age of 65 before they could access it. So, to say that the discussion on pensions is one where we can easily focus on the impact that this may have, or to use the words, I think, of—one of the contributors talked about legislation that will allow someone, this is not—we cannot pass legislation based on what people may or may not do.

I am sorry that Sen. Lewis is not here, but I wanted to expound a little bit on the Gethsemane, but let me just add, Sen. Candice Jones-Simmons, you know, when you talk about law, in my own training as well, Sen. Simmons, the Sabbath was made for man, not man for the Sabbath. Laws must give life, but laws must also seek to be fair and just, and to use the word of my brother, equitable. It the reason why—to expound further on the Gethsemane metaphor, when I was doing my own research earlier on in my life, I used to enjoy reading the documents of Vatican II.

In the Vatican II documents, there is a chapter about church in the modern world, and one of the institutions that have been slow to change is, of course, the church. In the Vatican II documents, in the church in the modern world, it says that, “In every era, the Catholic Church must seek to be relevant to the people to which he serves.” The issue, therefore, of relevance also impacts on the time and the nature of how things were done, when it was done and when there is need to update it. Therefore, this legislation that was cast in 1969, is in urgent need of

updating.

Now, I would leave the legal discussion to the Attorney General, but suffice to say that that lacuna in the law must not be a reason for us not to look at it and to see how we can then make better legislation. In fact, the Attorney General in his contribution did point out the fact that when we have erred, we came back, and we fixed it, notwithstanding the retroactive activity in it, if I am correctly stating, with the matter of Ferguson.

So, my dear friends, Members of the Senate, I want to therefore, in the words of Sen. Dr. Browne, put on the table this Government's decision to be fair, to recognize that our oath, the oath we take is to the people of Trinidad and Tobago to be proportional, to be even-handed, but to be complete in the things we seek to do, and to make sure we do it without fear or favour or any ill will.

So, permit me then to go back to some of the other comments that were made. First thing, of course, just to say that we will not move—we will not ever, on this discussion, seek to move to a joint select committee. Second thing, of course, is to remind Senators—I was in a Cabinet before, and in that Cabinet, SRC reports did come and it goes to the Cabinet, not to the Parliament. It comes to the Cabinet first, and Cabinet can amend, could accept, could reject—and in fact, in our case, when I was there, I remembered it being rejected at one time and sent to come back with amendments. So, to say that the SRC reports are sacrosanct, nothing to be further from the truth. They are subject to Cabinet provisions before they come to Parliament for sign off. I stand to be corrected, but I think that is the procedure—at least I remembered that being the procedure then.

Therefore, Senators, when we come to this Bill, going back, Sen. Jones-Simmons, to something that my friend, the Minister of Labour, Small and Micro

Sen. The Hon. Dr. K. Swaratsingh (cont'd)

Enterprise Development, talked about—and I want to just remind us that there are so many people in this country—if you think, for example, of the thousands of workers who wait, and all—I do not think I am wrong in saying, most collective agreements are done retroactively, all go back in time because it is never at a point in time when—the last one outstanding was when those opposite were in government since 2022—

Sen. Baptiste: 2013.

Sen. The Hon. Dr. K. Swaratsingh:—2013. So, it is no stranger to us as Government, it is no stranger to them as Government. Part of what we have to do in seeking to do anything is to make sure we are consistent—and I mean, I used it earlier on—and you know, as I said, I am trying in this debate not to go down a political road. But to be consistent is to make sure that what we ourselves want—you know, I think we—I cannot remember how the Minister of Labour, Small and Micro Enterprise Development put it, but what we want for ourselves, we must also want for other people. What we do to them, “Do unto others as you have them do unto you.” So, “What is good for the goose, is good—”. That is how he said it, I was trying to remember.

But I want to go back to some of the things Sen. Teemal raised, that public reward must reflect public responsibility. I could not agree more, Sen. Teemal. I could not agree more that you must also do things that are morally justifiable, that we are building trust with the public. These are some of the reasons why all Senators must support this legislation, that those in high office will be held to high standards. Sen. Teemal reminded us that public reward must be grounded in tenure of service. And I think Sen. de la Bastide spoke to that as well.

These are some of the reasons why, to go back to the Gethsemane moment,

that we are asking all Senators to have the courage of conviction to stand with the Government in support of this legislation. It is high time—you know, in a past moment, we talked about all the pieces of legislation that need updating. We talked about the Public Service Commission, about all the things that frowned upon, that we have faced time and time again with the decisions of, “How can we make this better?” This is one case that we can take a piece of legislation and make it better; better for those who are here, better for those who are yet to come. And also, put a great body to it that will make it withstand the scrutiny of time, because as we are reminded, there will be those who will come after us, who will look at it in time to come.

So, Mr. President, I want to remind all of us in this honourable House that we are making sure that we start to address deficiencies that exist one by one. We are starting here but there are others, I am sure, that will come. We are asking this honourable House to support us in making sure that we all recognize the fact that this is something, not only that we have to do, but we must do, we must do, we must do this. We must send a signal to people that any worker is worthy of their wages that every reward is given based on persons' contributions.

I remember distinctly when we had faced a difficult moment and when we had to face the times when we had to make difficult choices. This is not one of those times. This is not a difficult choice to make, and I disagree with my colleague, Sen. Dr. Brown, this is right thing to do, and all of us know it. All of us know that this is what we have to do but what we must find is the courage to do it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: I would therefore remind this honourable House with the words that Sen. Teemal ended his contribution: “For the law is for

public good, for the past, present and future.” It is that kind of view, that in commending this legislation to this honourable House, we want to ask for your support. We hope that, like us, you too feel that there is a need for us to make sure that provisions, such as these, are supported, not just by those in Government, but by all of us. It is high time that there are things we can play politics with and there are things we have to do, because it is the right thing to do.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: So, I have, and I will refrain from responding to any of the political comments. When we agreed to be part of this journey, we embraced a huge part of our platform, and our agenda was what we called the Workers Agenda. A huge part of what, of how, or why we went to the electorate and asked them to put us in government was to support, and with the support of that Workers Agenda. Every time we come and we stand before you, at the back of our mind remains that commitment to good by all people and all manner of persons, including those that have been significantly ignored over the last 10 years.

5.45 p.m.

And so it starts by making sure that we address this. It will continue when we address other deficiencies that have not been looked at but it will also require us to remember. And I want remind hon. Senators, we talked about it earlier on but let me say it again, that there is a large number of persons who have to spend time in trenches, who have the spend time on their job. Members of Parliament, no less than five years; diplomats, no less than eight years; public servants, 10 years and up; teachers, 10 years and up; police, not less than 10 years; fire, not less than 10 years. And if my memory serves me right, people in the defence force, no less

than 20 years.

This legislation is not a cure for all, but it is a symbol of trust. Trust that people are putting us to do the right thing for the right reasons, so that all could say that this is a Government who listens, this is a Government who cares, and this is a Government who is not afraid to make the hard decisions.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: So, Mr President, I am asking all of us to support this legislation and to make sure that we lay a framework that is consistent with all the things we all agree, with all the things we all believe, with the oath that we have taken, and with a decision before us to make sure that all peoples are served, all manner of peoples are served, and that we are part of that collective unit that is not afraid to say, "this is not right, let us fix it." Mr President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: Alright, colleagues. We have a Bill with six clauses before us. We have amendments from Sen. Dr. Amery Browne, and we also have amendments from Sen. Dr. Desiree Murray, okay.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed: That clause 2 stand part of the Bill.

Mr. Chairman: There are several amendments before us. We have from Dr. Amery Browne and we have from Sen. Dr. Desiree Murray. So, Sen. Dr. Browne,

could you?

Sen. Dr. Browne: May I defer to Sen. Dr. Murray? The third amendment and then we can consider mine?

Mr. Chairman: Okay, Dr. Murray. Dr. Murray, the Floor is yours.

Sen. Dr. Murray: Thank you, Mr. Chairman. My proposal is to delete clause 2. The reason being that there is a perception in my mind of ad hominem and I believe that it is in the best interest in the public good to not have that perception and I am proposing that clause 2 be deleted.

Mr. Chairman: Yeah, hon. AG, your thoughts on this proposal—this amendment rather?

Sen. Jeremie SC: Chairman—

Mr. Chairman: Yes.

Sen. Jeremie SC:—we think that the Bill as it is drafted by the public servants meets the criteria set out in Ferguson with respect to retrospective legislation. Just to recall that in that case, they say that in Ferguson, they say that there is a presumption, that is to say, the courts, in construing something, will look at it. The default position would be that there is a presumption against. If you state that the legislation comes into force on X and Y date, there is no room for the operation of the presumption. It is clear the courts do not have to interpret that. What they have to do is to ensure that the legislation passes constitutional muster, and they do that by reference to the tests which are set out in Ferguson and the cases before it. So we do not agree. Although we appreciate the spirit behind the helpful suggestion, we think that to make it damages the equilibrium that we sought to have here. We think that the law will stand constitutional muster.

Mr. Chairman: Alright. So the question is that clause 2 be amended as circulated by Senator Dr. Desiree Murray. Those in favour say aye. Can I ask for the

undivided attention of all Members of the Senate so you do not sleep while I am speaking, or you do not speak while I am putting the question as you would not be aware of the question?

So let me put the question again and please listen attentively. The question is that clause 2 be amended as circulated by Senator Dr. Desiree Murray.

Question, on amendment, [Sen. Dr. D. Murray] put and negatived.

Mr. Chairman: We have an alternative from Sen. Dr. Desiree Murray.

Sen. Dr. Murray: Thank you, Mr. President. My alternative amendment would be to delete the words "10th day of March 2025" and substitute the words, and may I beg your leave to make an amendment?

Mr. Chairman: Yes.

Sen. Dr. Murray: Substitute the words "23rd day of July 1969". And that would be because that was the day that the Parent Act came into effect. The reason for requesting this substitution or proposing this substitution is that there is a perception in the public domain that there is ad hominem, even though I understand the explanation put forward by the hon. Attorney General. And in order to alleviate that perception and assuage some of the difficulty some people have with that date of "10th March 2025", making the amendment retroactive to 23rd July 1969 would help with that perception of bias, because it would then apply to all former Prime Ministers of the independent nation and subsequently, the Republic of Trinidad and Tobago. Thank you, Mr. President.

Mr. Chairman: Thank you. Hon. Attorney General.

Sen. Jeremie SC: Chairman, the response is the same as it was before. We thank the Senator for the helpful suggestion. We do not at this time think that this amendment would benefit us. Again, the public servants have advised that we pass constitutional muster by using the "10th of March 2025." It is a date certain. It

ousts the presumption, which is a rule of construction. It makes the date certain, and in Ferguson, in any event, they spoke to legislation which had both a present, a past, and a future dimension. And we think that this legislation does that. It addresses a general problem within the language of Ferguson, which was highlighted by the specific facts, which of course brought us here today. Okay.

Mr. Chairman: Alright. Hon. Members, the question is that clause 2 be amended as circulated by Sen. Dr. Desiree Murray and be further amended by substituting the words “23rd day of July 1969”.

Hon. Senators: [*Crosstalk*]

Mr. Chairman: No. No—

Sen. Dr. Murray: Division.

Mr. Chairman: No. No, no, no, no, no. My error. Let me just—I have to apologize. I have to apologize. Yeah. No. Let me just put back the question. Okay. My error. I apologize to my colleagues.

The question is that clause 2 be amended as circulated by Sen. Dr. Desiree Murray and be further amended by substituting the “23rd day of July 1969.”

Question, on amendment, [Sen. Dr. D. Murray] put and negatived

Mr. Chairman: So, we now go to Sen. Browne's amendment to clause 2.

Sen. Dr. Murray: Division.

Mr. Chairman: Oh, you are now calling for a division, but I already put the question. Okay, division.

6.00 p.m.

The Committee divided: Noes 18 Ayes 10

NOES

Allahar, D.

Jeremy, J. SC.

Roberts, A.

Swaratsingh, Dr. K.

Maharaj, S.

Baptiste, L.

Alexander, P.

Persad, Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, K.

Zakour, E.

Smith, D.

Nakhid, D.

Rasheed, D.

Teemal, D.

de La Bastide, M. SC.

Lalite-Etienne, A.

AYES

Browne, A. Dr.

Al-Rawi, F. SC.

Roberts-Radgman, M.

Dhanpaul, V.

Cummings, F.

John-Bates, J.

Jones-Simmons, C.

Lewis, F.

Murray, Dr. D.

Mc Nish, C.

Phillips, Z.

Mr. A. Vieira SC and Ms. C. Jones-Simmons abstained.

Amendment negatived.

Mr. Chairman: Sen. Browne, your amendment, Sir.

Sen. Dr. Browne: Thank you. Chairman. Mr. Chairman, with respect to clause 2, the proposal of the Opposition is to delete clause 2, and replace it with a new clause 2, and I read:

2. This Act Comes into operation on such date as is fixed by the President by Proclamation.

Mr. President, in listening to the Attorney General with respect to the response on Sen. Dr. Murray's proposed amendment, we have taken note, but we feel that the date of March, 10th 2025, though, yes, it is certain, it has not been justified in the presentation of the Government so, it is difficult to have confidence that it is reasonable in the law. In that regard, we are offering an amendment to remove this retroactive clause altogether, and upon proclamation, the Act would come into effect. So again, the question arose in the debate and we did not hear any justification of the specific date in clause 2 and that is the rationale for this.

Mr. Chairman: Hon. Attorney General, please, any response?

Sen. Jeremie SC: This formulation, unlike the others, it is completely devoid of merit in our view, in the sense that it puts the statute on the books without any consequence. If it is said to be to come into effect on a day to be fixed by proclamation that is the worst possible of all worlds. It means that whatever we do here today has absolutely no effect, it sits on the statute books. It might never come into effect, and it destroys every attempt that we have made strenuously to fix a problem. So the Government will, unlike the other two amendments which are

designed to make the legislation workable, we think that this one is designed to cripple it, to kill it in the womb, and vehemently oppose this.

Mr. Chairman: Okay, alright.

Question put.

The Committee divided: Noes 18 Ayes 6

NOES

Allahar D.

Jeremy, J. SC

Roberts, A.

Swaratsingh, Dr. K.

Maharaj, S.

Baptiste, L.

Alexander, P.

Persad, Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, K.

Zakour, E.

Smith, D.

Nakhid, D.

Rasheed, D.

Teemal, D.

de La Bastide, M. SC.

Mc Nish, C.

AYES

Brown, Dr. A.

Al Rawi, F. SC.

Roberts-Radgman, M.

Dhanpaul, V.

Cummings, F.

John-Bates, J.

The following Senators abstained: Mr. A. Vieira SC, Mrs. C. Jones-Simmons, Mr. F. Lewis, Dr. D. Murray, Mrs. A. Lalite-Ettienne and Ms. Z. Phillips.

Amendment negatived.

Question put and agreed to.

Clause 2 ordered to stand part of the Bill.

Clauses 3 and 4 ordered to stand part of the Bill.

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

Mr. Chairman: We have an amendment from Sen. Dr. Desirée Murray. Dr. Murray the Floor is yours.

Sen. Dr. Murray: Thank you, Mr. Chairman. My proposed amendment is that clause 5 be deleted. The reason being that this would make ineligible a Prime Minister who served for less than one year and this would have serious implications in the event of injury or illness which was beyond their control and would then have a knock-on effect, with implications for their widow or even surviving spouse and any children—any dependents. But there is a word in the legislation, sorry, that does not come to me; any entitled children. So I feel that because of the potential negative impact on the spouse and child or children of any Prime Minister who serves less than a year due to injury or illness or even death, I feel that I cannot agree with clause 5, and I respectfully request that it be deleted.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: Chair, this is again a useful amendment, but it cannot be taken in the Prime Minister's Pension Act. If you look at the parent Act, there is no provision, I am told—[*Attorney General confers with Technocrat*—]Chair?

Mr. Chairman: Yeah.

Sen. Jeremie SC: So the public servants have advised and we agree as a matter of policy, that it will be best to stick with the policy of the Bill as it is drafted in clause 5. Now, when we come to the alternative, are we taking that now?

Mr. Chairman: No.

Sen. Jeremie SC: Okay.

Mr. Chairman: We will take it after. Okay.

Amendment negatived.

Mr. Chairman: So, we go on to Sen. Desirée Murray, we go on to your alternative, please, clause 5.

6.15 p.m.

Sen. Dr. Murray: Thank you, Mr. President, my alternative proposal would be as follows to:

Delete clause 5 and substitute the following:

Under section 3(1) of the Act, amended by

- (i.) inserting after the words “any time after” the words “one year from the date of”; and
- (ii.) inserting after the words “appointment to be Prime Minister”

—and I do beg your indulgence. There is a slight amendment again:

After the words “appointment to the Prime Minister”, the words “provided that this is not due to illness, injury or death in the line of duty.”

So, I am apologizing, because there is an amendment where I am adding, “in the line of duty.”

Mr. Chairman: Yes, hon. Attorney General?

Sen. Jeremie SC: [*Inaudible*]

Mr. Chairman: Sen. Dr. Murray, where are we putting “in the line of duty?”

Sen. Dr. Murray: Those will be the last five words to the amendment: “illness, injury or death in the line of duty.”

Mr. Chairman: Okay. Okay.

Sen. Dr. Murray: I do not know if I should read how the clause would now read as amended. It might make it easier, I am not sure. Okay. So if the amendment is carried, section 3(1) would now read:

Every person who having been appointed Prime Minister on or after the 31st day of August, 1962, ceases at any time after one year from the date of such appointment to be Prime Minister provided that this is not due to illness, injury or death in the line of duty shall be paid pension under this Act with effect from the date on which he ceases to be Prime Minister and subject to subsection (2), the pension shall continue to be paid during the lifetime of that person.

Mr. Chairman: AG, you want to respond? Hon. AG.

Sen. Jeremie SC: Sure. Chair, again, well founded, but the policy of the Act is to tie benefits to service for a minimum period of time. And while we take the point that someone who serves for less than that period of time might, unfortunately, have—well, fall within one of these categories, it is open to Parliament—to Cabinet, as it does from time to time, to make an ex gratia payment in the case of hardship.

Of course, just in case persons are worried about any particular individual, I do not think—the Minister of Finance, in his winding up, pointed out that what we are doing here does not affect materially. It does impoverish any persons because this Act applies to Prime Ministers. If someone was serving in the office for less than a year in March, that person would be entitled under the Retiring Allowances (Legislative Service) Act to a healthy sum of money, and there is no prejudice that is being created in any one individual. I sense that persons here think that someone is being prejudiced. That is not the case. And I say that as an aside, because our position is this legislation is not ad hominem.

I just want to let you all to know that what we are seeking to do is to protect the revenue, ultimately, from contingent liability of something like \$50 million, as opposed to one of, let us say, \$6 million. That is what the math would work out to. So we are not able to take the amendment because of policy, which is that you have to serve for a year, but we appreciate the sentiments behind it.

Now, under the Retiring Allowances Act, there is provisions for widows and children and so on, as we would all know.

Mr. Chairman: Okay. So I will put a question.

Sen. Dr. Murray: If I may?

Mr. Chairman: Yes. Yes.

Sen. Dr. Murray: If I were to—could I give a case scenario, just hypothetical? And it is not applied to any one individual. Should a Prime Minister and his or her spouse be involved in tragic accident, for example, while in the line of duty and they have young children, who would now possibly be orphans, or if the Prime Minister and the spouse survived, they may be incapacitated, then if they served, or if they had served for less—if the Prime Minister had served for less than a year, then their entitled children would be severely impacted by this law, because they

would not be entitled to a Prime Minister's pension, having served for less than a year.

So I feel that there are possible scenarios in the future, not directed at any one individual, that could have significant negative impact on the survivors or the children of somebody. So I feel that this a reasonable clause and I would respectfully ask that the Members consider it.

Mr. Chairman: Yes, Sen. Jones-Simmons.

Sen. Jones-Simmons: No, I was just seeking clarification on the term “in the line of duty”, because in my mind, I am thinking that it implies to me that you died while doing something, like attending an official function, for example, you are in an independence day parade and somehow you were killed there, versus you were driving to the beach—using that your spouse and you died in a crash. When I hear in the line of duty, it implies that you have to be doing something government-related—

Sen. Al-Rawi SC: Not on vacation.

Sen. Jones-Simmons:—not on vacation. So I was just wondering if that is what Sen. Dr. Murray is trying to impart by having that section there, “in the line of duty”.

Sen. Jeremie SC: Chair.

Mr. Chairman: Yes, hon. Attorney General.

Sen. Jeremie SC: Chair, I just want to sort of focus our minds on the mischief that we are trying to address this evening. Now, I take into account the very valuable concerns raised, in general terms, about well, what if “X” happens within a year. Of course, these things happen, sometimes outside of a year. So the fundamental question that we are addressing here this afternoon, Sen. Dr. Browne,

is when does someone become entitled to a million dollars a year? That is a fundamental question.

We say that that entitlement should begin at a point in time when that person has served a reasonable amount of time, to entitle that individual to the benefits which will flow from having a million dollars a year for the rest of one's life. And as I say, no one at present—if anyone of you were in this position, I am certain that you would be able to walk away with a monthly income of—I do not want to say what your business would be, but you would be getting close to \$0.3 million a year. You would hardly be poor.

So we are trying to fix a particular problem. We understand, because there has been some discussion about the other things that we are not dealing with today, some of those issues, what happens if “X” were to occur. But the fundamental things that we fixing today is entitlement being linked to minimum service and tiers thereafter. Perhaps we can—and I would undertake to come back to us with—I think we as a group have had discussions about what happens with respect to other persons, other officers, to ourselves perhaps, if you know some of these events occur, and that should the subject of a wide-ranging review. It is not part of the policy that we are trying to fix today.

Sen. Cummings: Chair.

Mr. Chairman: Yes.

Sen. Cummings: I hear the Attorney General and the Cabinet's policy. But just for record, I want to state—I did raise it in my contribution—that I think notwithstanding—this has nothing to do with any person, which came up quite a lot in the debate, but the fact remains that it is very possible in the future that someone who has attained the office of Prime Minister through the normal channels may assume office and it is possible that that person could, due to illness,

not be able to continue in the office of Prime Minister, and I am not at all suggesting anything about a million dollars per year, but just as there is a tiered system for over a year, there can be some consideration as to—in those circumstances, what such as person will be entitled to.

We spoke a lot about the dignity of the office, and maintaining the dignity of the office of Prime Minister and therefore, someone in such a situation, cancer patient, you name it, may not be able to continue in office and should be given some consideration. And in keeping with the amendment raised by the Senator, the question of accidents, you know, things like that can happen. And while I understand what the Government is trying to cure, those things, I think, need to be seriously looked and it is not every day you are going to come to Parliament to amend a Prime Minister's Pension Bill.

Sen. Jeremie SC: No. But perhaps the time has come for us to look at the Retiring Allowances (Legislative Services) Act again, so that you do not only focus on Prime Ministers, who would invariably be withdraw from legislators, but you—what is before us, of course—and I noted carefully that you said that—I do not want to tie you to your words, but you said someone might come to office in the normal way. I heard it, I am not saying anything about that, but I just want you to know that I heard what you said, and all the implications which might have flowed there from are not lost on me. We are dealing with a particular problem today, Chair, and we wish to solve that problem.

Mr. Chairman: Okay. All right. Well, I think that most persons have expressed their views. The question is that clause 5 be amended as circulated by Sen Dr. Murray and be further amended in roman (ii) by adding the words “in the line of duty.”

Question, on amendment, put and negatived.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Sen. John-Bates: May I beg your indulgence, please?

Mr. Chairman: Are we on clause 6?

Sen. John-Bates: No, clause 5.

Mr. Chairman: No. Well, we passed that.

Sen. John-Bates: I have a second alternative that I would beg indulgence of the Chairman.

6.30 p.m.

Mr. Chairman: Listen, Sen. Dr. Desirée, in light of the fact that that has not been circulated, I would not allow it at this time. So we will have to go on to clause 6.

Sen. Dr. Murray: Thank you.

Mr. Chairman: Okay.

Sen. Dr. Murray: I am guided accordingly.

Mr. President: Thank you.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Mr. Chairman: I think there is an amendment from Sen. Dr. Desirée Murray. Dr. Desirée, the Floor is yours.

Sen. Dr. Murray: Thank you, Mr. Chairman. The proposed amendment is that subclause (a), delete the words, “not less than”, and substitute the words, “up to”.

Mr. Chairman: You want to explain or it is straightforward?

Sen. Dr. Murray: This is in section 4, and that is being used to calculate the Prime Minister's pension.

Mr. President: Okay.

Sen. Dr. Murray: So it would mean that the person would be eligible for one-third of the salary, even if they had served less than one year. So that it would still be part of a tiered system, so it would not be that they would get the full salary. So, in other words, seeing that clause 5 amendments were not passed, this is still a way to ensure that somebody who had served less than a year as Prime Minister would still get one-third of the salary as a pension. Thank you.

Mr. Chairman: Okay. Thank you, Sen Desirée Murray. AG, Attorney General that is.

Sen. Jeremie SC: Chair, we appreciate, again, the sentiment, but for reasons similar, we are unable to accept it. We just wish to point out that in the case of ordinary legislators, you have to serve a period of five years before being entitled, I think, to one-sixth of a pension. So we felt that, as a matter of policy, the Prime Minister, being perhaps a super legislator, that period of five years could be truncated right down to one year, and the entitlement could go up, instead of from one-sixth, right up to one-third. We felt that that was proportionate and that it meet the test in Suratt, and our advice is that—this is from the technocrats—this is what is likely to withstand scrutiny.

Now, I hate to say that, as legislators, our job is to pass law and to pass the best law that we can, bearing in mind the guidelines set out by the Privy Council. We are not judges, and at the end of the day, very few people would have thought that what happened in the Ferguson case would survive muster. You have a parliament after the facts saying, “I am taking away a vested right and one that involves the courts and adjudication.” This has nothing to do with something like that. Even if it is a vested right, there is no court process that we are ousting here. We think that this is a less steep hill to vault, but the technocrats tell us that this is the way it is done.

Mr. Chairman: Is that okay, Sen. Dr. Desirée?

Sen. Dr. Murray: Yes, Mr. President.

Mr. Chairman: Yeah.

Question, on amendment, [Sen. Dr. D. Murray] put and negatived.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Question put and agreed to.

Preamble approved.

Question put and agreed to: That the Bill be reported to the Senate.

Senate resumed.

Mr. President: The hon. Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. Swaratsingh: Mr. President, I wish to report that the Prime Minister's Pension (Amdt.) Bill, 2025, was considered in committee of the whole and approved without amendment, I now beg to move that the Senate agree with the committee's report.

Question put and agreed to.

Question put: That the Bill be read a third time.

Mr. President: This Bill requires a special majority and the Clerk will now conduct a division. Clerk.

The Senate divided:

Ayes 20

Noes 0

AYES

Allahar, Hon. D.

Jeremie SC, Hon. J.

Roberts, Hon. A.

Swaratsingh, Hon. Dr. K.

Maharaj, Hon. S.

Baptiste, Hon. L.

Alexander, Hon. P.

Persad, Hon. Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, Ms. K.

Zakour, Hon. E.

Smith, Hon. D.

Nakhid, D.

Rasheed, D.

Teemal, D.

de La Bastide SC, M

Lewis, F.

Lalite-Ettienne, A.

Mc Nish, C.

The following Senators abstained: Dr. A. Browne, Mr. F. Al-Rawi SC, Mrs. M. Roberts-Radgman, Mr. V. Dhanpaul, Mr. F. Cummings, Mrs. J. John-Bates, Mr. A. Vieira SC, Mrs. C. Jones-Simmons, Dr. D. Murray and Ms. Z. Phillips.

Question agreed to.

Bill accordingly read the third time and passed.

Hon. Senators: [*Desk thumping*]

FINANCE (SUPPLEMENTARY APPROPRIATION)**(FINANCIAL YEAR 2025) BILL, 2025**

[Second Day]

Order read for resuming adjourned debate on question [June 27, 2025]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: Those who have spoken thus far are as follows: Sen. The Hon. Dr. Kennedy Swaratsingh, Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance, mover of the Motion; Sen. Vishnu Dhanpaul, Sen. Deeroop Teemal, Sen. The Hon. Dominic Smith, Minister of Public Administration and Artificial Intelligence; Sen. Janelle John-Bates; Sen. Brian Baig. Hon. Senators, as I said, on the last occasion, these are the people who spoke. The debate on this Bill will now be resumed. Anybody? Who is our next speaker?

Sen. Dr. Browne: [*Inaudible*]

Mr. President: The Minister of Transport and Civil Aviation.

Hon. Senators: [*Desk thumping*]

The Minister of Transport and Civil Aviation (Sen. The Hon. Eli Zakour):

Mr. President, I rise before this esteemed House to address the Finance (Supplementary Appropriation) (Financial Year 2025), Bill. The portfolio of Transport and Civil Aviation is one of critical importance to our nation's development and to the daily lives of our citizens. Transportation forms the backbone of economic activity, connecting communities, facilitating commerce, and ensuring that every citizen can participate fully in the opportunities that our democracy provides. Civil aviation, meanwhile, positions Trinidad and Tobago as a hub for regional and international connectivity, supporting our tourism industry,

facilitating business development, and maintaining our strategic importance to the Caribbean region.

Mr. President, it would be remiss of me not to acknowledge the state of affairs I inherited upon assuming office. By all accounts, there was an absence of leadership and engagement at the Ministry. I have been told by staff—some of whom have been there for many years—that during the previous administration, ministerial presence and interaction was minimal at best. One senior member, whose role involves direct engagement with the Minister, shared with me that in two full years he never once set foot in the Minister's office.

Mr. President, to borrow some words from my colleague, if the population knew then what we on this side know now, the votes that my colleagues on the other side so desperately wanted, but did not get, still would not have helped them. They would still be sitting right there.

Hon. Senators: [*Desk thumping*]

6.45 p.m.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. E. Zakour: Within the Ministry, what I have seen is astounding. I have encountered instances of corruption, misappropriation of public funds, improper procurement and hiring practices, gross misconduct and clear conflicts of interest. These issues are being addressed with the seriousness they warrant, and systems are being strengthened to ensure accountability and transparency moving forward. Mr. President, we are seeking a supplementary appropriation of \$325,208,000 under Head 43: Ministry of Works and Transport.

I would like to start today by addressing the issues surrounding the Priority Bus Route, which is one of the first things I addressed when I got into the Ministry.

Mr. President, please give me some leeway. This is very relevant to why we are here today, because giving out PBR passes costs money, especially when you give out as many as the previous Minister did. Please permit me to give you a little background of the PBR. Subsequent to the shutdown of the Trinidad Government Railway and the railway system in Trinidad, which I will note was shut down by a PNM administration, it was conceptualized to implement a 16-mile-long major transit route on the East-West Corridor.

There are four categories for passes. You have maxi-taxi permits, then you have three for private motor vehicles; permanent, temporary and letter passes. Permanents are given out to a category of persons, primarily public officials; others get temporary passes, as well as persons in office. Then there is another category called letter passes, which is given out at the Minister's discretion to individuals, mostly persons who have private business. When I got into the office two months ago, one of my first acts was recalling all 645 Letter Permits that were issued between January and April. Tomorrow, all of those permits will be invalid.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. E. Zakour: Permits were even given out after the election. And my colleague, the former Member of Parliament for La Horquetta/Talparo, would have collected a pass, actually, on the 30th of April, two days after the general election. I will like to remind him that he has to bring it in by tomorrow.

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

Sen. The Hon. E. Zakour: Mr. President, in the last five years, the previous Minister of Works and Transport gave out 8,330 letter passes, many of which, with no justification, at a cost of \$1,783,786.20.

Mr. President, before I move on, I would like to just address another issue

with the PBR passes. There are over 66 maxi-taxis waiting as far back as 2018 for permits. The previous Minister refused to issue any because of a Cabinet limit that is implemented many years ago. It raises the question, why did he give out so many permits in other categories by crossing those Cabinet-approved limits in the hundreds, but he did not go back to Cabinet to increase the amount that maxi-taxis could get? Well, I stand here to say that Cabinet has approved an increase of 100 additional permits for maxi-taxis and they will be distributed soon.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. E. Zakour: I am going to move on to VMCOTT, the Vehicle Maintenance Corporation of Trinidad and Tobago Limited. Again, please permit me, Mr. President, to give you a little background on VMCOTT. VMCOTT is mandated by the Government of Trinidad and Tobago to serve as the central agency for the provision of full fleet management services to the public service sector, primarily, the PTSC, Public Transport Service Corporation, and the Trinidad and Tobago Police Service.

Part of VMCOTT's responsibility is also to certify any private garages that the TTPS may choose to engage for vehicle maintenance and repairs. In 2022, 18 private garages were approved for use. None of them were formally certified. The police service continued to take vehicles at private garages with no accountability and no transparency. I will give you one example. One particular garage charged \$20,000 for a service, which would have only cost \$7,000 at VMCOTT. In the last decade, \$368 million was spent on maintaining police vehicles. I am sure, based on what I have in front of me, tens of millions of dollars have been wasted in the last decade. Sen. Dr. Murray, in the debate, asked, "Where is the money coming from?" Well, cutting out corruption is a start.

Finance (Supplementary Appropriation)
 (Financial Year 2025) Bill, 2025
 Sen. The Hon. E. Zakour (cont'd)

2025.06.30

Hon. Senators: [*Desk thumping*]

Sen. The Hon. E. Zakour: Mr. President, I have a letter with me dated April 10, 2023, addressed to:

“Dr. The Honourable Keith Christopher Rowley,
 Prime Minister of the Republic of Trinidad and Tobago...”

This letter was also sent to the:

“...Honourable Minister Rohan Sinanan
 Ministry of Works and Transport
 ...Mrs. Francis-Yearwood
 Permanent Secretary
 Ministry of Works and Transport
 ...Ms. Erla Christopher
 Commissioner of Police...”

—and the DPP. This letter requests an urgent intervention, an independent audit of VMCOTT:

“This comprehensive report...”—shows—“...high levels of corruption, gross nepotism, misappropriation and mismanagement of state funds along with improper practices...”

This document has a substantial amount of information, but I am going to highlight about 14 of them.

One:

“• The CEO along with the Chairman goes to PriceSmart spending thousands of dollars to purchase large amounts of alcohol...”

Two:

“• The Chairman’s sister is the sole supplier of...food for all

VMCOTT...No three-quote system was ever used...”—breaching—
 “...the Procurement Act of Trinidad and Tobago.

- The chairman has been peddling pies and lunches...”—for—“his sister business...”

So, he is delivering pies and lunches with a:

“...state-owned vehicle PCU3...”

—using it as a courier service. This letter, let me remind you, was sent to Prime Minister—at the time—of the Republic of Trinidad and Tobago:

“The CEO paid...”—\$20,000—“...to the police service to cover child maintenance for one of her...close friends...”

- The government is asked to examine...large quantities of T-shirts ordered...”

—with no procurement.

- “• During...”—the—“...Covid lock down the CEO...”—had—“...a party to celebrate the award of...”

—contracts to his friends.

Seven.

“...Board Meetings...”—were—“...held virtually yet...thousands...”

—of dollars every month was spent on food. The food was delivered to VMCOTT and taken off of the compound. It goes on:

“The government is also asked to investigate why the Chairman...”—is living—“...at VMCOTT...”

He has a room where all his clothes are stored.

“...Amid all the financial...”—worries—“...VAT...”—has—“not...”—been—“...paid in years, millions owed to NIB and BIR, millions

owed to WASA and T&TEC, millions owed to...creditors...”

Yet, the CEO requested a vehicle for \$500,000. The list goes on and on, Mr. President:

“Sweetheart deals to friends...”—a friend—“of the executive”

—got his vehicle fixed for \$80,000, and VMCOTT refused to collect any money from him. VMCOTT received an overpayment from the police service of \$17 million and could not approve it. The list goes on and on, \$4 million in unused parts. Instead of liquidating the parts, they:

“...spent \$50,000 for two storage containers to house the...parts.”

Mr. President, the list goes on and on regarding the corruption I have seen in VMCOTT.

I would like to move on, Mr. President, to the Airports Authority of Trinidad and Tobago. The Airports Authority, we are seeking an allocation \$45 million for recurrent expenditure to settle arrears arising from the recently concluded wage negotiations between the Airports Authority and the Estate Police Association (EPA). The payments would benefit 444 individuals: 122 former employees and 322 employees. Regrettably, the Authority is unable to meet these obligations from its own accounts. One major factor is the write-off of \$205 million owed to the Authority by Caribbean Airlines. The same Caribbean Airlines that the previous, previous Minister of Finance spoke so highly about. In my view, this was reckless and irresponsible. Not to mention, the \$300 million to acquire lands in Tobago for the new airport, even though state lands were already available nearby, raising red flags about who really benefited. I have seen the list of the property owners, some very, very familiar names and surnames. We will discuss that at another time.

Mr. President, in the Airports Authority, millions of dollars were awarded

without any tendering. Millions were spent on private security. I will touch on that briefly. The previous board had a plan to privatize all security in the Airports Authority. Tenders went out for private security companies. I have it here. But what they were doing, Mr. President, they were doing it through the back door. Instead of going out for a tender for security for the entire airport, they were putting out small tenders for selected areas. But multiple tenders for selected areas, eventually, you would select the whole airport. Millions of dollars in contracts for security. And then, hear this, Mr. President, the date of acceptance of these letters was April 22, 2025, one week before the general election. But I will move on. I will move on.

I would like to move on, Mr. President, and I will spend my remaining time on this topic. I would like to address now the PTSC. Mr. President, PTSC, we are seeking \$58,937,000 to support the implementation of the first phase of the project to supply and deliver 300 buses. The PTSC once serviced 165 routes across the country. However, due to the previous Government's neglect and lack of care for the people of Trinidad and Tobago, that number has been reduced to just 73. As a result, many sectors of society, especially those in rural areas, have been severely underserved. The PTSC has 21 litigation matters, plus more incoming matters, which redirect funding originally intended for the organization to achieve its mandates.

Mr. President, attorneys have been paid millions of dollars, with one attorney benefiting more than the rest. I would also like to bring to your attention, Mr. President, that in the last five years, PTSC received over \$1.4 billion in government grants. I would like to ask the previous Minister of Finance, who is here—I would like to ask him some questions, but unfortunately, he was not in the job very long.

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2025.06.30

Hon. Senators: [*Laughter*]

Sen. The Hon. E. Zakour: No disrespect. No disrespect, Sir. \$1.4 billion with an income of only \$183 million. There was no attempt to acquire any buses years ago to improve the operations of the PTSC. The PTSC has 430 drivers with just 100 buses. Up to 30 per cent of the drivers are currently not driving.

7.00 p.m.

I would like to move on to security. PTSC, in the last five years spent \$92 million in security, again, with one company benefiting more than the rest. But why so much in security, Mr. President? Mr. President, do you know that PTSC has security officers by all their restrooms, not to protect customers, to make sure that persons paid the \$2 charge to use the bathroom. This was free under the previous administration. But when my colleagues came into office, it was reimplemented, but very soon, that \$2 charge will be removed.

I would like to move on to spare parts.

Hon. Senator: [*Inaudible*]

Sen. The Hon. E. Zakour: Spare parts, yes. Mr. President, I have been going through the companies that sell PTSC spare parts for buses, and one company caught my eye, Sookhai's Diesel Service. Mr. President, was there not a Government Senator and Minister in the Ministry of Works and Transport with that same last name? So I had some digging done and I have with me here the Form 28: annual returns for 2023 and 2024, and Form 45: return of beneficial interest for 2023 and 2024 for Sookhai's Diesel. That individual, during this period, was a director and shareholder of Sookhai's Diesel. Now, I am not an attorney, but that is a conflict of interest. You are a Minister in the Ministry responsible for PTSC and I am being told that they were instructed to buy from

Sookhai's. In five years, Sookhai's went from number 20 to the fourth preferred supplier, and I am going to go into a little more detail if you permit me.

In 2021, \$342,000 purchased; 2022, \$170,000; January of 2023, \$3,300; February, when the individual was appointed to the Senate, \$64,000; and in April, when that person was appointed Minister, to December, \$662,000; 2024, \$2.3 million; and in 2025, January to April, \$837,000. This company benefited from \$4.3 million in five years. I am going to go on.

In the last five years, PTSC spent \$106.8 million in spare parts. Now, my colleagues on the other side may be thinking, why is that important? Obviously, buses need parts; obviously. But I am going to get to that now, the financial statements of PTSC for September 30, 2024. Mr. President, at the end of 2024, PTSC had \$65 million in spare parts and I am being advised that up to \$57 million is unusable; \$57 million. PTSC has been buying parts that they do not need. Mr. President, there has been no attempt in the last 10 years to liquidate those parts. I have asked for an investigation to determine exactly how many parts are there and the value of those parts.

It goes further, Mr. President. PTSC has an arrangement with a foreign company, the supplier of their current fleet, to provide parts. What PTSC has been doing, they have been buying imitation parts from a local supplier. That local supplier has benefited, in the last five years, at a sum of \$36 million. So, PTSC is buying parts that they do not need and they are buying from a company, counterfeit parts. It was raised to PTSC on February 27, 2025, and PTSC claimed that the procurement of these parts were substitutes rather than counterfeits. However, this is inaccurate and legally untenable. Under Regulation 14(1) and (2)(b) of the Public Procurement and Disposal of Public Property Regulations, 2021:

Substitutions are not permitted where goods can only be provided by one supplier due to technical or exclusive rights.

Mr. President, the previous administration ran PTSC into the ground. There is so much more I could say. And I would like to ask the previous Minister of Finance, who is here with us, through you, Mr. President, when he was debating this Bill, he mentioned that the previous Government took loans right before the general election—I believe you said in February, if I am not mistaken. You said, and I quote:

All these loans were taken way before anyone knew before about the general election.

Well, Sir, it was way before you knew about the general election because there were many things going on in the background that all my colleagues did not know about. That is why you guys are sitting there and we are sitting here.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. E. Zakour: And, Mr. President, I would not leave you out, and you are sitting there.

Hon. Senators: [*Laughter*]

Sen. The Hon. E. Zakour: And, Sir, February to April. You said, “way before”. That is only three months, Sir.

Mr. President, there is so much more I could say, but I will wrap up. As I bring my contribution to a close, I want to assure this House and, more importantly, the people of Trinidad and Tobago that I am fully committed to driving positive change across the Ministry of Transport and Civil Aviation and all the state agencies under my watch. My focus is on strengthening governance, improving performance, monitoring and embedding a culture of continuous

improvement throughout the sector. The goal is simple but critical, to deliver higher standards of service, better value for public funds and a transportation civil aviation system that our citizens can rely on and be proud of.

Mr. President, the approval of this supplementary appropriation Bill is not just a financial exercise, it investment in our country's future. It is about making sure that the infrastructure and services we provide today will meet the needs for generations to come. With the continued guidance and leadership of the hon. Prime Minister, I am confident that we will achieve these goals and set new benchmarks for excellence in both the transport and civil aviation sectors.

In closing, I thank you and all Members of this House and I look forward to your support as we continue this important work on behalf of the people of Trinidad and Tobago. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Daniel Rasheed.

Hon. Senators: [*Desk thumping*]

Sen. Daniel Rasheed: Thank you, Mr. President. First, I would like to congratulate the hon. Kamla Persad-Bissessar and the United National Congress for their resounding victory at the polls on April 28th—

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed:—taking the mandate of the people forward. Allow me to express my deepest thanks to Mrs. Persad-Bissessar SC, Prime Minister of Trinidad and Tobago, for having faith in me and bringing me in this Senate as a temporary Senator. I wish to, at this time, thank her for allowing the youth a voice in this Chamber. At 25 years old, I now stand as the youngest Senator in Thirteenth Republican Parliament.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: It is an appointment in a milestone of my life. It is a message of hope to young people all over Trinidad and Tobago. To the young boy or girl in Morvant/Laventille, to the young boy or girl in Penal/Debe, in Chaguanas, in Sangre Grande, in Mayaro, in Charlotteville, in Buccoo and in Carenage, it is a reminder to you that there is a space for you in the nation's highest institutions; that your voice belongs, not just in protests, not just on social media, Mr. President, but here in the Chambers where decisions are made; that your future is not something to survive off of but something to build, defend and shape with your own hands. So I make this promise today, Mr. President, with full humility and conviction, as long as I sit in this Senate, I will never speak for myself, I will speak for every youth who has ever been told that they are too young, too inexperienced and too far from the centre.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: I will speak for the young people who felt unseen and unheard for the last 10 years.

Hon. Senator: [*Desk thumping*]

Sen. D. Rasheed: I will speak for those in schools, those who are out of schools. I will look to speak for those who are working, who are trying to build a business, raising a child or simply, Mr. President, in service—

Hon. Senator: [*Desk thumping*]

Sen. D. Rasheed:—to be seen by a system that overlooks them. Mr. President, my voice in this Chamber belongs to them and I will use it with honour, with courage and with purpose.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: Mr. President, before I proceed with my substantive contribution, allow me the honour of extending deepest congratulations to your extension and your election of office from Sen. Wade Mark to President of the Senate.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: It is not only a well-earned appointment but a historic one. You now hold the singular distinction of being the first person in our nation's history to have served both as Speaker of the House of Representatives and now President of the Senate. It is not only a personal achievement, it is a national milestone. I thank you, Mr. President, for the example you continue to set for the entire nation, especially to me, someone you have had the honour of mentoring.

Mr. President, let us be clear about our debate today, what we are debating. This is not just about a Bill of dollars and cents, it is about priorities. It is about who we choose to see and who we allow to disappear in national development. Once again, we are left here cleaning up the mess left by those opposite.

The Government is seeking \$3.143 billion in supplementary appropriation to cover urgent and underfunded priorities before the close of fiscal 2025. It is not a blank cheque, it is a course of correction aimed at fixing what was broken and abandoned by the People's National Movement.

Mr. President, I want to look at the Ministry of Education and their request. I spoke to the Minister of Education last night, Member for San Fernando West, Dr. Michael Dowlath, and we had a very long discussion and I was very interested in some of the areas in which he requested funding for.

I will start with Salaries and Cost of Living Allowance, where the Government is seeking \$37 million for this. And this is only to simply cover

salaries up to September 30, 2025. No upgrades, no acting allowances, no increments, just the basic salary.

7.15 p.m.

The Minister of Education, Dr. Michael Dowlath, Member of Parliament for San Fernando West, made this very clear at the Standing Finance Committee. Though I was not present and the Standing Finance Committee and I am new to this Chamber but I went home and I did my homework, something I hope, I wished all of us would have done, and I tuned into the Standing Finance Committee. Even though this line item, and I am looking at the 2025 budget here, was not correctly budgeted for, it raised some questions. I started to ask questions. Mr. President, how can you say that you care about the youth of the nation if you leave the people who teach them unpaid or you do not budget to pay the people who teach the youth of our nation.

We moved on to contract employment, which looked for \$33.04 million, which covers contract workers including ECCE teachers and critical education support staff. These are the early childhood educators who nurture our youngest learners. These are the school officers and aids who help keep order, fill gaps and build confidence in our youngest of young children. Yet under the People's National Movement they were invisible on paper, underfunded, unprotected and treated as though their roles were optional.

I want to move over to janitorial services. I am moving fast. I am not planning to spend my whole time. Janitorial services. We are asking for \$26.6 million. In fact, Mr. President, the Ministry owed \$90 million in arrears left by those on the other side. In the 2025 budget the People's National Movement decided to just budget \$26 million. That is less than half of what they owed. So

what was the plan? This is janitorial services we are talking about. What was the plan? Was it to pay for half a mop? Clean one floor and leave the rest to rot? Schools were left in filth. Bathrooms broken, classrooms unsanitized, corridors reeking, while the PNM Ministers bragged about fiscal discipline.

Seven janitorial companies were owed. Still owed, and that is why we need the money. Still owed today. Century 21 Janitorial Services & Company Limited; Building Maintenance Services; National Maintenance Training and Securities Company Limited; Super Industrial Services; LSA Healthcare Services Limited; Rentokil Initial; Magic Mist Services Limited. Still owed. Hundreds of janitors, Mr. President, many of them young workers, single parents and breadwinners were expected to keep schools clean for fee. They showed up. They cleaned. They protected our children from disease and from disaster, and the government they could not even serve them a cheque. You cannot claim to be running an educational system when the toilets do not flush, the bins overflow and the people scrubbing the floors cannot even afford lunch. This is not mismanagement. This is exploitation in a tie and a jacket.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: Let us call it for what it is. The UNC inherited—and forgive me, Sen. Cummings—we inherited a raped Treasury and now we are being asked to rescue the people left behind by a party that taught budgeting was a performance art. “You know dey like to have dey little ting in NAPA.”

If I know I have 100 workers that are teachers, early childhood educators, janitors and I deliberately under budget for them, Mr. President, what kind of employer does that makes me? It was not a mistake. It was not an oversight. It was willful disrespect, because budgeting is not a lottery. It is not a lottery. It is

not a prayer. It is a statement of values. And when you exclude workers from the budget, Minister, you do not forget, you are just not forgetting them. You are erasing them.

Hon. Senators: *[Desk thumping]*

Sen. D. Rasheed: This Government will not do that. We saw what the PNM did or in this case, what they did not do, and we are willing to, Senator, fix it. We are willing to fix it.

Hon. Senators: *[Desk thumping]*

Sen. D. Rasheed: We budgeted. We allocated and, Mr. President, we will pay them. We will pay them their moneys. That is the difference. Their silence versus their inaction. Their lip sync versus our leadership. Their silence versus action. Their lip sync versus our leadership.

Hon. Senators: *[Desk thumping]*

Sen. D. Rasheed: Turning over to school supplies and book grants, we are asking for \$20 million on this. This one is a real gem. Listen. In 2023, and I have the budget here. In 2023 the PNM spent \$0, zero cents. This is school supplies and book grants.

Mr. Roberts: Zero?

Sen. D. Rasheed: Zero dollars in 2023. In 2024, Mr. President, they budgeted zero dollars. They came in the midyear, like they do and they asked for \$20 million. In 2025 same story. Budgeted zero and now we are here asking for \$20 million. For years, not a cent under this line Item and they have the gall to talk about caring for the vulnerable? That is not just poor planning, it is willful neglect.

Hon. Senators: *[Desk thumping]*

Sen. D. Rasheed: A neglect so consistent you can set it in your calendar and

forget it.

Hon. Senators: “Woow!”

Sen. D. Rasheed: The real cost of youth neglect, physical breakdowns of schools, emergency school repairs. We are asking for \$83 million. Listen, we have 279 schools, which are in need of urgent repairs, out of a total of 833 schools. That is one in every three schools, Mr. President. One in every three schools needs urgent repair in Trinidad and Tobago.

Hon. Senator: Wow.

Sen. D. Rasheed: This did not happen last night. This did not happen the 29th of April. This did not happen last month. Years of neglect. This is what happens when you ignore infrastructure for a generation of our nation’s youth. You treat school repair like a last minute emergency instead of a long-term investment.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: I went back into the budget 2025 and I looked. In 2023, guess what? PNM budgeted nothing for emergency repair. In 2024, they budgeted nothing again. They came back in the mid-terms and begged for \$5 million. In 2025 they budgeted \$19 million, when \$83 million is urgently needed. Urgently needed. The PNM did not just ignore education. They abandoned the whole ship.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: Mr. President, I am moving on to the laptops and tablets. We are asking for \$76 million. Now this is a very close project to my heart. This is a new project. Well, fairly new project to our Government here. Let me remind this Chamber, it should not have been a new project. It should not have been. We are here today trying to fix a digital divide that was widened under the People’s National Movement.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: Mr. President, it was them on the other side who shut down the laptop programme and left entire communities without access to education during a pandemic.

Hon. Senators: Shame. Shame.

Sen. D. Rasheed: And they have the nerve to say, let parents buy their own means test kit. Let me quote from the Standing Finance Committee report, Mr. Des Vignes Member of Parliament for Diego Martin West speaking on this very same line Item. And I quote:

Would it not be more fiscally responsible to be doing a means test for this particular Item?

Hon. Senator: What?

Sen. D. Rasheed: He was asking the Minister of Education. Mr. President, that is nonsense. Utter, utter nonsense.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: That was utter, utter nonsense. Many families may look okay on paper, but the reality is, they have five children, some of them have many children. They may have lost their jobs, unstable incomes. They may have been working at Petrotrin, and you know what happened there.

Hon. Senators: [*Interruption*]

Sen. D. Rasheed: Oh, come on. And guess what? A means test would have missed them entirely. A means test would have missed them entirely. Worse yet, means tests delayed the roll out of the programme. Mr. President, we do not means test chalk, white board markers. We do not means test text books. So why are we pretending that laptops, now core to learning, are some sort of luxury.

Hon. Senator: Why?

Sen. D. Rasheed: Mr. President, I am a product. I am a product of the 2012 laptop programme by the United National Congress.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: Mr. President, in fact when I received this laptop so many years ago, I kept it and I kept it working well, and I took the challenge of this debate and did all the research, and with your permission, which I sought, did all my research on this laptop. [*Member displays a laptop*]

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: I prepared my thing on this laptop. So said, so done.

Mr. Roberts: Wow. Same laptop.

Sen. D. Rasheed: Let us talk about the collapse of youth programmes; a decade of disrespect.

Mr. Roberts: All PNM should go in the—[*Inaudible*]

Hon. Senator: That is why you so bright.

Sen. D. Rasheed: Where did the money go? Let me look for meaning there. Where did the money go? This is a Finance Bill one that deals directly with how we manage public money, how we correct past shortfalls, Mr. President, and how we fund national priorities. So it would be irresponsible of me, the youngest Senator in this Chamber today, to debate this Bill and not ask, how money that was supposed to serve our nation's youth over the past decade was actually used.

7:30 p.m.

For 10 years youth development was funded, and yet youth facilities collapsed, programmes shut down, and opportunities vanished. During the PNM's tenure the Ministry of Youth Development and National Service was transformed from a

space of opportunity to a vessel of exploitation. I would encourage all hon. Senators to listen to or to read from the *Hansard* the Minister of Sports and Youth Affairs' contribution. The Member for La Horquetta/Talparo exposed the PNM's political actions in MYDNS. I am not going to go into the details, I will save you the embarrassment.

Mr. President, 61 individuals were awarded contracts under suspiciously convenient terms, 61 one of them. Mr. President, note that these were not technical experts. I am not going to call "no" names unlike the Minister. Youth workers. They were not programme leaders. Instead, they were politically connected individuals, some with no prior background in youth development or public service. Contracts were issued without competitive processes, lacking transparency or accountability. In multiple cases, individuals were receiving monthly salaries of over \$20,000, with no deliverables, no office hours, and no project outputs. There was no published scope of works, no monitoring systems, and no reporting obligations for many of these hires. Internal Ministry staff described these hires as "ghost advisors", people who never reported for duty and never attended meetings. They could not be located when contracted.

Funds that should have supported MiLAT; the reopening of MiLAT. Expansion for the youth entrepreneurship programmes, repairs to the underutilized community centres, and the revival of the vocational training camps, were instead used to finance political favours under the guise of the youth engagement. Many of these same individuals were seen on political platforms in branded shirts weeks later in their public service roles looking more looking more like campaign rewards than national contributions while legitimate youth workers and programme officers were left without contracts, or stretched across multiple sites, unsupported,

and underpaid. This was not a youth policy, this was a political retirement scheme designed to protect insiders while neglecting youth on the ground. Every dollar spent on those nonperforming advisors was a dollar taken from a young person waiting on a training certificate, a start-up grant, or a second chance. Let us call it for what it is. No youth investment, but youth exploitation.

And then here we are today, asking for a supplemental allocation because of the misuse and abuse of allocations by the People's National Movement Government. What did the PNM deliver to our youth? So, I went and I looked through, did some research on the same laptop, 93 school constructions projects abandoned, many nearly completed, some 95 per cent left to rot. Today's allocation for school repairs, \$83 million, is because of the failure to complete yesterday's work. ECCE centres underfunded, understaffed, and in some cases empty, Mr. President. Right in my own constituency of Couva North the Waterloo ECCE Centre, abandoned and left for the criminal element to feast off of. Now, we are forced to use part of \$33 million in contract employment to support the same ECCE teachers the PNM left out in the budget.

Student suspensions skyrocketed by 87 per cent between 2022 and 2025 yet, there was no nationwide disciplinary strategy, no investment in our youth mental health. We are not just funding buildings, we are restoring systems that support students before they fall through the cracks. Youth training gutted. While MiLAT collapsed and youth camps shut down, the PNM's focus was on T-shirts and stage lights. A fake textbook grant promoted in headlines, never funded in reality. The \$20 million under school supplies and book grant, it is not a new policy. It is money to fulfil a promise the PNM made and they abandoned. Youth on Stage cost the taxpayers \$839,000 while MiLAT trainees could not eat. That is why this

Government is investing in what matters, not vanity events, but devices, salaries, and structural repairs that give young people young real support. That is not just failure, Mr. President, it is betrayal.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: And because of that betrayal we are here today. What will this Bill do for youth? Can I ask how much time I have remaining?

Mr. President: I think you end at 7.48 p.m..

Sen. D. Rasheed: Okay, thank you. What will this Bill do for youth? It will restore funding to essential services in education. From janitors to teachers every dollar spent will restore safety, dignity, and functionality of schools that failed under the People's National Movement. We opened the doors that the PNM slammed shut. Doors of ECCE centres, secondary schools, and digitally locked classrooms are now being reopened with this allocation. This Bill would pay the people who show up every day for our children, our teenagers, our youth. The \$37million in salaries and \$33 million for contract staffs, investment in youth, because without the education, without the educators there is no development.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: We will deliver laptops because modern youth development needs modern tools. Mr. President, \$76 million for laptops because bridging the digital divide is not optional, it is long overdue. We are going to bring Tobago's youth into the national plan. Tobago is tired of being left out. This Government is not playing geographic favourites. Every school, every district, and every youth matters. And all of this, Mr. President, is made possible by this supplementary appropriation. It is not a wish list, it is a necessary act of rescue and restoration. We are not just here to spend money, we are trying to fix the intentional

misappropriation of the 2025 budget, by the previous PNM administration.

Hon. Senators: [*Desk thumping*]

Sen. D. Rasheed: We are repairing what the PNM broke and rebuilding what our youth deserve. Every line-Item in this Bill speaks to youth not slogans, just action. So, Mr. President, as I conclude, as I look to wind up here today.

Sen. Roberts: “You take your time boy, you going good boy, you going good.”

Sen. D. Rasheed: This is a closing call for the youth.

Sen. Roberts: “Ah feeling proud of the youth today.”

Sen. D. Rasheed: [*Senator laughs*] Let us not pretend that this is about budget lines and bottom lines. This Bill is not about numbers on a page, it is about the names, faces, and futures behind those numbers. It is about a generation of young people who have been systematically failed, overlooked, and politically side-lined, Mr. President. It is about a MiLAT cadet who put on a uniform with pride, showed up ready to serve, and was told to go home because there was no food. It is about a young man in Barrackpore, or Mason Hall, or Basta Hall eager to learn a trade, turn his life around and contribute his community but who walks past a long overgrown training centre every single day. It is about the young woman who has filled out application after application for youth programmes, skills training, and grants, and still waits on a call that never comes. The amount of young women who I knew applied for the YAHP Programme, and still waiting for a call. It is about the teenager in a wheelchair whose country promised inclusion, but who still cannot access seating in a national stadium because the ramp was never installed, because the elevator cannot fit her wheelchair. This Bill is for them.

To the PNM, you were given stewardship of the dreams of our nation’s youth, and you turned that trust into transaction. You turned youth policy into

political marketing. You padded payrolls, issued last-minute contracts, and inflated events budgets, while core programmes collapsed. You built public relations spectacles instead of lasting systems, you spent on big stages banners, and grand consultants, and gave very little to actual lives, Mr. President. You had 10 years and nine national budgets and the youth of this country are still waiting for a return on their investment. You gave them photo ops and waitlists; you gave them excuses.

To this honourable House, hon. Senators, this vote is not merely about authorizing funds, it is about choosing out legacy, it is about deciding whether we will be remembered as the Parliament that debated numbers or the Parliament that delivered hope. This vote is about who we choose to stand for, Mr. President. This is a vote to rebuild trust that was broken, to re-centre youth in national development, not just as a campaign slogan, but as a sustained commitment.

To the youth of Trinidad and Tobago we hear you. The UNC, this Government, hears you. We are hear your frustration, we hear your hunger for opportunity, for access, for a system that sees you. We see you, we see your talent, your discipline, your potential, even when others may pretend that you are invisible, we believe in you. Not just as a demographic, not just as a policy target, but as a driving force behind the future of this nation, and we are fighting for you. Not just to fund the future but to deliver. It is our responsibility not as politicians, but as custodians of the generation to come. Mr. President, with this Bill we are not just correcting the failures of the past, we are sending a message to every young person in this country, and that is your future matters, your voice matters, and the UNC Government, is here for you. Mr. President, with that I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, on your behalf, may I extend my heartfelt to congratulations to Sen. Daniel Rasheed on his maiden contribution.

Hon. Senators: [*Desk thumping*]

7.45 p.m.

Mr. President: I now recognize the Minister in the Ministry of Housing, the hon. Phillip Alexander.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Minister, just one second. We have a Procedural Motion that we have to move. I call on the Leader of Government Business to take the floor.

PROCEDURAL MOTION

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Mr. President. Mr. President, in accordance with Standing Order 14(5), I beg to move that the Senate continue to sit until 10:00 p.m., inclusive of the matters on the adjournment.

Question put and agreed to.

FINANCE (SUPPLEMENTARY APPROPRIATION)

(FINANCIAL YEAR 2025) BILL, 2025

Mr. President: I now recognize the Minister in the Ministry of Housing, Sen. The Hon. Phillip Alexander.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Housing (Sen. The Hon. Phillip Alexander): I thank you, Mr. President. Once again, I am moved to pay you the respect that you are due for the way you manage the business of this House, this Chamber. I am somebody who watches a lot of the Parliament Channel—but now I am in the Parliament. But I watched a lot of the Parliament Channel and you could have a

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school, a master class on how to handle a House. I think you are the best at what you do.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: Mr. President, I do not think anybody really wants to follow Daniel Rasheed's maiden—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: If that is the youth that is coming up behind us, the future of our politics is in good hands.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: So, getting down to the business of the business, I am one of three Housing Ministers. We have a line Minister, the hon. David Lee, we have Sen. The Hon. Anil Roberts, and myself. And the reason we have an unprecedented amount of Ministers in that Ministry is that we were told that we have a mandate to lift this country out of poverty, crime and squalor by giving families a start with a home. That is our mission. So, with a plan in hand and enthusiasm, we went forward to the Ministry of Housing, and like any good custodians, we first had to do a stock check, what we have, who we are owing.

This Bill that we are debating, the Finance (Supplementary Appropriation) (Financial Year 2025), Bill 2025.

“The object of the Bill is to supplement the appropriation provided for by the Appropriation (Financial Year 2025) Act, 2024...by authorising the issue from the Consolidated Fund in the sum of three thousand, one hundred and forty three million, nine hundred and eighty three thousand, seven hundred and sixty one dollars (\$3,143,983,761).”

We found in the Ministry of Housing that there was a significant shortfall, the

funds required to just continue the business, keep the lights on, and that sum was \$81 million, give or take. And it is made up of pedestrian items, basic recurrent expenditure items.

When I listened to the talented Sen. Janelle John-Bates, the last time we debated this, she asked, “What made these items, why are they on the list?” I wanted to tell her these are not—and she was trying to make an excuse as to why it was possible that you did not properly budget. But some of these items are not things that you have to guess at. Some of these things, when you are making a budget, you know that you have 12 months of this Bill, you have 12 months of the rent, you have 12 months of the electric bill, you have 12 months of your staff. Those things should not form part of us coming in a mid-year review for more money. Those things should have been covered in the original appropriation, and they were not.

But worse than that, when we were doing our investigations, Minister Lee, Minister Roberts and myself, we found that there were things that “was not in no Bill, it was in no budget”. We found that there were ad hoc decisions made, money spent and that we found ourselves having to pick up the cost of things that were not even in the budget. As an aside, I want to tell you about the performance of the Housing Development Corporation because as I said, going about our business, we had to investigate what was going on there, how we got to be here. We found out that at the close of play of the People’s Partnership Government, there were 169,557 people whose names were on a list applying for housing. By the 28th of April, 2025, that had mushroomed to over 200,000 people.

The United National Congress-led people’s partnership, Kamla Persad-Bissessar Government, built 7,596 houses between 2010 and 2015. The

People's National Movement Government built 4,700 houses in the almost 10 years that followed. So it looked like the HDC, under the People's National Movement, was not so much interested in building houses as they were in taking names. We found a stock of houses that were already allocated, most of them by ministerial decree; not random draw, not by application and your name comes up, but by some Minister deciding who gets a house and who does not. We found that almost everything under construction is already allocated by Ministers. We found projects that are just at the application stage, the drawing stage, the basic, barely out the ground stage, those allocated to. We found an HDC that was being used as a political tool.

So when we were doing these investigations, one of the things that popped up was the temporary workers hired in the month of March and April 2025, and we were told that it was an annual exercise. But when we asked for evidence of previous years, there were no such hiring at that particular time of the year. And the only thing that was going on at that time of the year, this year, was a general election. It seemed like the Housing Development Corporation was being used as a political tool to provide human resource to politicking for elections.

Now, I have in my hands here a document that I spoke with the Attorney General about earlier, that I am supposed to put in his hands after. It has names that I cannot call in here, in this House, but you would get the information because it is a signed statement of a senior member of the Housing Development Corporation. I do not plan to cause any embarrassment of anyone and I would leave that up to the authorities to deal with. But this document, out of the investigations, when we summoned the entire management and senior members of the Housing Development Corporation, the question Minister Lee asked was, "Are

you aware of these people who were hired to work and were not paid?” And the consensus around the room was, “Yes, they were aware of these people”. And he asked, “What was the purpose of their employment?” That answer was not as straightforward. So both Minister Lee and Minister Roberts requested files, so that we could dig a little deeper and we ended up speaking with a senior manager whose name was called and he, in a meeting with him after that meeting, gave us this information. With your permission, I would like to read some of it:

“The Community Internship Program 2025 was initially designed to facilitate rehabilitation works in HDC Rental Developments throughout Trinidad. This initiative was aimed to utilize localized labour and building contractors.

The hiring of these contractors was to be conducted through the HDC procurement process, overseen by our Procurement Department and guided by OPR regulations. Projects were identified from the Estate Management Complaints Database, known as the Yardi System. Residential complaints are imputed into Yardi, and projects are developed based on the most frequently reported issues. Additionally, projects are also determined based on instructions from the HDC Board and Managing Director.

Estate Management submitted all projects to the Managing Director, Ms. McFarlane, and also forwarded them to the Procurement Department for tendering. Ms. McFarlane indicated that the work would be divided, with some tasks allocated to localized labour”—as was the plan initially—“within the communities while the remaining jobs would be tendered to contractors. Local labour was initially supposed to be 600 workers across”—all—“developments.

The HR Department's Divisional Manager (Ronnie Spencer), under the direction of Managing Director Jayselle McFarlane, received names for employment from various constituency offices. These individuals were hired and issued temporary employment letters for one month (two fortnights). Meanwhile, the Procurement Department advertised opportunities for building contracts.

The issuance of temporary employment contracts and the advertisement for building contracts in our developments occurred approximately two months before the General Elections on April 28, 2025. Localized labour began working in the first week of April 2025, with employment staggered throughout the month. As a result, some developments started work later in April, lasting only one month.”

8.00 p.m.

This is where it gets worse:

“During the temporary employment period, the Managing Director continued engaging with the Human Resource Department to hire additional employees, increasing the total from 600 to 2,300 temporary workers. This resulted in variations in employment start dates among temporary employees.

While initial plans called for 600 localized workers, pressure from senior officials resulted in the rapid expansion of the temporary workforce to 2,300 employees. Upon receiving instructions from the Managing Director regarding the ongoing increase in temporary employees, I was directed to ‘find work’ for them.

I communicated with to the Managing Director about the lack of materials

and actual tasks for them to undertake. However, she informed me that these instructions had been issued by...”—two then Government Ministers—“... and other PNM Ministers overseeing marginal constituencies and that it was her directive to ensure their execution.

During the month of April, the Procurement Department conducted site visits with interested contractors for rehabilitation work across various housing developments in Trinidad. However, these contracts did not materialized because HDC lacked the necessary funding for the program.”

Mr. President, these workers were not gainfully employed in HDC, work and were used for political purposes, paid through the HDC and that bill is now due and owing.

Sen. B. Baig: Foster, you know about that?

Sen. F. Cummings: “Don't call my name.”

Sen. the Hon. P. Alexander: I am not calling any names. But there is a reality that faces Trinidad and Tobago today, and that reality is what took place in the operation of the nation's state of Trinidad and Tobago under the previous Government, was never about serving the people. And this Government, through every single Minister that is going to stand up and speak here and in the other place, will tell tales of where the money gone. So when the people who are responsible for where the money gone, asking us where the money supposed to come from, I find that a little bit disingenuous.

Hon. Senators: [*Desk thumping*].

Sen. the Hon. P. Alexander: It is almost like they are provoking us to come out and say, “You have the money, give it back.” The money to run Trinidad and Tobago that was budgeted for A, and spent on B or were never budgeted before but

left to be budgeted on a midyear review, that is deliberate mismanagement of the country. And to the voters and to the people looking on now, and listening to all of this, listening to Sen. Zakour, listening to Sen. Smith, listening to Sen. Daniel Rasheed. What they are going to hear from Sen. Kama Maharaj. I know for a fact that we are not finished with the fallout of April 28, 2025. Trinidadians are going to get sick and upset when they learn what was really taking place in this country. And God bless Kamla Persad-Bissessar and the United National Congress.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. P. Alexander: Because we were—I do not know what would have happened, we were heading for a disaster. And I feel sorry for the new Members, because they are bright and intelligent people and we cannot beat up on them, because they are not part of that. They have no idea what is going on there but I want to tell them that is why—unfortunately and it has nothing to do with you all—the PNM could not fill City Hall. That is why the voter turnout in their internal elections was worse than the voter turnout in the general elections. The supports of the PNM are not to be abandoned by Trinidad and Tobago. The supporters of the PNM are citizens of Trinidad and Tobago and I want to say that when we said, “when UNC win, everybody wins”, it includes them too.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. P. Alexander: So when the Leader of the Opposition told them—

Sen. J. John-Bates: What about the CEPEP workers.

Hon. Senator: Yes. But not you.

Sen. the Hon. P. Alexander: Listen, I want to say, that I am not responsible for CEPEP, but I want to say that I know for certain with what I know, that not one person that has been let go will remain without a job. This Government will make

sure that all of our people are gainfully employed. That is one of our mandates.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. P. Alexander: Get them jobs, get them houses, affordable food, good education, quality of life, those are the simple things that the people voted on. And like a lot of people who abstained today, the PNM supporters abstained on April 28, 2025.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. P. Alexander: That is what they did, they abstained. And we are aware that we have a responsibility and I was saying just now, when the Leader of the Opposition leader told them “come back home”, I want to tell her, “dey not homeless, dey coming here”.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. P. Alexander: We are taking care of everybody. Yes.

Hon. Senators: The UNC is home for all.

Sen. the Hon. P. Alexander: The UNC is home for all. And I would like to say again this is not malice anymore, this is not bad mind. We reach to the point where we have to treat this country as a rescue mission. This Government cannot allow naked politics to take the place of good governance. We are not about hiring people for strictly political motives.

Hon. Senators: [*Desk thumping*]

Sen. the Hon. P. Alexander: Under the stewardship, astute leadership, of Kamla Persad-Bissessar, we are going to transform Trinidad and Tobago into the country that it was meant to be. With those few words, I thank you.

Hon. Senators: [*Desk thumping*].

Mr President: The hon. Parliamentary Secretary in the Ministry of Health.

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Hon. Senators: [*Desk thumping*].

Parliamentary Secretary in the Ministry of the People, Social Development and Family Services (Sen. Dr. Natalie Chaitan-Maharaj): I wish it was Ministry of Health--it is the People of Social Development and Family Services.

Good evening, Mr. President, and hon. Senators. So far, we have addressed transport, education, housing, tonight I would like to spend most of my time, yes, on health. Tonight we are here needing a supplemental appropriation of funds, of \$3.14 billion dollars. This is the habit of the PNM---gosh she is gone—because they are not forward thinkers, they promise everything and deliver on nothing. The supplementary appropriation that we must do here is not proof of the PNM’s prudence. It is the last chapter in their now, too familiar story, where missteps are swept under the rug and the people of Trinidad and Tobago are left to suffer the consequences of PNM failure.

Even in what was supposed to be more prosperous times—I will take you back to 2022, when it was proposed that oil prices were expected to rise more than seven-fold, from US \$180 to around US \$1400.

8.10 p.m.

The then former, former Minister of Energy was interviewed by CNN “Quest Means Business” and when asked about what they would do with what would have been the predicted income of tremendous amounts of revenue, the interviewer called it, the then Energy Minister said and I quote:

“Well Richard, I...”—do not—“put it as tremendous amounts of revenue. You know as a government...”—we are—“really making...revenue...off of taxation.”—So what will we do? We—“have bills...”—too—“...we will be paying our bills.”

It means that that Government, even when times of plenty were anticipated, had no plans to deliver growth and prosperity to this country. Their best plan in a time of prosperity was “we will pay our bills”, much less for the last nine years with deficit budgets and the tragedy that has followed.

I rise this afternoon then, not in celebration that we present this Bill, but in sobering duty. I rise not to obstruct but, like my colleagues, to demand accountability. I rise to lend my voice with a heavy heart but steady hand to the discussion of this Finance (Supplementary Appropriation) (Financial Year 2025) Bill, 2025. This Bill asks for \$3.14 billion in spending, and we cannot oppose it because if we oppose this Bill, it will stand in the way of nurses who need their salaries, it will stand in the way of students who need functioning schools. It will stand in the way of patients who need working hospitals.

I care about this country’s well-being and its basic functioning. I care that a recipient child of the Children’s Life Fund can access a ventilator post-operation, that a pensioner can fill a prescription, that a public servant can bring home their salaries without a fear of disruption. But I must also say this. I am disgusted but not surprised that this is where the PNM has left us.

Hon. Senators: Shame.

Sen. Dr. N. Chaitan-Maharaj: We are being asked to approve billions in what has to be emergency allocations to Ministries that should have had their financing properly planned from day one but this is not the PNM’s way. Now, we are being made to look as if we condone mismanagement by having to facilitate this bailout. We are being forced to rubber-stamp panic spending caused by their poor governance. All to keep our country running.

So I will turn to health. Let us begin with what should have been a national

scandal. Mr. President, \$728.5 million of this appropriation is being directed to the Ministry of Health. That is nearly a quarter of the entire supplementary sum, even though a quarter of the original budget was also dedicated to health. If this had been a meaningful investment that we were allowed to make now, if it was an investment in infrastructure, in innovation, it might have been worth celebrating, but that is not what this is. This is not to pay for bold new visions and national wellness that we wished the last Government had. It is not to pay for strategic collaborations; it is a bailout. It is a cash transfusion to keep a bleeding system on life support.

So let us face the facts. The last Government has mismanaged the funds of the health sector and it has led to the physical hurt of our citizens. I am going to outline what the PNM Government has done to the health of this population, to the health of our citizens while managing the Ministry of Health and the public healthcare system in the last 10 years. What their funding has done, what their allocation has done and what their value for money has given us.

Diabetes, the prevalence, rose from 11 per cent to 14 per cent in the seven years across 2016 to 2023. That means now over one in seven citizens live with this chronic life-altering condition that shortens lives and drains families' revenues. Hypertension, worse, now afflicts more than 30 per cent of adults. That means this Government has led us to a place—that Government—where one in three of our working-class citizens are hypertensive. Among the elderly, that climbs to 60 per cent.

Cancer deaths have increased by nearly 18 per cent in the last decade. Our Minister of Health lamented that NIPDEC had to dump over \$18 million in expired medications. Over the tenure of the last Government, chemotherapy drugs have

been in and out of stock in public facilities. The deaths included deaths from breast, prostate, colorectal cancers that took centre stage. These are cancers that could have been screened for. There is no robust screening programme.

Childhood obesity now affects one in every four; a quarter of our children are now obese. These are the highest rates in the Caribbean. And most tragically, Sen. Rasheed, suicide rates have surged by over 30 per cent since 2019 in the last term of that PNM Government, their last tenure, particularly among youth—

Hon. Senator: [*Interruption*]

Sen. Dr. N. Chaitan-Maharaj: Mr. President, 30 per cent, particularly among youth, ages 15 to 29. The very age group meant to carry our country forward.

So what does that say about the PNM's Government approach to prevention, wellness and national health education? To me, Mr. President, it says what every citizen waiting eight hours in an emergency department already knows, they do not care. The PNM did not lead on health, it reacted to crisis. It did not fund for resilience. It scrambled for survival. Under their tenure, the Ministry of Health had become a revolving door of requests, excuses and crisis management. It says they did not spend a cent truly effectively on preventive healthcare. There was no effective spending on the health of our nation.

This brings me to the statements made—it is a shame that she has walked out—by Sen. John-Bates on the last day we debated this Bill where she said and I quote, she:

“...was scoffed at...”

—when she stated that she had a good experience and her relative had a good experience in the public health care system.

Now, I did not scoff, Mr. President, I would not. I am trained to express

complex ideas as simply as I can to my patients or my clients so that they understand clearly. If I failed in that on my last occasion, then let me try to correct it. Any person who has a good experience in the public healthcare system has had that experience owing solely to the healthcare workers who interact with them, to the healthcare workers, doctors, nurses, PCAs, escorts, top to bottom who would have been doing the best they had with what little they have. It means that Sen. John-Bates and her relative would have felt like they were getting plenty with the little resources that our healthcare workers graciously used.

Now, if they could have been given—if she and her relative could have been given the best care with proper funding with the best facilities, then we would be able to say that the experience was truly a good one. As the adage says “your health is your wealth”. Well the PNM has done away with both our health and our wealth.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: I will move now into more detail of the funding given to the Ministry of Health. We will break it down heading by heading. So moving on. The first line, \$14,480,000, the paragraph, maybe a bit confusing to read:

To provide for the award of reimbursements of \$12,260,717 to UDeCOTT for expenses arising from the maintenance of the Couva hospital. A further \$2,219,283 is also needed to pay UDeCOTT management for supervision fees for works conducted at the facility.

That means that this new Government has been saddled with a \$14-plus million-dollar bill owed by the last Government to maintain a facility that the public is yet to use.

Hon. Senators: Shame.

Sen. Dr. N. Chaitan-Maharaj: I will move on now to the allocations given to each of the RHAs. I must pay particular attention to the NCRHA. Broken down, the NCRHA is to receive \$146.9 million, that is nearly three times more than any of the other RHAs, whereas the North West is to receive 76; South West, 56 and Eastern, 40. One might hope that the explanation for three times more would be something along the lines of they have a much wider parchment area, they serve three times as many patients, and offer three times more services. I cannot see where that is the case.

So going down into the NCRHA is \$146.9 million; \$143.5 million, the majority of that allocation is needed by the NCRHA for part payment, not full payment, of trade payables. The term “trade payables” refers to any monies the RHA owes its suppliers and service providers for goods already received. Again, you are paying their bills, outstanding. So that should translate to mean that the NCRHA ordered and received more goods and services than any other RHA. I wonder then if my past colleagues in the NCRHA felt better resourced than those in the other RHAs.

Examples of things that fall under the trade payables in the RHA context would include medical and clinical supplies. So did my past colleagues in the NCRHA have more pharmaceutical and drugs? They did not. Did the NCRHA staff have more surgical instruments and consumables? Because I remember when I could not get the right-size glove to put on my hand to operate last year. Surgeries were postponed because no catheter, urinary catheters used for patients put to sleep before surgery that cost US \$0.50 to \$5.00 when bought in bulk were not available in the NCRHA.

Did the NCRHA have more laboratory reagents/chemical to run their tests in labs? No. Countless patients were regularly asked to do blood test privately for urgency because the reagents were not available in the public labs. Did they have more non-medical supplies just as janitorial supplies were lacking in education? Janitorial supplies and sanitation products are covered in trade payables. Also trade payables are due in the North West Regional Health Authority where I had already previously gone through the tragedy that happened in the Port of Spain NICU owing to improper sanitation.

Other trade payables the NCRHA has in the largest amounts outstanding are contracted maintenance to air-conditioning, equipment repairs. I know of operating theaters in the NCRHA that are plagued with constantly malfunctioning air-condition units. The trade payables include IT support services yet not one hospital can boast a fully electronic patient notes. Security services are trade payables, yet I know of young doctors who have had their cars broken into in car parks when they work 24-hour shifts.

So why do I choose to hone in so much on the NCRHA huge trade payable debt in this Supplementation Appropriation Bill? Why do trade payables matter in budgeting? Because these outstanding payments, these delayed payments, they indicate cash flow issues which should be looked at in the NCRHA accounting and management teams.

8.25 p.m.

It proves the underfunding that we can see the PNM clearly did to, well, everyone. Delayed payments of trade payables impede delivery services because suppliers then refuse to provide more goods until they are paid.

Trade payables accumulate into arrears that affect the overall national fiscal,

which leaves us right where we are. Trade payables are not wages. They are not salaries, but I will come to that in a minute. Trade payables are not capital expenditure to improve the existing system. They are just operating costs, as has been the trend from Ministry, to Ministry, to Ministry. The operating costs, the baseline running needs were not budgeted for.

So, Mr. President, let us be clear, the NCRHA is not being rewarded for its performance by getting a bigger slice of the pie than the other RHAs. It is being propped up for survival. It is a blow to bureaucracy, and I will not comment on loyalty to what, but it seems, to me, that service to the people has not panned out. Yet still, Mr. President, this UNC Government, Phillip, will fix it.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: We have also proposed in this Bill, as was questioned by Sen. John-Bates—I will clear it up tonight—about what she wondered was possibly a copy and paste era, where \$3,443,664 is allocated to each RHA for the months June to September 2025, for expansion of services at local health centres. Despite having to be saddled with every Bill the PNM has left, this UNC Government will deliver our campaign promise of extended health centre hours.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: The tidy copy and paste sum, that Sen. John-Bates asked for, will account to open each health centre in the RHAs with extended hours, Monday to Friday, from 8.00a.m. to 8.00p.m., and on Saturdays from 8.00 a.m. to 4.00p.m., staffed with one extra doctor during the week, two extra doctors on Saturdays, and necessary nurses, clerical staff and pharmacists.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: As it is the same package roll-out at each RHA, it is the same cost in each RHA. It is not copy and paste. This shows a UNC Government, led by a strong woman, like our hon. PM, Mrs. Kamla Persad-Bissessar SC.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: We can multitask. We can fix their problem and keep our promises.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: We would clean up their mess and deliver to this nation. That is the Ministry of Health and its RHAs. We have covered Couva.

So, now, I can come back around to, briefly—as Sen. Rasheed has also covered—salaries. Salaries, as a supplementary request, do not make sense. Going through our bill, a total—each Ministry has asked for extra to cover salaries. These are not short-term contracts. These are substantive posts.

This supplementation for salaries is not due to increases in salaries across the board. These are salaries that were known last year, the year before, and all the nine years before that. Why do we need supplemental funding for them? Why was it not budgeted before? How did we get here? We got here because the PNM does not plan. It patches and it panics, then it revises and has the audacity to spin that revision as a success. They want us to believe that every supplementary appropriation is routine, it is normal and that it is good governance, when, truly, they are patching potholes in a road they refused to pave properly in the first place.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: So it is not about that Government and its good planning. This is about that Government's political malpractice.

More of their overdue bills just to cover: The Office of the Prime Minister needs \$128million, \$98million of which is for NALIS, mostly in arrears and allowances. The Ministry of Works and Transport, \$327million, going towards repaying debts that never should have been incurred without clear review streams.

So, before I finish, I will turn to my own Ministry, the Ministry of the People, Social Development and Family Services. In my own Ministry, the sad story of their disdain for public servants and citizens continues. To cover this fiscal year, \$2million was underbudgeted for salary arrears. The PNM literally did not pay its own bills. Half a million dollars is owed to T&TEC for their Head Office building alone. Pensioners, as part of our grants, were left suffering. Over 2,000 applications had processing delays, which my line Minister has cleared up in short order.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: We, this UNC Government, sorted out the issue in one month, where the PNM left our needy and elderly languishing for years.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: The PNM talked the talk, but never walked the walk.

Sen. Baig: “Dem doh even talk”.

Sen. Dr. N. Chaitan-Maharaj: They promised citizens safety and financial protection during the years of COVID. Do you know what we found when we came into office? They offered rental assistance grants to citizens in need. COVID ended how long ago?

Sen. Baig: In 2022.

Sen. Dr. N. Chaitan-Maharaj: To date, 1,132 of those rental assistance grants

applicants have not been paid. More of their unkept promises, more of their mess that the UNC Government will find a solutions for.

Hon. Senators: [*Desk thumping*]

Sen. Baig: They should hold their heads in shame.

Sen. Dr. N. Chaitan-Maharaj: In closing, Mr. President, to the people of Trinidad and Tobago, I say this: You were literally being short-changed. You were being asked, “To pay more, wait longer, and settle for less. Tighten your belts. Use coal pots. Eat less macaroni pie.” You were being told to believe that patchwork is progress, but you know better. You felt it in your pockets. You saw it in your health centres. You heard it in your silence when you asked for answers, and now you have given them your reply.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: This \$3.14 billion is not a triumph; it is an indictment of the PNM’s reckless Government and a failed former Finance Minister. It is proof that we were running on fumes, but hope will not be abandoned. We will do better. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, let me just, for the record, correct the title, Parliamentary Secretary in the Ministry of People, Social Development and Family Services.

Hon. Senators: [*Desk thumping*]

ADJOURNMENT

Mr. President: I now call on the hon. Leader of Government Business.

Hon. Senators: [*Desk thumping*]

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, July 01, 2025, at 10.30 a.m

Mr. President: Hon. Members, hon. Senators, before moving the adjournment, I have granted leave to Sen. Anthony Vieira to raise a matter on the Motion on the adjournment. Sen. Anthony Vieira.

Hon. Senators: [*Desk thumping*]

Affordable, Decent Housing for Citizens

(Provision of)

Sen. Anthony Vieira SC: Thank you, Mr. President. I rise this evening to address a matter of urgent social and developmental importance, namely the provision of affordable, decent housing for our citizens, particularly the vulnerable, the young and the aspirational.

It is a matter that goes to the heart of dignity, security and national development. I have noted with interest that the new administration has appointed, not one, not two, but three Ministers with responsibility for housing. This, I hope, signals a serious intent to tackle what has become a deepening housing crisis in our country. So, I therefore use this opportunity to call on the Government to either adopt a policy recommendation I will outline, or alternatively, to clearly articulate its housing policy, so that citizens may know what to expect.

Mr. President, too many of our citizens, particularly single persons, young professionals, low-income earners and the indigent, live in conditions that are not only inadequate, but in many cases, destitute and desperate. Families are crammed in overcrowded quarters. Young people delay independence, relationships and family formation, not out of choice, but out of necessity. Some never get to start a life of their own at all.

There is, Mr. President, an untold social and economic cost to this hidden housing crisis. One of the reasons our young, bright and talented citizens emigrate is not merely the lure of foreign opportunity, but the simple yearning for a decent standard of living, including a place to call their own. A roof over one's head should not be a luxury in Trinidad and Tobago. What is urgently needed, I submit, is a rethinking of our housing paradigm. The traditional model of a three-bedroom house and a parcel of land is unaffordable for many, unsustainable for the State and unresponsive to contemporary urban needs.

On the other hand, brutalist housing blocks or poorly maintained tenements often produce social ills, rather than remedying them. So, I therefore propose a middle path: Micro-apartments and urban living units in and around our cities and dormitory towns; compact well well-designed, energy-efficient, and affordably priced units targeted, particularly, to young persons, low-income earners and retirees. Such a model could simultaneously address the demand for affordable housing and help revitalize decaying centres, bringing back foot traffic, commerce, safety and vibrancy.

These micro-units, if placed near transport hubs, commercial centres and civic spaces, could form part of a holistic urban renewal strategy. The idea is not new. Many progressive cities around the world have embraced this approach to good effect.

So, moreover, Mr. President, there is also an opportunity for the Government to relocate informal settlers, who live in dangerous and ecologically sensitive areas, hillsides, flood-prone areas and watersheds, into properly secured and planned communities. It is not only a housing issue. It is a climate resilience and public safety imperative.

8.40 p.m.

So, what I urge is not a piecemeal solution but the articulation and implementation of a coherent national housing strategy. One that meets people where they are, that adapts to the new realities, and that is inclusive of the most marginalized. Therefore, I call on the hon. Minister of Housing to indicate:

- Whether the Government is open to or actively exploring micro-apartment solutions as part of the national housing policy;
- Disclose the current policy posture regarding urban renewal and infill housing;
- Explain the Government's position on the relocation of squatters from ecologically-vulnerable lands;
- And whether this will form part of a national plan for managed resettlement;
- And finally, to advise what portion of the national housing allocation will directly target young, single and low-income persons as distinct from larger households.

Mr. President, the housing crisis cannot be solved by concrete alone. It requires vision, policy innovation, and a willingness to think differently. Think differently about space, sustainability, and equity. If we get it right, we not only solve a basic human need but we also catalyse urban regeneration, reduce risk and stem the exodus of our most promising citizens. I look forward to the Minister's considered response. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The hon. Minister in the Ministry of Housing and Urban Development, Sen. The Hon. Anil Roberts.

Hon. Senators: [*Desk thumping*]

Minister in the Ministry of Housing and Urban Development (Sen. The Hon. Anil Roberts): Thank you, Mr. President. And thank you for the Motion on the Adjournment, let me first of all agree with you, Sen. Anthony Vieira SC. Housing is in a crisis in Trinidad and Tobago, but the crisis did not begin on April 28th. So, I will show you how we have reached a crisis point. It has been decades in the making, and most of it is stamped with the PNM.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: First of all, the public sector, which plays a critical role in the development of affordable housing, has significantly reduced its construction efforts. This has resulted in a significant shortage of accessible housing, especially for the vulnerable and low-income groups, as you have said. Many families are forced into substandard living conditions, overcrowded homes or the informal housing sector. Mr. President, and hon. Senator, in the Budget Statement of fiscal 2021, the then PNM Minister of Finance announced that the Housing Development Corporation would aim to deliver 25,000 housing units—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts:—in a 10-year period through an accelerated housing construction programme. Well, let me just say, total, complete failure. PNM, promises never materialize.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts:—people never matter. However, since the announcement of the initiative, HDC has completed only 1,804 houses over a five-year span, spending \$2.8 billion, significantly below the annual average necessary of 2,500 needed to achieve the 10-year target of 25,000 homes. I cannot even call

the numbers, they are so low. The PNM 2017/18, 871 houses, this is while the number of people applying for houses went up from 145,000 to a maximum of 214,000 citizens applying at the HDC. But this crisis did not just occur like that. You have to look at leadership. It is a crisis of leadership. Let me quote from the former, former Prime Minister, the one who was duly elected and not selected. On the 23rd of November, 2015, just a few months after the Prime Minister became the Prime Minister, he said and I quote on *Hansard*:

“There is a big problem in this country with respect to the shortage of housing...”

Now, keep in mind, this is 10 years ago.

“...Prime Minister Dr Keith Rowley said on Friday, when questioned on the need to increase the housing stock. ‘The State assumes a role in providing housing. The question is what exactly is the size of the role...’”

He continued and he ended in a sad, philosophical position. The Prime Minister, then, the hon. Member for Diego Martin West said, and he who was:

“...a former minister of housing, queried whether the State should be building homes at all.”

And that is why we are in crisis, because that was the policy of the PNM. They built no homes, the money disappeared, and then the genesis of this entire crisis occurred way before that, but I will pause there. What they went on to do as the hon. Minister of Labour said in a debate yesterday, was that they restructured something that had been restructured already. So they reconstructed from NHA to HDC, and when we arrived now there was another restructuring. They restructured HDC into CCL, AMCOL, FEMCoL, and nobody knows what they are doing and who is doing it, and they produce nothing.

So for the last five years, houses have not been built, people are waiting, people are dreaming, they give out fake allocations because of election, hand out keys, but the houses not finished. They build houses without approvals and then allocated houses without WASA approval, T&TEC approval, and people cannot go into it. Why did they do this? Well, we go to the genesis of the crisis. And the crisis begins with a Member called Keith Christopher Rowley, the then Minister of Housing, November 2003 to 2007. When he said, and the hon. Prime Minister back then was quoted in an article when the Greenvale matter came up, and the hon. Sen. Faris Al-Rawi will know about that because he was on the HDC board when Greenvale houses—when the Government purchased John Rahael’s land in Greenvale, and they had no planning approval. They did not get planning approval from the then Minister of Planning, Camille Robinson-Regis to but they went ahead.

They did not get change of use, it was agricultural land in a floodplain but the Sen. Al-Rawi was on the board that approved it, and we found out in 2012 when people nearly drowned, when there was about 10 feet of water in flood and citizens had to go in boats and save people. That is the PNM. They do not follow the law.

And when they were asked, the Prime Minister was asked, “But how could you do this?” Because they were seeing projects at HDC since 2003 to 2007, \$2.4 billion in projects were incomplete, and there were no statutory approvals, no planning permission, incomplete designs, and you have Edinburgh 500. Well, you know about Las Alturas, Harmony Hall, Wellington, across the country, while the then Minister of Housing was Keith Christopher Rowley, the Member for Diego Martin West, he was asked, “But how could you build housing without approvals,

without statutory authority, is that not illegal?” And the Prime Minister said, and I quote from an article, November 04, 2018, *Guardian* front page.

“On Friday, Prime Minister Dr Keith Rowley confirmed that pressure to provide state housing to a growing market meant that the HDC was sometimes forced to bypass approvals and procedures to complete projects on time.”

But the projects were never completed, money was wasted, and it continues so to be. When we see now at the HDC—and have no fear, I am laying out the problems and the crisis for you, but that is why we have a Minister, the hon. David Lee, we have the hon. Philip Alexander and I, so yes, we will fix it. We will come and build houses.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: We will get back to the basics of providing affordable houses because the PNM built no houses, but yet they were allocating elite executive Victoria Keyes and Federation Park, villas, expensive luxury condominiums to friends and financiers, guardsman gets three. Even the lady in charge at HDC, the Allocations Executive Officer, allocated herself a unit at \$3 million for Federation Park. So, this PNM is not funny, we are in crisis by design, a crisis designed by the PNM, the UNC will fix it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: We have seen in the HDC now with all of these, this transformation of different factions, and a total disconnect with a managing director doing as she wants when she wants and viring money without a proper procedure and a Permanent Secretary disrespected, lack of accountability, the auditing unit is the only unit that is understaffed, when money has been spent, no

houses built. We also see, well, no approvals and so on, but there is an implementation crisis, and that implementation crisis comes from the PNM. The HDC currently has 37 incomplete housing projects, some of which are plagued by poor construction, Trestrail for example, quality. Additionally, there are five Public/Private Partnerships, PPP projects, and 11 initiatives under the small and medium contractors that remain unfinished. “PNM could not build house.” Simple.

Housing allocation prices. The average citizen who believed that they had a fair opportunity to obtain a home through the HDC, not with the PNM. There is a policy since Cabinet Note 2007 that says a certain percentage of houses should be made available: 25 per cent should be made available through Ministerial recommendations, fine, from MPs and so on. Do you know that Ministerial recommendation under the PNM, could you imagine what it was? What percentage it reach? It is supposed to be 25 per cent, PNM batting at 64.37 per cent of Ministerial recommendations. On top of that, there is also a segment called “Recommender Unknown.” So, whoever recommends, we do not know.

Hon. Senators: [*Laughter*]

Sen. The Hon. A. Roberts: But that equated to 15.4 per cent. So, 15.4, when you add that to the 64.37, you get 79.77 per cent of allocations being done by the PNM. That is why people out there feel that they have no hope, they have no chance, they have a reference number, and the PNM is telling them “random draw.” You know what the random selection was under the PNM? It was 10.63 per cent of the houses that they allocated. They did not build any. The few that they built, they hand out to their friends and financiers, and leave the rest of the population hoping and praying for God to bless them, but they blessed them on April 28th for the

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UNC and Kamla Persad-Bissessar.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: The PNM do not even like the most vulnerable, most vulnerable. They are supposed to give 10 per cent of the houses to differently-abled to people who are struggling, 10 per cent, you know, that is a little bit. You know what the PNM did? They allocated 1.1 per cent.

Hon. Senators: Oh!

Sen. The Hon. A. Roberts: PNM do not even love differently-abled people. That is PNM. And this is why we are in crisis, this is why you now have three Ministers, this is why we now have a Prime Minister who cares and would not do this. **Hon. Senators:** [*Desk thumping*]

Sen. The Hon. A. Roberts: The last part that I would tell you. Our police officers, our fire officers, risk their lives, and they hope and they feel, and I see all of them, everybody wants a house, a reference number. “I get allocated, I pay this, right”? The PNM does not even love and respect those who serve us and put their lives at risk. They are supposed to allocate 10—for protective services, it is supposed to be 10 per cent of the houses. Would you believe that this PNM allocated to police, fire and those in service 4 per cent?

Hon. Senator: Nah man!

Sen. The Hon. A. Roberts: Only 4 per cent. So, let me assure you, I thank you for this Motion, hon. Senator. The Minister David Lee, the Prime Minister and the Minister of Planning, we are coming with a holistic strategy and we will return housing back to basics to provide affordable communities with creative, innovative, environmentally-friendly. And we will implement, and we will build, and we will allocate fairly, not through Balisier House. Thank you very much.

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Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 8.55 p.m.