

**SENATE***Tuesday, June 13, 2017*

The Senate met at 10.30 a.m.

**PRAYERS**[MR. VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Vice-President:** Hon. Senators, I wish to advise that the President of the Senate, Sen. The Hon. Christine Kangaloo is out of the country, and leave of absence has been granted to H.R. Ian Roach who is ill.

**SENATORS' APPOINTMENT**

**Mr. Vice-President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Anthony Thomas Aquinas Carmona O.R.T.T., S.C.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS  
AQUINAS CARMONA, O.R.T.T., S.C.,  
President of the Republic of Trinidad and  
Tobago and Commander-in-Chief of the  
Armed Forces.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.

President.

TO: MR. NDALE YOUNG

WHEREAS Senator Christine Kangaloo is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

**UNREVISED**

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NDALE YOUNG to be temporarily a member of the Senate, with effect from 13<sup>th</sup> June, 2017 and continuing during the absence from Trinidad and Tobago of the said Senator Kangaloo.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad  
and Tobago at the Office of the  
President, St. Ann's, this 12<sup>th</sup> day of  
June, 2017."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS  
AQUINAS CARMONA, O.R.T.T.,  
S.C., President of the Republic of  
Trinidad and Tobago and Commander-  
in-Chief of the Armed Forces.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.

President.

TO: MR. NIKOLI EDWARDS

WHEREAS Senator Hugh Russell Ian Roach is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(c) of the Constitution of the

**UNREVISED**

Republic of Trinidad and Tobago, do hereby appoint you, NIKOLI EDWARDS, to be temporarily a member of the Senate, with effect from 13<sup>th</sup> June, 2017 and continuing during the absence of Senator Hugh Russell Ian Roach by reason of illness.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad  
and Tobago at the Office of the  
President, St. Ann's, this 12<sup>th</sup> day of  
June, 2017."

### **OATH OF ALLEGIANCE**

*Senators Ndale Young and Nikoli Edwards took and subscribed the Oath of Allegiance as required by law.*

### **PAPER LAID**

Annual Audited Financial Statements of National Flour Mills Limited for the financial year ended December 31, 2016. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]

### **JOINT SELECT COMMITTEE REPORT**

#### **Foreign Affairs**

#### **(Council for Trade and Economic Development)**

#### **(Presentation)**

**Sen. Rodger Samuel:** Mr. Vice-President, I have the honour to present the following report as listed on the Order Paper in the name of Sen. The Hon. Paula Gopee-Scoon:

First Report of the Joint Select Committee on Foreign Affairs, Second Session (2016/2017), Eleventh Parliament, on the Public Examination of the

Draft Summary of Recommendations and Conclusions of the Forty-First Meeting of the Council for Trade and Economic Development.

### **URGENT QUESTIONS**

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Mr. Vice-President, we have a small challenge this morning. The Urgent Questions were circulated extremely late, if I should say so, and we would like to stand down the questions to the Ministers of National Security and Education, but we are in a position to answer immediately the questions to the Minister of Labour and Small Enterprise Development. I hope that meets your approval, Sir, with the consent of the Senate.

**Mr. Vice-President:** Hon. Members, question No. 2 would be stand down as indicated by the Leader of Government Business and we would move on to—

**Hon. Senator:** One and two—

**Mr. Vice-President:** One, two and five would be stand down as indicated by the Leader of Government Business. So we would move on to question 4. Sen. Mark.

**Hon. Senator:** Three, question 3.

**Mr. Vice-President:** Question 3, sorry. Sen. Mark.

### **OSH Authority**

#### **(Investigation of Explosion)**

**Sen. Wade Mark:** Question No. 3 to the hon. Minister of Labour and Small Enterprise Development: In light of the explosion of an ammonia gas cylinder and the death which resulted from the incident, has this matter been investigated by the OSH Authority with a view to preventing a reoccurrence?

**The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus):** [*Desk thumping*] Thank you very much, Mr. Vice-President, and a pleasant morning to all my colleagues. In response to the

hon. Sen. Wade Mark's urgent question, which was really urgent, we only received it only a short while ago—nonetheless, Mr. Vice-President, I am informed that the matter is being investigated by the OSH agency. The investigator visited the compound on Friday last, which was the 9<sup>th</sup> of June and interviewed the management of Massy Gas Products, and the agency is in the process right now as we speak in collating the evidence with a view to determining if any area of the OSH legislation was breached. And that visit was made to Massy Gas Products in Point Lisas.

**Sen. Mark:** Thank you. Mr. Vice-President, could the hon. Minister indicate how soon that OSH report would be submitted by the officials who are currently executing the investigations?

**Sen. The Hon. J. Baptiste-Primus:** Thank you kindly, Mr. Vice-President. As a matter of fact, the OSH agency is in the process of conducting a full inspection of the entire compound of Massy Gas Products to ensure that not only the area where, unfortunately the fatality occurred, but the entire operations of that company. And in that context, Mr. Vice-President, the Government of Trinidad and Tobago extend our really sincerest condolences to the family of this young man who, through no fault of his own, lost his life during a particular operation.

In response to exactly when the report is going to be submitted, I cannot give you that information, but, through you, Mr. Vice-President, I could assure the Senator that once it comes to fatality, the Executive Director of the OSH agency make sure that the inspector—whichever inspector is assigned to investigate—submits that report within the specific time frame, that I do not have at the moment. So I give you that assurance that those reports are submitted. And I can also add, Mr. Vice-President, that the OSH agency has been laying charges against companies, and companies have been fined and paying up those fines. In addition,

we are in the process of beefing up, beefing up the staff at the OSH agency because their role is so vital to the maintenance of the health and safety of workers of this country. [*Desk thumping*]

**Sen. Mark:** Thank you, Mr. Vice-President. Could the hon. Minister indicate to this Senate whether the financial obligations that the company, Massy Products Limited, would have to the family of the dead person under the Workmen's Compensation Act, have been met by the company?

**Sen. The Hon. J. Baptiste-Primus:** Mr. Vice-President, I am not seized of that particular information that the Senator seeks, but I can always request that information from the Executive Director to bring it back to this Honourable Senate.

### **National Flour Mills**

#### **(OSHA COMPLIANCE)**

**Sen. Wade Mark:** Thank you, Mr. Vice-President. Mr. Vice-President, to the hon. Minister of Labour and Small Enterprise Development. In light of the recent incident at the National Flour Mills Feed Mill Facility which resulted in the death of an employee, can the Minister indicate if the NFM is fully compliant with its safety obligations as an employer under the Occupational Safety and Health Act?

**The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus):** Thank you very much, Mr. Vice-President. Mr. Vice-President, in terms of the recent fatality at National Flour Mills where the employee died three days after he fell, I am informed that the area where the incident occurred was inspected and it was found to be fully compliant according to the law. However, the particular inspector is in the process of inspecting the entire compound, not only the area where the fatality occurred. That inspection was done yesterday, hon. Sen. Wade Mark. The incident occurred on the 8<sup>th</sup> of June and the employee died on the 11<sup>th</sup> of June. He fell down the external metal staircase. He

was transported to St. Clair Medical Facility on the same day. He died following surgery on Sunday the 11<sup>th</sup>, and OSH agency is awaiting the medical report to determine the cause of death. Thank you, Mr. Vice-President.

**Sen. Mark:** Thank you, Mr. Vice-President. Could the hon. Minister indicate to us what kind of counselling has been extended to his fellow workers, having regard to that incident in which the gentleman died? What kind of counselling has been extended to the remaining workers who obviously would be traumatized by this incident?

**Sen. The. Hon. J. Baptiste-Primus:** Mr. Vice-President, I am aware that given the Senator's similar background to mine that he would be very concerned about the mental state of the employees. But regrettably, the OSH Inspector, that does not form part of his or her legal requirement. However, I would hope that National Flour Mills has in place a programme to offer the workers the necessary psychological and other forms of counselling. [*Crosstalk*]

**Sen. Khan:** I was just going to inform you that the Minister of National Security is here and he is in a position to answer questions 1 and 2.

### **Trinidad and Tobago Police Service**

#### **(Provision of Non-Lethal Equipment)**

**Sen. Wade Mark:** Thank you, Mr. Vice-President, to the hon. Minister of National Security: Given the plea by the President of the Police Social and Welfare Association for the provision of non-lethal equipment for Members of the Trinidad and Tobago Police Service, does the Ministry intend to support this request, or would you support that request as Minister of National Security?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** [*Desk thumping*] Thank you very much, Mr. Vice-President. The direct answer to the question would be, yes. However, the operational use of the Trinidad and Tobago

Police Service comes under the Commissioner of Police and he has advised me that they are in fact revising the use of force policy to include the use of “non-lethal weapons”, and he is prepared to budget for fiscal year 2018 to deal with that procurement. So they are in fact revising the policy right now. So, the direct answer in terms of supporting that—because when you look at around the world in terms of use of force, you have a certain kind of progression. So, therefore, you start with non-lethal weapons before you get a lethal weapons. So the Ministry is prepared to support, based on the recommendation of the Commissioner of Police. [*Desk thumping*]

**Sen. Mark:** Thank you, Mr. Vice-President. Could the hon. Minister indicate to us when he expects this policy to be completed, this non-lethal use of force policy?

**Hon. Maj. Gen. E. Dillon:** Thank you, Mr. Vice-President. I cannot give you a timeline but I know from the Commissioner of Police they are working on revising that use of force policy. And if, based on what he has said, in terms of preparing for fiscal year 2018, I would expect that it would be done in preparation for that timeline.

**Bomb Threat at Scarborough Port  
(Security Measures Implemented)**

**Sen. Wade Mark:** Thank you very much. To the hon. Minister of National Security: In light of reports of a bomb threat at the Scarborough Port and the resulting chaos, what urgent measures have been implemented to heighten security at the nation's port?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Mr. Vice-President. Mr. Vice-President, the Trinidad and Tobago Police Service are in fact investigating that bomb threat at the port. Last month the Ministry of National Security met with the Tobago House of Assembly—in fact,



all the agencies. We had an all round meeting dealing with security aspects in Tobago in addition to the ports, both from Port of Spain and Scarborough.

Among the measures that we came up with at that meeting which is being pursued by the DCP Crime right now, is to include the use of canine at both ports, Port of Port of Spain and Port of Scarborough, and those canine are in fact not only bomb detection, but narcotics detection dogs that would be utilized. DCP crime has also informed me that he has assigned additional manpower to Tobago to treat with the issue of security, not the port alone, but throughout Trinidad and Tobago, inclusive of the ports.

**Sen. Mark:** Could I ask the hon. Minister whether the Canine Unit or canine animals that are going to be at least allocated to the port or utilized at the port, could you indicate to us when that would take place or has it already taken place?

**Hon. Maj. Gen. E. Dillon:** Thank you, Mr. Vice-President. It has not taken place as yet, because we are in fact locating the appropriate kennels for Tobago in collaboration with the Tobago House of Assembly. Once that is done, then the dogs would be assigned to Tobago. However, they are going to be starting using the dogs from Trinidad and Tobago. I cannot give you a time, but that is due to start soon, because the dogs are here in Trinidad so they can at least use the leg at the Port of Spain Port to do the necessary checks before people board, passengers and vehicles board the vessels.

**Sen. Mark:** Hon. Vice-President, through you to the hon. Minister, is any attempt being made to expedite the construction of the kennels to house these canines?

**Hon. Maj. Gen. E. Dillon:** As I mentioned, that is being based again on the discussion that we held with the Tobago House of Assembly. But what I can say is that in the building of the new police stations, we intend to have various areas allocated for canine in Tobago.

**Mr. Vice-President:** Hon. Members, that brings us to the end of Urgent Questions as the 10 minutes have expired.

**MISCELLANEOUS PROVISIONS**  
**(TRIAL BY JUDGE ALONE) BILL, 2017**

[Fourth Day]

**Mr. Vice-President:** Hon. Members, the committee stage of the following Bill which was in progress when the Senate adjourned on June 08, 2017, will be resumed. A Bill to amend the offences against the persons Act, Chap. 11:08 and the Criminal Procedure Act, Chap. 12:02 and for related matters. The Senate shall now go into committee.

*Senate in committee.*

**Mr. Chairman:** Hon. Members, I just wanted to indicate that on the last day when we sat as a committee, for clauses 1 and 2 the question was put to stand part of the Bill. So we will move on to clause 3 and begin from there. I would invite the Attorney General to make some introductory remarks. Attorney General.

**Mr. Al-Rawi:** Thank you, Mr. Vice-President. Hon. Members, just by way of encapsulating what is before you, you will recall that we had some very, very, important and very constructive proposals come from the Opposition Bench in particular, relative to the opportunity which we have to treat with a lacuna in the law which Sen. Ramdeen identified for us coming out of the Chuck Attin case. The Chuck Attin case is the leading Court of Appeal decision which treats with how a court deals with someone who is under the Court's pleasure.

Now, Mr. Vice-President, the reason I am explaining this is that the lawyers in the room would understand these things but it may be difficult for others, so I am just trying to put us into the same frame. You are under the Court's pleasure in two circumstances. So if there is a finding of guilt and two circumstances arise,

you are put under the Court's pleasure. In the first circumstance, it is where you are a child. In the second circumstance, where there is some form of mental capacity issue. Over time you can change in those circumstances. In particular, in the mental capacity issue you may find yourself improving or deteriorating.

What Sen. Ramdeen pointed out for us was that there was a difficulty which was exemplified in the Chuck Attin case in persons actually coming back before the court. So the first thing is that the old language which we were amending, repeated the old law, which was not shown on the books, "President" should have been changed to "Court". So it is no longer the President's pleasure but it is the Court's pleasure.

But secondly, there were these directions given by the Court of Appeal in the Chuck Attin case where the court said, what you should take into account, what is the best kind of practice to come forward back to the court. And what we have is an opportunity now which is reflected in the draft before you, to take care of what the existing law is in the Court of Appeal dicta and that finds itself into the amendments which we have recirculated. The differences in the recirculated amendments really appear at page 2 where we begin to talk with the introduction of new subclauses (7), (8), (9), (11), (12) and (13). And what this is, is that it lifts out of the Chuck Attin case what the court sets out as criteria. I had an opportunity, not in the best and most fulsome of ways, to touch base with the Judiciary and some members of the Criminal Bar to have a discussion about some of the issues there and there seems to be comfort with it.

The other factor, and again I thank Sen. Ramdeen for raising this, is a potential lacuna in the Children Act, because we have in the new section 59 of Act No. 12 of 2012, there is silence in respect of how we treat with minors which has

found itself here. We have looked at it, we do not have the opportunity to amend the Children Act in this Bill because it would be too far out of the scope of this and therefore it would not be a consequential amendment. But the good news is that we are actually working on a host of amendments which we have nearly finished at the Legislative Review Committee, which will treat with that to clarify the position in law in the event that one can argue that there is a lacuna, because the court can always fill the vacuum of its own volition.

Specifically, the other issues which we traversed in general discussion included providing a time frame for the Judiciary to give a judgment. Again. I had conversations with both the Criminal Bar, members of the Criminal Bar and not the Association itself, and certain members of the judicial background, because it comprises both administrators and judges, to look at that position. And the general sentiment was in agreement that there be a time frame particularly because we are talking about someone's liberty as opposed to a civil matter where perhaps liberty is not an issue but maybe just as offensive. So you will see in here improvements in the timeframe for a description as to when a judge should give decisions, but we have allowed for a window where the judge can actually come back to court if the time frame is not working, call the parties in and say what the new time frame is. So there is always a clock.

So that is in overview some of the improvements that we have had. We had to work late into the night. I reached out to Sen. Ramdeen. I could not of course reached out to all, to have informal discussion so that we could sort of clarify our minds, and I thank you therefore, Mr. Vice-President, for just giving that general introduction into what is before us.

Sen. Chote had raised one issue, and I do not see her here but I would put it

on the table, as to whether there is a potential incongruity in the criminal proceedings rules time frames versus the Bill, and we have checked and there is not any. Of course, we sought to treat with the forms which we use to indicate someone's consent to go either judge or judge only or judge and jury and we have also provided for a tightening up in the transitional provisions. But we can come to those if you please, Mr. Vice-President, in whatever fashion the Senate wishes to come for further explanation. So that is the opening remarks, and thank you for the opportunity.

**Mr. Chairman:** Thank you. Hon. Senators would remember at the last sitting Madam President would have reopened clause 3. So what I propose to do is to put the question again for clause 3. I invite comments from hon. Senators and we will move forward clause by clause at this committee stage.

*Clause 3 reintroduced.*

3 Delete paragraph (a) and substitute the following paragraph:

(a) in section 4A -

- (i) in subsection (6), by deleting from the words "require the jury" to the word "known" and substituting the words "require the jury or the Judge as the case may be, to declare whether the accused was so convicted by them or by him on the ground of such abnormality of mind and, if the jury declare or the Judge declares, that the conviction was on that ground, the Court may instead of passing such sentence as is provided by law for that offence, direct the finding of the jury or the Judge to be recorded and thereupon the Court may order such person to be

detained in safe custody, in such place and manner as the Court thinks fit until the Court's pleasure is known"; and

- (ii) by repealing subsection (7) and substituting the following subsections:

“(7) Where the Court makes an order under subsection (6), the Judge shall determine what he considers to be the appropriate minimum sentence to be served and give his reasons.

(8) In determining the appropriate minimum sentence pursuant to subsection (7), the Judge shall take into account -

- (a) the penal objectives of retribution and

general deterrence;

- (b) the seriousness of the offence;  
(c) the principle of individualized sentencing;  
(d) any aggravating or mitigating factors; and  
(e) any other relevant matters.

(9) For the purposes of subsection (8)(d), aggravating factors include -

- (a) planning and premeditation;  
(b) taking advantage of an elderly or disabled victim;  
(c) causing torture or suffering to a victim before death;

- (d) killing a person providing a public or security duty;
  - (e) treatment of the deceased after death.
- (10) For the purposes of subsection (8)(d), mitigating factors include -
- (a) an intention only to do seriously bodily harm;
  - (b) spontaneous action rather than premeditation;
  - (c) mental disability;
  - (d) the age of the offender.
- (11) An order under subsection (6) shall be reviewed by a Judge of the High Court every three years or at such shorter intervals as the Court may, in exceptional circumstances, order.
- (12) For the purposes of a review under subsection (11), the Commissioner of Prisons or the head of the institution in which the person is detained, as the case may be, shall, annually and in respect of each year following the making of an order under subsection (6), transmit the following documents to the Registrar of the Supreme Court:
- (a) a full report addressing -
    - (i) the conduct of the person during his detention;

- (ii) the response of the person to the punishment and to any counselling provided to, or rehabilitative programmes engaged in by, the person; and
  - (iii) the attitude of the person towards the offence for which he was convicted;
  - (iv) the response of the person to any moral or religious teaching, and containing such recommendations for the guidance of the Court as the Commissioner of Prisons or the head of the institution, as the case may be, thinks fit;
- (b) an up-to-date medical report from a medical practitioner assigned to the prison or institution where the person is detained; and
  - (c) such other information derived from the record of the case or otherwise as the Court may require.

(13) The Commissioner of Prisons or the head of the institution, as the case may be, shall ensure that information provided under subsection (12) and relating to the progress and development of a person detained under an order made under subsection (6) is generated at



yearly intervals by the appropriate department in the prison or institution.

(14) The Registrar of the Supreme Court shall forward the documents referred to in subsection (12) to the Chief Justice who shall assign a Judge of the High Court to review the matter as required under subsection (11).

**11.00 a.m.**

**Mr. Al-Rawi:** Mr. Vice-President, I would need to go through those particular sub-items now and then, through you, open the points.

**Mr. Vice-President:** Sure.

**Mr. Al-Rawi:** We propose to amend clause 3 firstly, and we have provided Senators with a track change version of what the Bill looks like, together with what the formal amendments look like when one circulates. So we are proposing an amendment to clause 3 where the first amendment is that we amend section 4A. We are in the first instance, in first Roman (i), we are taking care of the observation that one can no longer have the words “the President’s pleasure” and we are amending it to read “the Court’s pleasure”, and that is to be found literally at the third from last line and penultimate lines of the paragraph that:

“...the Court may order such person to be detained in safe custody in such place and manner as the Court thinks fit until the Court’s pleasure is known.”

So that is the first observation and that was to address the issues raised by both Sen. Ramdeen and Sen. Shrikissoon in the course of debate.

In subclause (ii) we originally were going to delete the offending language which judicial pronouncement said was ultra vires, unconstitutional. That clause

was the clause that could not be saved and which the Law Reform Commission had not picked up. It is in this place here now that we have the opportunity to import what is call the Chuck Attin directions, which is the dicta of the local Court of Appeal in dealing with how one is to be monitored whilst in the Court's pleasure, and how one finds oneself back before the court, because the reality is that you had to fight your way back into the court's attention as opposed to coming up automatically.

So the new subsection (7) reads such that:

“...the Court makes an order under subsection (6)”—that is where you are under pleasure—“the Judge shall determine what he considers to be an appropriate minimum sentence to be served and give his reasons.”

Straight out of Attin. In subsection (8) we now get into some of the prescriptions as to what the judge should take into account and we say that:

“...the appropriate minimum sentence pursuant to...(7), the Judge shall take into account—”

And then we start off with the dicta coming out of Attin in subparagraphs (a) to (d). So as to not to tie up the law and to allow it to be a living, breathing entity, we have included a subparagraph (e) which allows for “any other relevant matters” to be taken into effect and into account.

The new subsection (9) would describe for the purposes of (8)(d) what aggravating factors shall include. Now “include” is the language that you use where again you want to not prescribe the court to only these matters, but where you can leave the door open for the Judiciary to grow the law up, and then we take into the positions for aggregating factors.

In subsection (10) we are looking at the converse, which is the mitigating

factors, and again we use the language “include”. When we come to subsection (11) we say:

“An order under subsection (6) shall be reviewed by a Judge of the High Court every three years or such shorter intervals as the Court may, in exceptional circumstances, order.”

That is to take care of the fact where the court might actually make an order which is less than that, but we have put a minimum marker. I should say the prisons preferred four years, but the Bar and Bench were happy with the three-year proposal which is resonant with the language in the Attin case which prescribes three years.

Subsection (12) deals with the purposes of review. In (12) and (13) we are actually going to provide that “the Commissioner of Prisons or the head of the institution”. Let me explain those differences. If you are at the Court’s pleasure you can be actually incarcerated under the command of the Commissioner of Prisons, or you can be under the Chief Medical Officer if you are at St. Ann’s or some other health institution, et cetera. So we had to use two forms of language to capture the person who shall provide information on a continuous basis, and in this instance yearly to the Registrar of the Supreme Court, and we are saying that you should provide information annually in respect of each year following the making of an order and transmit the documents to the Registrar of the Supreme Court and the matters are a full report addressing conduct, response, attitude, response to moral or religious teachings and containing such recommendations for guidance of the court as the Commissioner of Prisons or the head of the institution may think fit. Subclause (b), an up to date medical record from either one of the two supervisory entities. Then we go such other information derive from the record of

the case or otherwise as the court may require. Again, allowing for the breadth of the law to develop.

In subsection (13):

“The Commissioner of Prisons or the head of the institution...shall ensure that the information provided under...(12) and relating to the progress and development of the person...is generated at yearly intervals by the appropriate department in the prison or institution.”

We have had a conversation as we are developing the Prisons Rules which are being implemented on a staged basis to take care of the administration difficulties which prisoners often have in getting what they have signed, whether by way of request or otherwise to the attention of the court. So the Prisons Rules are intended to take care of the administrative workings of getting the documentation between the prisons and the court.

Under subsection (14):

“The Registrar of the Supreme Court shall forward the documents referred to in...(12) to the Chief Justice who shall assign a Judge of the High Court to review the matter as required under subsection (11).”

So what we have sought to do is to capture the guidelines in the Chuck Attin case and then look at it from a prescriptive point of view, and an administrative point of view, and, therefore, instead of repealing subsection (7), now provide the mechanisms by which one can approach the court.

Mr. Vice-President, subsection (3) includes further amendments—sorry. Actually, no, the next one would be (4)(a). So those are the proposed amendments to clause 3 of the Bill, and hopefully I have given some indication of what the thinking behind it is, but I welcome the views of the Senate, through you, Mr.

Vice-President.

**Mr. Vice-President:** Do we have any further comments by any other Senators?

**Sen. Dr. Mahabir:** Thank you very much, Chairman. I know Sen. Ramdeen is taking the lead on this, but I have just received these, Mr. AG, and I am looking at some of the language and I am wondering whether it would not be beneficial to look at the language from our angle carefully. Take (9), for example, and I am seeing (9)(b):

“taking advantage of an elderly or disabled victim;”

I would have thought that taking advantage of a senior citizen or differently abled victim would read better, and when I look at (9)(c), you look at mental disability, I would have thought the word “mental illness” might have been more precise and appropriate. So I am just picking up these things on the fly as it were and I do not know if the lawyers here are of the view that we could look at it a little carefully to see how we can tighten up the language to make the law a bit more precise.

**Mr. Al-Rawi:** There would be no objections to improving the language.

**Sen. Ramdeen:** AG, morning. Thank you for taking on board, first of all, the suggestions that were made, and I can say that what we have before us is a much more improved version of the Bill. There are one or two things that I wish to perhaps point out that could be of benefit to all of us. First of all, when Attin was done in the Court of the Appeal, I mistakenly failed to mention to you that after the substantive judgment was given, there arose some issues that we wanted the court to clarify and it was done by a question and answer conversation with the Court of Appeal. We had submitted on both sides, the Director of Public Prosecutions and the appellant, a number of questions that we would have made the process tighter. I am not sure if Mr. McIntyre and your team had been able to get a sight of it, but I

want to pass a copy of that to you.

**Mr. Al-Rawi:** We have one and thank you. You had mentioned that to me yesterday as well. Thank you.

**Sen. Ramdeen:** When you see it—perhaps, Mr. Chair, it would be probably more beneficial for us, as a Parliament to work, that when we have material like this we can pass it to someone so that it can be given to all of the Senators so that they could see what we are sharing with each other. It is really is unfortunate. Just on these points, AG, I would really, if you would join me in probably asking if we could get some copies made so that at least the other parties can see what we are speaking about instead of having it in a vacuum.

**Mr. Al-Rawi:** I think they have gone to do it.

**Sen. Ramdeen:** Okay. Can I proceed in the meantime?

**Mr. Al-Rawi:** Yes, please.

**Sen. Ramdeen:** That judgment—

**Mr. Richards:** Mr. Vice-President, excuse me, I am just wondering if the AG could clarify this section:

“killing a person providing a public or security duty;”

Is that specific to—

**Mr. Vice-President:** Sen. Richards, sorry, could you just identify the section specifically for other—

**Mr. Richards:** The same (9), part (d):

“killing a person providing a public or security duty;”

Is that specifically referring to state, public or security duty?

**Mr. Al-Rawi:** No. It is meant to be broader. We lifted it from the language of the judgment itself. So it is not intended. It is meant to capture the variety of

circumstances that can arise in a case to case basis. So it would be improper to just focus it only on the public authorities because private authorities are much of a larger or even smaller type, clearly defending oneself and attacking somebody who is in the course of defences, something to be considered by way of aggravation.

Sen. Ramdeen, I have the questions and answers before me now.

**Sen. Ramdeen:** What I suggest, AG, is that the team actually consider, not having seen this before because you would see straighter when you start looking at the questions that the questions actually explain what arises out of the judgment. I am not saying that everything there needs to be lifted and put into the legislation, but there are one or two things there, dealing with the issue of the working of Rule 285 for persons who are incarcerated. That is a very important thing because it impacts upon the timelines that are set in the legislation as you have it already.

So I would appreciate if you could take some guidance from it, and the team take some guidance from it, because even I, even the library did not have it this morning. So I had to get to the librarian to get a copy because when you look at what is reported on the Webopac, it is not there.

**Mr. Al-Rawi:** So perhaps, Mr. Vice-President, whilst we as a team, the technocratic end of the team look at this, because it also coincides with the sentencing guidebook issued by the Judiciary in terms of the calculation of time which came subsequent of this, which is equally useful. Perhaps we can look at this if any other Senators, Sen. Ramdeen, of course, and other Senators had any other observations on this particular clause, we could perhaps take this as a group and whilst we are proceeding with the rest, we can work on it in the meanwhile.

**Sen. Ramdeen:** Sure. When Attin was decided AG, what had happened is that Attin was the first time that the law as applied by the Privy Council in the other

cases, and as applied in the United Kingdom in V & T, had really been challenging our jurisdiction. When the law was challenged in the United Kingdom, what transpired is that they issued two practice statements dealing with how these persons were to be reviewed. Now I am going to get to one of the questions that Sen. Richards raised, and what I want to point out to you is that when we had gone to the Court of Appeal the law was in the state of actually being crafted as to what would be aggravating and mitigating factors.

From the Practice Directions that was issued by the Lord Chief Justice, Lord Woolf, at that time in United Kingdom, they had a very more expansive—going to the point that Sen. Richards is making—definition of what should have been the aggravating and mitigating factors, and they had identified 11 aggravating factors, some of which I think we ought to take on board having regard to the nature of the kinds of killings that we have in this country, at this moment, which has only really gotten worse. But I think when the Court of Appeal—and I understand your reason for lifting it out and perhaps you would need to take these on board, but just for the purposes of this Senate and the committee, if I can just read them out so that everybody would have the benefit of it and I can pass it to you thereafter, and they also had the prohibition of saying that this is not an exhaustive list as well.

Without seeking to be comprehensive, aggravating features will include:

“1 evidence of a planned or revenged killing;”

That takes into consideration (a). So you have plan and premeditation. Perhaps you may want to consider the word “revenged”.

“2. the killing of a child”—and this is to take on board what Sen. Mahabir had said—“or a very old or otherwise vulnerable victim;”

So it cast in it a little bit wider than what we have here.



- “3. evidence of...gratuitous violence or sexually maltreatment, humiliation or degradation before the killing;
- 4. killing for gain (in the course of a burglary, robbery, blackmail, insurance fraud, etc);
- 5. multiple killings;”

And that is I think something that we need to take on board because of our experience AG.

- “6. the killing of a witness, or potential witnesses to defeat the course of justice;”

That too is something that is very frequent in our law.

- “7. the killing of those doing their public duty”—and then they go on to define, as Sen. Richards had pointed out—(“police officers, prison officers, postal workers, fire-fighters, judge, etc);”

You may want to be able to expand the net in that respect, but also be able to add wherever we think possible.

Terrorist, a matter that you are dealing with now.

- “8. terrorism or politically motivated killings;”

I think that is something, having regard to development of the law, that we need to take on board.

- “9. the use of firearms or other dangerous weapons, whether carried for”—defence—“or offensive reasons;
- 10. attempt to dismember or conceal the body.”

That is another matter that has unfortunately found itself in our jurisdiction. Those 11 factors, AG, as set out—I will pass the practice direction to you—is something that I think if we pass it upon to the Senators we may be able to agree a more

comprehensive list that will expand the net of the aggravating factors because as the—[*Interruption*]

**Mr. Al-Rawi:** Sorry to interrupt. Through you, Mr. Vice-President, may I invite your thought on—there are two ways that we can go. One is prescriptively, or as bare bone prescriptively as we can, and those are some very, very useful observations coming out of the English experience, but the second route that we can do is in fact by reliance upon the sentencing guidelines as the Judiciary has now published, Practice Directions and sentencing guidelines. So we could have gone for the more framework end of it, which is the latter end of what have just been referred to, or be prescriptive.

I think we at are at the juncture where it is open one way or the other. You will see in the plea Bill—not that I am anticipating it—that we have taken a slightly different approach but more because that was of a contractual nature rather than a prescriptive judicial consideration or nature. May I ask what the view is in relation to which one of the—

**Sen. Ramdeen:** I much prefer, AG, if we are legislating, I am not comfortable because being an advocate in the courts, the sentencing guidelines both in civil because you have a civil version and you have a criminal version—I am not comfortable with just having those books published by the Judicial Education Institute and it is a step forward in the right direction. But my experience in the courts is that the experience before the courts, as an advocate, is such that it is so subjective according to which judicial officer you go before, I think that it is much better if we are going to fix it as a Parliament, we lay it down in law and then allow the courts to determine without leaving it to the common law then to simply let a judicial officer think what they consider to be the mitigating or aggravating factors.

I much prefer that, as a Parliament, we do fix it and lay it down in law. It would then provide a proper statutory framework for the judges to then exercise their discretion one way or the other. And when you lay it down there, it always leaves open the point that you are making, a matter of weight as to how much weight you would put on each factor, but at least let us have it so that any accuse coming before a court does not have the risk of suffering from a judicial officer not casting their mind on a factor by virtue of perhaps not reading a case, or not reading the sentence in handbook. That is my view subject to what anyone else may have to say.

**Mr. Al-Rawi:** Appreciate it. Thank you.

**Sen. Ramdeen:** When we go on to 10, with respect to the mitigating factors, Practice Directions also set out a more comprehensive list which would include one, the age of the defendant; sub-normality or mental abnormality; provocation (in a non-technical sense); excessive response to a personal threat; the absence of an intention to kill; spontaneity and lack of premeditation (beyond that necessary to constitute an offence: e.g. a sudden response to family pressure or prolonged and eventually insupportable stress); mercy killings; a plea of guilty; and hard evidence of remorse or contrition. And those I think, AG, provide a very good list that we can use. I will pass this to you and you can then distribute to the hon. Senators.

**Mr. Al-Rawi:** Appreciate it.

**Sen. Ramdeen:** My colleague is also indicating to me that an accused character is something that is very relevant in relation to a mitigating factor as well. Perhaps the character will encapsulate not only good character in terms of a lack of a criminal conviction, but their participation in the community, whatever social work they might be involved in. Those are things that are prevalent in our jurisdiction.

Out of that as well, AG, there was a second Practice Direction that was issued by the Criminal Division of the Court of Appeal in the United Kingdom at [2002] 3, All England Law Report at page 412. I would not go through it for the sake of time, but I will also pass this to you. This particular Practice Direction was issued pursuant to the decision of the European Court in *Venables and Thompson v the United Kingdom*, where they had struck down the initial sentence of those two children, 9 and 10, that were involved in the killing of Jimmy Bulger. This Practice Direction also contains a number of mitigating and aggravating factors. It goes on to deal with issue of a starting point for these types of cases. I do not wish for us to legislate a starting point in any of these kinds of cases. I think that really is a matter that is purely judicial and not properly to be left to the Judiciary. But what it does is that it does explain some of the aggravating and mitigating factors that are found in the first. These are particular to young offenders in relation to your juveniles. So it may be helpful in this and it also may be more helpful in your attempts of fix the legislation with respect to the Children Act that passed to you as well.

AG, one of the things that I have a little bit of concern with about that goes back to section 7 is the way in which—and I understand that this is a working draft that we are working with. When these provisions are lifted out of the Attin appeal and the guidelines of the Court of Appeal, one thing that we ought to be careful about how we are dealing with the legislation, is that this would have been in relation to young persons and what you are doing it is with the offences against the person. The difference that I tried to explain on the last occasion was that I am not comfortable in section 7 with the use of the word “sentence” to be served, and it may sound as a technicality, but I will explain to you why I am not comfortable

with the word “sentence”. This is in your subsection (5)—

**Mr. Al-Rawi:** Yeah.

**Sen. Ramdeen:**—fourth line, starts off, “sentence to be served”. The issue with the abnormality of mind cases, Attorney General, is that you have different degrees of abnormality that someone may suffer from when an offence is committed. So when the law goes back to the original, or when the sentence was originally framed, it was encapsulated in the judgment of the criminal court in the case of *James Hatfield v The Queen*, and what had happened in James Hatfield was that Hatfield was mad and he went and shot at the King which was treason. At the time that he did that, which was before 1800, there was no legislation in place to deal with persons who were insane and, therefore, Hatfield had to be set free even though there was no way in which—because he was not guilty of an offence because he could not have the men’s rea being insane. Then they enacted in the United Kingdom the insanity Act—I do not have the right name now, but the Act of 1800—and that started the statutory intervention into these cases.

The reason why I am saying that is because of the different degrees of abnormality of mind that you have in these types of cases, you would have persons who may just border being able to have the men’s rea and then you would have less someone who may suffer from like schizophrenia which is the most common one of the illness that these offences cater for, who will be totally insane at the time the offence was committed.

I think that perhaps a better term for us to use in relation to the Offences Against the Persons Act would be an order of detention to be served. The reason why is because when you have the word “sentence”, it connotes a certain amount of guilt and you would have in these cases persons who have varying degrees of

guilt, and what you are really doing is the court is not really making an order for a sentence of a particular term but is really making an order of detention that is reviewable by the court over a period of time.

So I would much prefer if we use the term “an order of detention to be served” and give it reasons. I see that in relation to that particular section, AG, unless I missed it, is it that you intend that you fix a time period for the giving of reasons in relation to that? Because if that is the case, I do not see any reason why in these particular cases, unlike the circumstances you had before, these are cases where somebody is going to be incarcerated following the sentence. So if you are fixing a term, I do not see any reason why for these purposes they do not give their reasons immediately upon or shortly thereafter the setting of the tariff. So that may be a subsection that you may want to consider in relation to subsection (7).

One of the things that you would want to consider, AG, is that if you look at the Attin (No. 2), I remember on the last occasion the basis upon which you had indicated—or policy perhaps better said—the policy behind which you had indicated that there was a difference between an acquittal and a conviction was the right of appeal. You would see very interestingly that in the questions and answers that was given by the Chief Justice Sharma, he said that this is not a matter that is subject of a criminal appeal. There is no right of appeal from the minimum sentence even though it was done in relation to Attin. So it would have to be part of the criminal conviction process instead of the actual saying “I want to appeal the minimum sentence”. So that is something that perhaps you would want to consider in relation to that.

What you would want also to consider, AG, and this is something that I want to really stress that we consider carefully as a Parliament. As a matter of pure

public policy and in relation to fixing these matters, I have a real difficulty, AG, in the fact that we have left open the idea as the law had allowed initially “to be detained in safe custody in such place, and in such manner, as the Court thinks fit until the Court’s pleasure is known”. The experience that we have had in this jurisdiction, AG, it would be borne out by the decisions of the courts and your advisors in the prison service.

It is very unfortunate that we treat with our mentally ill persons in the manner that we treat with them and especially in these types of cases. The prison is not a place—and especially our prisons—for any mentally ill person to be, and the first reason why I would say that is because there are no facilities at the prison to treat with persons who are mentally ill. There are two particular individuals who are flaming mad at the Port of Spain prison who have absolutely no reason to be there, and they are just simply there, sitting there rotting away, and that cannot be right.

It is wrong for the courts to treat with these matters because usually before their sentence was opened up by the courts they treated it normally as a life sentence. So you just put them in prison, you do not bother to review them, you have these four yearly reviews under Rules 281 and 282 of the Prisons Rules and the court has also held that that review is not what is required here. We need to put something in place. I do not know if you want to consider that you may want to give yourself, or the Minister of National Security, the power to make some type of regulations. I do not think what that I am suggesting is something that ought properly to form the basis of principle legislation, but you may want to give the Minister of National Security as you have done in the plea bargaining legislation for fear of anticipating that. But you inserted there in your amendments from the

House, a power to give yourself in that particular piece of legislation the power to make regulations and to submit a report to the Parliament.

I do not really see the need to submit any report but if we can insert a power to make regulations, and side by side with the Prison Rules we are able to allow the Minister in charge of the prison to make regulations, or yourself as the guardian of the public interest to make some regulations to deal with this matter, I think it is something that will be of substantial benefit, both to those people who may be subject to this type of sentence, or to those persons who are already there because there are persons who are already there, who we still may be able to provide some benefit to.

**11.30 a.m.**

So I would want to ask that you consider doing that because there is a benefit to saying leave it to the court to detain the person in safe custody in such place and in such manner. This term, in safe custody in such place and in some manner is actually lifted out of the old 1800 Act. I think we have come a long way from there. So that we have an institution that looks after mentally-ill people. If there are persons who suffer an abnormality of mind and suffer from a mental illness, the actual prison is not the place for them to be, but like I said, I think that is something that we could deal with in terms of some Act or regulation.

You would want to consider the application of Rule 285 in relation to subsection (11). What can be argued is that in relation to persons who fall under the Offences Against the Person Act, whether it is three calendar years or three years calculated in accordance with the remission provision under Rule 285. The difficulty with that is that—I think that you should be complimented for actually addressing the issue that these reports be generated on a one yearly basis. So that



whether it is two years or whether it is three years, if it is two years then you still have the reports that would be generated yearly to do the sentencing review. But you may want to consider what the Court of Appeal said to, perhaps, better tighten subsection (11).

For the purposes of a review, going on subsection (12), AG, for the purposes of a review under subsection 11, I just wanted to say this in passing AG. There is a decision of the Court of Appeal in a matter called *Mukesh Maharaj v The Attorney General*. That is an authority that your advisors ought properly to look at because unlike all of these cases that I am citing now that deal with the juveniles, Mukesh Maharaj was a case that was decided by Justice Kokaram at first instance where he struck down the Offences Against the Person Act that went to the Court of Appeal. So you have a decision that actually gives you a legal foundation for the purposes of this particular act—*Mukesh Maharaj v The Attorney General*.

For the purposes of a review under subsection (11), the Commissioner of Prisons or the head of the institution in which the person is detained as the case may be, shall annually, in respect of each year following the making of an order under subsection (11), is—I would have under subsection (6), transmit the following documents to the Registrar of the Supreme Court. What subsection (12) does, AG, is that—I was wondering if your advisors would go along with the idea of actually setting a date at when these things should be done. I can tell you the prison never does it; that is the truth. It just slips through the cracks because there is nobody looking after it. So unless it is triggered by the actual accused, it is never done.

**Mr. Al-Rawi:** Correct.

**Sen. Ramdeen:** So if we have a date, you could either do one of two things. You

could either fix a date when these things are to be done. Like I would have suggested yesterday, I told you I had made these enquiries of Mr. Diaz who is the head of operations at the prison. If we can fix a date, you could perhaps do it by regulation instead of doing it in substantive law and regulate when they are to be submitted. And as a matter of—this bears both on subsection (12) and subsection (13), AG, is that I would have thought that as a natural justice issue arises when these reports are generated. So you can improve on the legislation by simply adding to that that copies of these reports are to be forwarded to the Office of the Director of Public Prosecutions, as well as to the attorneys acting on behalf of the accused.

So that it does one of two things. It saves judicial time when you go to court and then the court has to order that the reports be produced and sent to the other side, and you also send it to the Director of Public Prosecutions. So as the legislator in charge of it, you do both sides and you fix the natural justice issue on that. So I would have thought that that is something you can fix either in subsection (12) or you can fix it in subsection (13) in whichever way seems neater to your draftsmen.

In relation to (b), AG, you have taken the very forward-thinking step in this legislation with respect to your improvements with respect to the insanity plea of having two medical practitioners give a report to the court when someone is held to be not able to plea to a criminal indictment. One of the difficulties that we have as practitioners is that you have no psychiatrist assigned to the prison, and when you ask for an up-to-date medical report, you will get a document that is signed off by the prison medical officers that they are found fit and well which says nothing. Those persons like Sen. Samuel and Sen. Raffoul who would have been a part of a

JSC that deals with the prisoner would understand what I am speaking about.

I think that we need, for the purposes of this legislation, to specify that we need a medical report from a psychiatrist or someone of that field so that we tighten it because fit and well is not going to serve the court or the accused in any manner that could be beneficial in reviewing their sentence.

What you have, AG, is that—I see what you have done is that you have said “assigned to the prison or the institution where the person is detained”. The actual practice is that when these persons, whether they be under the Offences Against the Person or under the Children Act, come before the court, the court automatically makes an order for a probation officer’s report to be done, and you may want to consider, AG, that in line with your improvements and the plea bargaining legislation where you have made specific statutory provision for victim impact statements to be done as part of that legislation, in the matter of Leroy Andrews and the State, which was the murder of Dr. Naraynsingh.

In that matter, the victim impact statements were done for the first time in our jurisdiction with respect to a juvenile, and perhaps what you may want to do is to also import into the legislation the idea of providing that a victim impact statement be done as coming from the victims through the Office of the Director of Public Prosecutions.

I think too often we forget about the victims in these types of cases and I think that this is an ample opportunity for us to allow them some type of statutory footing to have some input in the review of these persons. I can tell you that, as you would know, what the country went through in relation to the Chuck Attin matter, with the nature of that murder, that the family of those persons—the Sa Gomes family—they wanted to play a part in the sentencing hearing because of the

very vicious nature of that particular killing.

So I do not think that we should over—take the opportunity to actually put a right in here for the victims. I do not see that there is anything wrong in us providing for them. I support you on the omnibus provision under (12), subsection (iii) and I think it preserves the right of the court to make any orders that would cater to any other information that may suit the particular circumstances of any particular case.

The other issue that I wanted to raise with you, AG, in relation to (12) and (13), is that when you put these kinds of responsibilities on public officers like the Commissioner of Prisons or the head of an institution, they will automatically be subject to judicial review, and therefore, you do not want to just have these judicial reviews coming up time and time again, compelling them to do what they have to do in law. So that if you could find a mechanism to be able to fix a time, it will also prevent you from having to face those types of actions and to defend them because most of the times, they are indefensible.

I would have thought that one of the other things—I can tell you this from a very unfortunate experience. In the matter of Haroon Khan that was the case that decided the constitutionality of the Jury Act when we had the in-between periods as to when the mandatory death sentence was declared to be discretionary. One of the cases that was decided by Lord Bingham on the same day that Roodal was decided was the case of Haroon Khan. Haroon Khan, because the death sentence was discretionary at the time, was ordered to be resented by the High Court and it took 12 years for the Registrar of the Supreme Court to list for hearing an order of the judicial committee, 12 years. When Haroon Khan was actually sentenced by Justice Jack, he was sentenced to a period of time that allowed him to sue the State

for six years, unlawful detention, pursuant not to anything done by the Commissioner of Prisons, Minister of National Security, but because the Registrar of the Supreme Court failed to obey an order of the Privy Council.

So, in order for us not to have a situation like that reoccurring in relation to (14), it would be very unfortunate for us to provide all of this and what we should perhaps say is fix—forward it to the Chief Justice who shall assign a judge of the High Court to review the matter as required under subsection (11) within 28 days from receipt of the reports or something to that effect. So that you have a mandatory obligation within a limited time frame for this review to be fixed because it could be forwarded, lost in a file somewhere and you have someone suing the State after that for it not being listed and they are just there in breach of 4A, 4B. So that I would suggest that—those are my suggestions, AG, in relation to how we can improve your very well-thought-out version of section 4.

**Mr. Al-Rawi:** May I reply, Mr. Vice-President?

**Mr. Chairman:** Hon. Members, I just want to at this point indicate, based on the extensive suggestions that Sen. Ramdeen has made that we invite, at this point, other Senators who wish to make any comments on this particular clause which I will invite the hon. Attorney General to respond and then we would decide as to whether we want to defer clause 3 at that point and move on to clause 4 inviting suggestions as well.

The comments were quite extensive going through each subclause and I am not sure, hon. Attorney General, if you want to take some time to digest what was said and we can proceed at that point to determine exactly how we would move forward. So I just want other Senators to make comments on this particular clause before we move forward and then I would invite you to respond to all.

**Mr. Al-Rawi:** If you would perhaps consider, I would like to make some initial observations which may assist hon. Senators in their fulminations because Sen. Ramdeen and I have a rather sharper focus in law than—this is in no way to be an offence to anyone else but it is just—it is really a matter of lawyering going on. So just a few quick observations and then to open the floor?

**Mr. Chairman:** Sure, sure. Go ahead.

**Mr. Al-Rawi:** First of all, again, to thank the hon. Senator for a very well-thought-out observations where he has brought the strength of his practice into consideration. We have been looking in particular at the prisons in a very deep and well—well, progressive exercise, and we are seeking to do the operationalization of the Prisons Rules to address, in particular, the matter of persons with disabilities, mental or otherwise in the prisons. The Government of Canada has actually taken us very far in that approach and we propose to actually conclude a report at the end of this month on how we are going to deal with these things.

Whilst we have been dealing with the children's aspect of prisons as well, we have been factoring how we treat with these very unusual ranges and exceptions and in particular about the medical attention. So far you are right. The doctor actually turns up and you get this obscure sort of expression and the mechanism that we are about to bring forward in regulations to the Parliament, one of which is for affirmative resolution in particular in relation to children, but which is meant to apply to the adult section as well, is the provision of specialist medical circumstances, so that you no longer rely upon the public officer who is hardly ever there, as a matter of fact, and instead you import the specialist services. We have found that the specialist services do not want to attend or work on the prisons roster. So what we do is we have to find the mechanism to take the patient there to

take the review.

The issue of regulations is quite persuasive. Off the cuff, I am wondering if the regs which we are working on right now on the prison's side, through the Ministry of National Security, has cleaved between children and adults may pick it up, but I can see the merits of the Attorney General having some form of input into this end here. I would like to say that or rather remind that we propose to treat with section 59 of the Children Act in the separate point which will pick up a lot of these. We are actually far advanced on their end. The adult section has been lagging behind, largely because most people really do not pay attention to this particular pool of personalities and so they tend to be the forgotten in society.

Mr. Chairman, what I propose is to have reflection upon the literature and submissions made. They are not very difficult things to factor, they are certainly steps in terms of improvement. It is just a balancing act, right now, between the specificity of doing it and the risk of providing for something which cannot be done. Not that one ought to develop law that way but we are also factoring the state of play and condition of where we are. So I propose, subject to the inclusion of other observations, that we defer clause 3.

In fact, subject to the Senate's will, through your guidance, Mr. Chair, what I would very much like to do is to continue on in the observations of the other clauses. A best-case scenario, insofar as we are here for the day, for me, subject to the will of the Senate, through you, both in the higher Chair and in the lower Chair, is that we can, perhaps, work on it whilst we are doing other work in the Senate, and if necessary reconvene on the matter, not to take away the work of the learned Leader of the House or the Co-ordinator and the Chief Whip, Leader of Opposition Business. But I would prefer to get the omnibus considerations. I think we have

come a very long way in suggestions for improvement and then to factor those whilst we have the break of, perhaps, some other work and then to come back to this if it meets with the will of the Senate, through you, Mr. Chair.

**Mr. Chairman:** I think that is a good suggestion. It is something that I was actually going to propose after you had made your comments. Is that—Sen. Mark?

**Sen. Mark:** Thank you, Mr. Chairman. Attorney General, having regard to what you have submitted and having regard to the depth and breadth of the various suggestions that have been proffered thus far, and if we are to do justice to this exercise, may I respectfully submit, for your consideration, Standing Order 66(3) where we can refer this matter to a select committee of this House—this House—and we give this committee five to seven days to work in this committee and report back to us. Because I believe, Mr. Chairman, there are very important submissions that we have heard today and because of how we are going to flow, we may not have the time to really do justice to these provisions or submissions properly speaking. But if we were to refer this matter to a select committee of this Senate and we give that select committee seven days in which to report, not progress, but to submit their report for us to take a decision, I believe we will be doing more justice to the process than if we were to defer, go on to some other matter and then come back sometime later on. So that is my respectful submission to the Attorney General for his consideration.

**Mr. Chairman:** Sen. Mahabir.

**Sen. Dr. Mahabir:** Yes. Thank you very much, Mr. Chairman. I think the issues raised this morning are very involved and I know the Attorney General is not one to make the law as we go up. This is a serious matter and I too would like to endorse the sentiment of Sen. Mark with respect to 66(3), and I think if there is a



select committee of the Senate to consider, not only clause 3—particularly clause 3 but the Bill as a whole, and we report next week Tuesday after full deliberations this week. I think it would be a more efficient use of Senate time and we would have next week, an opportunity to have ironed out a lot of these legal issues. So that when the Bill comes before us again, we would be in a much more secure footing with respect to our agreement or disagreement with the clauses.

From my own perspective, I would like to indicate to the Attorney General that I would like to forward to your drafting team some of the word changes that I would like to make. I could have a track change so that we could tighten up the words. That is what I can do but with respect to the legal fulminations, I really think the matters are so serious and the public interest would be best served if that select committee could be convened and we report next week. Thank you very much.

**Mr. Chairman:** Attorney General or Leader of Government Business.

**Sen. Khan:** I have consulted with the Attorney General and he is, in fact, convinced of your arguments and we want to suggest that we form the select committee of the Senate. They will report next week Tuesday as a report and then we will use that report and we will hopefully reconvene the committee stage of this Bill next week Thursday. Does that meet your approval, Sir? [*Crosstalk*] Okay, thanks a lot.

**Mr. Al-Rawi:** May I thank Senators for their thoughts and suggestions which are very warmly received. I think it makes for very good progress. It allows us to get the views of some of the third parties that have to work with the system as well, so thank you, Sen. Mark and Sen. Mahabir, for that suggestion. And we will form that committee now and give the direction.

**Mr. Chairman:** Hon. Members, taking into account the suggestion just made in regard to a select committee, what I will do is suspend this committee for 15 minutes and we will come back in 15 minutes, you will make a decision on that. Thank you.

**11.51 a.m.:** *Committee suspended.*

**12.16 p.m.:** *Committee resumed.*

**Mr. Chairman:** Hon. Attorney General.

**Mr. Al-Rawi:** Mr. Chairman, we are proposing that we continue on with the business of appointing a special select committee of the Senate in accordance with the Standing Orders. I think procedurally you would require us to resume the sitting of the Senate to appoint that committee and so I ask that we undertake that process to move the relevant Motion.

**Mr. Chairman:** All right. We will now suspend this committee and resume with the proceeding of the Senate.

*Senate resumed.*

**Mr. Vice-President:** Attorney General.

**Hon. Al-Rawi:** Mr. Vice-President, in accordance with Standing Order 66(3), I beg to move that a Bill entitled an Act to amend the Offences Against the Person Act, Chap. 11:08 and the Criminal Procedure Act, Chap. 12:01 and for related matters, be withdrawn from the committee of the whole Senate and be referred to a special select committee of the Senate to consider and report on the Bill and that the committee be required to submit its report to the Senate by June 20, 2017.

I also beg to move that the following Members be appointed to serve on the committee:

Mr. Clarence Rambharat, who will serve as its Chair;

Mr. W. Michael Coppin;

Mr. Daniel Dookie;

Mr. Gerald Ramdeen;

Miss Sophia Chote SC.

*Question put and agreed to.*

**12.20 p.m.**

## **LEVELS OF HEALTH CARE DELIVERY**

### **(JOINT SELECT COMMITTEE—ESTABLISHMENT OF)**

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Mr. Vice-President. Mr. Vice-President, I beg to move the following Motion standing in my name:

*Be it resolved* that a Joint Select Committee be established to consider the First Report of the Committee established to Review the Levels of Health Care Delivery by the Regional Health Authorities and to Rationalize the System of Public Sector Doctors in Private Practice as well as the Second Report of the Committee to Review the Levels of Health Care Delivery by the Regional Health Authorities and to Rationalize the System of Public Sector Doctors in Private Practice, laid in the Senate on November 15, 2016 and March 28, 2017, respectively:

*And be it further resolved* that this Committee be mandated to:

- (a) review and analyze the Reports;
- (b) consider the findings and recommendations contained in the Reports; and
- (c) report its observations and recommendations no later

than June 30, 2017.

Mr. Vice-President, this Parliament has successfully used the Joint Select Committee system to evaluate and fine-tune and to reach consensus on legislation, especially complex legislation. I think we have a good track record in that regard. The new Standing Orders provide, and also the old Standing Orders, for Standing Joint Select Committees, which is the Public Accounts and other such committees, and then the new ones which are the departmental Joint Select Committees, which is the Committee on National Security, on Energy, et cetera, et cetera.

This Motion calls for the establishment of a joint select committee to review and analyze a major policy document as distinct from a joint select committee analyzing legislation that has been tabled in the Parliament.

Today, Mr. Vice-President, we propose to establish two such committees, subject to this first Motion on the health care system and later on, I will be moving the Motion on setting up a similar committee for the Draft Development Strategy, 2016—2030, more popularly known as Vision 2030.

Further, Mr. Vice-President, just to inform the public and this House, that tomorrow in the House I will be tabling the long-awaited gas master plan, a pioneering move, if I should say so myself. [*Desk thumping*] Because under Dr. Christopher Rowley, the Prime Minister of Trinidad and Tobago, we are committed to make this Government a Government of transparency. Prior to the Rowley administration, Mr. Vice-President, reports of this nature may have never found its way to the Parliament. And I want to compliment his leadership in that regard. [*Desk thumping*]

Mr. Vice-President, health care has always posed a challenge, and if I should say so, a serious challenge to Trinidad and Tobago, independent of which party is

in power. And let me repeat that. Health care has always been and continues to be a challenge facing Trinidad and Tobago, despite pumping significant billions of dollars over the years. And that situation in the health care system is independent of which party is in power. This report attempts to provide solutions and recommendations to the many challenges that plague the health care system.

Mr. Vice-President, for the record, on November 15, 2015, immediately on assuming Government, the Office of the Prime Minister established this committee. The committee's mandate was to review the level of health care delivery by the Regional Health Authorities and also to rationalize the system of public sector doctors in private practice. And I make the point, Mr. Vice-President, the Prime Minister saw this as such an important issue that the Cabinet Note that formed this committee did not come from the Ministry of Health nor the Minister of Health. It came from the Office of the Prime Minister. It was a committee that reported directly to the Prime Minister, and it was prime-ministerial intervention that resulted in the formation and the implementation of this public policy matter.

The committee comprised of seven distinguished Trinidadians and Tobagonians. It was chaired by Mr. Winston Welch. It included Dr. Wayne Frederick, Professor Carl Theodore, Mr. Martin De Gannes, Dr. Adesh Sirjusingh, Mrs. Valerie Alleyne-Rawlins and Dr. Albert Persad. They spent many hours. They did many consultations. And they used their collective knowledge and wisdom and intense and deep understanding of the health care system to come up with this report. The committee produced two reports, a first report and a second report as was stated in the preamble to the Motion. The report is very detailed and very involved. The JSC will be mandated to study them, consult on them, approve

or disapprove with their recommendations and report back to the Parliament.

Mr. Vice-President, there has always been a clamour in this Senate, both by the Opposition and by the Independents, and rightfully so, for the Parliament to be more involved in policy formulation and policy evaluation, as distinct from the end product, which is a piece of legislation.

I want to say here this morning, no this afternoon, that this is your opportunity today and I advise you to grasp it with both hands. So it is in this context, Mr. Vice-President, I hope Members on all sides will support this Motion to take the so-called Welch Report to a joint select committee. I think and I firmly believe that it is a step in the right direction.

Mr. Vice-President, I beg to move. [*Desk thumping*]

**Mr. Vice-President:** Who is next? [*Crosstalk*] My bad.

*Question proposed.*

**Sen. Khadijah Ameen:** Thank you very much, Mr. Vice-President. Mr. Vice-President, I thank you for this opportunity as I rise to make a contribution to this Motion moved by the Leader of Government Business in the Senate on the First and Second Reports of the Committee to Review the Levels of Health Care Delivery by the Regional Health Authorities and to Rationalize the System of Public Sector Doctors in Private Practice in Trinidad and Tobago.

Mr. Vice-President, I want to begin by reiterating that the Opposition is of the firm belief that the public health sector in Trinidad and Tobago is in a critical condition and needs special attention. [*Desk thumping*]

The public health sector was one of the priorities of the People's Partnership Government and we continue to support initiatives to improve public health care in our country. And today we have this debate at a time when, in the national sphere,

we recently had a pensioner who died on the grounds of the Port of Spain General Hospital, and conflicting reports from witnesses and from the Minister of Health. And I think the public is the one to judge on who is telling the truth in that matter.

Mr. Vice-President, I feel that this Motion really is an attempt by the Government to get the Parliament to do Cabinet's work. [*Desk thumping*] Mr. Vice-President, the Parliament makes laws and holds the Government to account for its policies, its actions and its spending. The function of our Parliament includes, after the election, the forming of the Government, the Members of the Executive who come from amongst those elected. The Parliament is responsible for making new laws, for updating old laws, for representing people. And those 41 constituencies whose Members of Parliament sit in the House of Representatives are the voices of the citizens of our country. The Parliament, should be examining and approving Government's taxes and spending, and we have also had a lot of controversy in that regard, because of the challenges we are faced with at this time.

And when it comes to the country's resources and our limited revenue, the Government has a responsibility to decide on the priorities. And I am of belief that because of those challenges, in terms of the national economy, the Government should be very clear on its policies and actions, particularly when it comes to public health care in Trinidad and Tobago.

Mr. Vice-President, there are some in terms of, ordinary citizens, the layman, who may believe Parliament and Government is one. We in here know the difference between Parliament and Government, and the Government, those on that side, are the people who have been elected to run the country. They are the ones whose political party won the majority of seats in the general election. They are in charge, but they are yet to take charge. You are in charge for five years,

until the next general election. It may be before the next five years at the rate you are going. [*Desk thumping*] Your leader is appointed Prime Minister. The Prime Minister would have chosen Members to form his Government, to form his Cabinet. So he would have chosen junior Ministers as well. They are the ones, Mr. Vice-President, who are responsible for making a plan and for deciding on policy, and this Motion seeks to throw that responsibility on the Parliament.

Mr. Vice-President, a government cannot make new laws on its own, or raise new taxes without the approval of Parliament, that is what Parliament is here for. And Parliament must agree in order for those things to happen. Parliament is here to represent the interest and to make the voice and the conscience of our citizens heard. The voices of our citizens must be taken into account by Government when it is making new laws or updating laws. And a good Parliament reflects the conscience of our society.

The Government, on the other hand, is responsible for deciding how the country is run, for managing things; the day-to-day affairs. They are the ones who set taxes and we have had a lot of new taxes in the last 20 months or so, Mr. Vice-President. They are the ones who choose what to spend public money on. They have the responsibility to deliver on public service and public service includes, in a large part, the public health sector and, in this country, the Regional Health Authorities. But it also extends, of course, to the police and the armed forces, our national security and the safety of our citizens; the social security of our citizens, our most vulnerable and, of course, the revenue of Trinidad and Tobago.

So, this Parliament is being called upon to examine a report, which the Leader of Government Business indicated, of a committee that was announced or commissioned on the 15<sup>th</sup> of December, 2015.



Mr. Vice-President, when I heard of that, at the beginning of the Government's term, I thought that the findings of this committee would inform the Government and the Cabinet of a policy, and thereafter if it required any changes in legislation, that draft legislation, those proposals to change the existing legislation or to bring new laws, is what would come into Parliament. But what we have seen, is the Government abdicating its responsibility to decide on policy.

Mr. Vice-President, the Parliament operates as a check and balance. The Parliament has the opportunity to look closely at the Government's way of running things. We have mechanisms for transparency. We have questions to Ministers, where Cabinet Ministers have a responsibility to answer questions from the Opposition with regard to any matter. They can request information, and many times, that is how the public would know of certain things that are taking place.

I just recalled a news report on one of our national television stations, showing a conflict recently, based on a response from a question asked by Sen. Wade Mark on the situation with the 60-year-old pensioner who died at the hospital, on the hospital grounds. Hearing the response of the Minister of Health, indicating that no protocols were breached and hearing in that same news report, the accounts of the witnesses and other persons such as the relatives and neighbours of that gentleman. May his soul rest in peace.

And, of course, that gives the public, through the Parliament, the opportunity to judge for themselves, whether the Government is acting responsibly, and in this case I must say the verdict is out. The Health Minister has acted irresponsibly by tossing aside the verdict of the public and the responsibility to protect the citizens from that kind of treatment.

Mr. Vice-President, the rules of our Parliament allow us to be, you know,

workable, to have collaboration, to be efficient, to look at legislation that is proposed and suggest changes. We just came out of a committee stage on a Bill where a number of suggestions were made from the Opposition Bench, from the Independent Bench, that would improve the proposed legislation. All of this is televised so that our citizens can follow and be involved. The role of the Parliament is to ensure that the new legislation is fair, that is it not discriminatory, that it complies with equalities and human rights laws and the violation of any such rights should be taken up in a debate to protect the citizen at the end of the day.

The Leader of Government Business, hon. Franklin Khan, began by commending the Prime Minister for this decision to send this report to the Parliament. While I say it is good that a report was commissioned to begin with, I want to indicate that it is my view that the Prime Minister is really throwing his responsibility and throwing the work of Cabinet on to the Parliament. This report that has been commissioned really ought to go to Cabinet. The commission reports to the Prime Minister. The Prime Minister should sit with his Cabinet and do their work.

We have heard, of course, we have and it was mentioned by the hon. Franklin Khan, that very soon we will have debates on the Government's 2030 vision, which should be articulating the Government's plan. The truth is that this nation would have heard, during the election campaign, from all the political parties what their proposals were and the Government, those promises in that manifesto, should materialize into government policy. And what we are seeing by this Motion is a failure to do that.

I want to implore the Government that public health care in Trinidad and Tobago is critical. There are challenges that would take the term of a number of

Governments to be sorted out and it requires continuity. It requires genuine commitment. The Opposition, Mr. Vice-President, will continue to act as a form of check and balance. We are not running this country. If the Government wants the Opposition to be part of making policy then they should resign, and call a general election and let the people decide. [*Desk thumping*]

The role of the Opposition is to act as a check and balance. Yes, the UNC is a government in waiting. And we have been witnessing failure after failure by the Government when it comes to critical issues like public health care and national security and the economy. And this, Mr. Vice-President, is the result of a lack of a plan. Almost two years into this Government's term their campaign promises are yet to become public policy. The hon. Leader of Government Business did indicate that that is going to come.

So, two years down, you have three years left in your term you are going to bring this plan that will take some time, of course, to implement. There may be measures in that plan that would require legislative change, that would require infrastructure. When are you really going to start to govern this country? When are you going to start to act according to a clear plan? We are seeing incompetence clearly at work here, Mr. Vice-President. There is a clear lack of political will to do the work that is required. It is either lack of political will or incompetence or both.

**Sen. Singh:** Mr. Vice-President, on a point of order, 46(1).

**Mr. Vice-President:** Senator, on the point of order, 46(1), I rule that there is merit. I am going to ask you to get back to the Motion that is before us, that speaks specifically to the establishment of a joint select committee in relation to the reports that are given. You were giving some points in the beginning and I think

you are starting to also repeat those points. So I would ask you to move on to your next point but keep it within the boundaries of the Motion. Thank you.

**Sen. K. Ameen:** Thank you, Mr. Vice-President. Mr. Vice-President, unfortunately the incompetence and lack of political will of the Government has been repeating itself and so the Opposition has no choice but to repeat the highlighting of the failure of the Government. But, Mr. Vice-President, I thank you for your guidance.

Mr. Vice-President, a well-functioning Cabinet should have a very clear plan as to what it wants to achieve. I am a firm advocate of consultation, consulting the public, consulting the experts/the technocrats, so that whatever proposals are made, in terms of draft legislation, would represent different schools of thought, different experiences, and so on. I am in support of reports informing policy, informing legislation. I am in support of enquiries, for example, to get to the truth, to get to the bottom of things, so when policy goes before Cabinet, and if there are any changes that are required to the law, when it comes to Parliament you have a well-thought-out piece of legislation before you.

Mr. Vice-President, I am of the view that rather than forming a joint select committee, the report should go to the Prime Minister and his Cabinet. The Cabinet should decide on the policy with regard to this matter. If the implementation of that policy could be done within the confines of the existing law, the Government has the authority to implement that new policy. However, if the existing law restricts that policy in any way, then they are free to come to Cabinet to ask for those laws to be amended or to create new laws.

So, Mr. Vice- President, we have seen a number of occasions where the Opposition requested joint select committees to deal with issues where you had

suggestions or the views that there would be infringement on human rights, for example, rights enshrined in our Constitution, laws that protect our citizen. We had the situation with FATCA. We had the situation with the SSA, where there was an issue of whether people had a right to privacy or not and the Opposition asked the Government to form a joint select committee so that we could deal with those issues in the best interest of the citizen. They refused, Mr. Vice-President. But today, we see before us, not a Bill, not proposal for new legislation, not even a policy. This is a report from a committee that should inform government policy, and I feel that the Government is abusing the parliamentary system by bringing this and asking us to have a joint select committee on this.

There are critical issues that are affecting our nation. Public health is one of them, and the Government has to be more decisive, has to be more particular. I feel that this is an attempt by the Government to postpone a decision with regard to, and particularly with regard to, doctors in the public health sector operating in private practice. Because that is a big part of the report and that is a controversial matter, Mr. Vice-President. You have doctors in the public health sector who claim that they are poorly paid. The conditions within our public hospitals are poor working conditions for our doctors, our nurses and our allied health employees.

On the other hand, you have very talented and gifted medical practitioners who have their private practice. So, yes, they work in the public sector but they have private practice, and there are those who end up crossing lines. And there are citizens who go to the public health facilities, the hospitals, as well as the health centres because of the delay, because of bureaucracy, because of poor management, they do not get the health care that they require and so they can be

recommended by a doctor to come to his or her private practice. There are issues with regard to how ethical that is. But there is a controversial issue with regard to the fact that the hospital cannot provide the service and the fact that these doctors have the ability to provide it privately.

Are you proposing—the Government should be telling us—are you proposing to pay doctors in the public health sector more as an incentive to operate only in the public health sector and eliminate their private practice? If a policy decision is taken to prevent doctors who are working in the public health sector from working in the private sector, it means that they will have a decision to make, and if they choose to stay in the more lucrative private practice, it means that there may be and there could be a shortage of doctors in the public health sector.

So that is the decision that the Government really has before it, and I feel that this response of bringing this report to the Parliament really is the Government shirking that responsibility, shirking the authority, the responsibility they have, to make that decision at a policy level and throw it on the Parliament.

Mr. Vice-President, the issue with regard to doctors in the public health sector operating in private practice is a matter that has to be decided by the Government. Whichever political party forms the Government, the issue with how these doctors operate should tie in to the policies surrounding the public health sector. So it is not a one-off decision. It ties in to the entire operation of the public health sector, the quality of service we want to provide and the truth is that the public health sector has to compete with private facilities. Is the poor management by Government of the public health sector leading to more lucrative business opportunities for health in this country? We have seen a number of private hospitals come up over the years. There are many people who may not even have

insurance but they make the sacrifice to take particularly their children or their elderly parents to a private facility, and that is an indictment on our public health sector.

**12.50 p.m.**

The People's Partnership did make a number of policy decisions, and again, I come back to the issue of Government making policy decisions and not the joint select committee that is being proposed here. The policy decisions of the People's Partnership, in some cases, required legislative change, but there were a number of initiatives that were public/private sector partnership in terms of this solution. You had the decision for surgeries to be referred to private facilitates and for the Regional Health Authorities and the Ministry of Health to pay for that surgery so that our citizens would not be waiting.

I recall as councillor, a local government councillor, a gentleman in St. Augustine south who had a serious heart condition, and he had to get a test at Mount Hope Hospital. He sadly passed away sometime during this year—late last year, sorry—but, Mr. Vice-President, in the year 2016, he was given an appointment for 2018 to do that test. He passed away before that date. However, his family had to go to a private lab and pay to have the test done. As a part of the People's Partnership policy around health, the costs, the expenses for situations like that would have been borne by the Government. Mr. Vice-President, that policy really was an incentive for the Government to improve the public health sector in order to reduce that bill paying to the private sector. So the policies of the Government must improve the services, the health services to our citizens, but it must also be in line with the existing laws.

I look forward, Mr. Vice-President, to participating in a debate, if one should

arise, on any changes to our existing legislation or any new laws that would have a positive impact that would improve the operation and the functioning of our public health care system in Trinidad and Tobago. But, Mr. Vice-President, I see no need and no responsibility of the Parliament to decide on policy for the Government. The Government has indicated that it intends to bring its 2030 vision to the Parliament—they will do that subsequently—but that is a plan that they are putting forward. I would like to see a firm plan coming out. I do not think the Government should be saying to us, listen this committee here, the Prime Minister commissioned this committee to do a report, the findings of the report would be very valid. It is not the responsibility of a joint select committee to decide on what the Government's policy is.

Mr. Vice-President, I want to tell you though that the People's Partnership has a very clear vision as to what we want the public health care in this country to look like. The truth is that it would take more than one term in Government to complete those things and to improve our critical health care systems. I trust that the good initiatives implemented by the People's Partnership will be continued [*Desk thumping*] by this Government for the sake of our citizens as well as anyone new initiatives—[*Interruption*]

**Mr. Vice-President:** Senator, have a seat. I want to caution you at this point, because I am starting hearing some points coming up again and again as you are making your contribution, and you are well into your contribution at this point. Secondary to that, I want you to stay within the boundaries of the Motion as it relates again to setting up a joint select committee to look at these recommendations in the report. So as you are making your points going forward, please keep it within that boundary.



**Sen. K. Ameen:** Thank you, Mr. Vice- President. Mr. Vice-President, I am nearing my wrap-up, and in my contribution what I sought to do was to highlight the responsibility of the Parliament, the responsibility of the Government and the failure of this Government to do its job, as well as—[*Interruption*]

**Mr. Vice-President:** One second. You have made that point in the beginning, and you have made it in the middle. So what I am asking you to do is to move on from that point. If you have any other points, by all means go ahead, but that point in terms of the responsibility of the Government in the Parliament, you have made that point ad nauseum.

**Sen. K. Ameen:** Mr. Vice-President, I did not know ad nauseum was against the Standing Orders, but I close my contribution, and I thank you. [*Crosstalk*]

**Mr. Vice-President:** Sen. Ameen, sit. Tedious repetition is against the Standing Orders. So if you are making it ad nauseum, what I am telling you is we do not need to continue to make that point. So can you just please, as I have ruled, move on.

**Sen. K. Ameen:** Mr. Vice-President, I thank you for the opportunity to contribute.

**Mr. Vice-President:** Hon. Senators, at this point, we will take the lunch break. This House would now stand suspended until 1.55 p.m.

**12.56 p.m.:** *Sitting suspended.*

**1.55 p.m.:** *Sitting resumed.*

**Sen. Melissa Ramkissoon:** Thank you, Mr. Vice-President. Today we are here to debate—or the Government has come before us to ask for a joint select committee to be established to consider the first and second reports of the committee established to review the levels of health care delivered by the RHA and to rationalize the system of public sector doctors in private practice.

I have noted on the Order Paper we have asked for a deadline no later than June 30, 2017, which gives this committee roughly around two weeks working time. Is this correct, Mr. Vice-President—I did not hear any amendments to it—or is it a typographical error? Because two weeks, Mr. Vice-President, after looking at the report and the contents in the report, I would expect the committee may have to ask for more time, which now takes us into a new term. So maybe, in the wrap-up, we could really probably talk about that—I see the nod from the Leader of Government Business. Is it that it is a holding date of June 30<sup>th</sup>? That is my first point.

Now, I have listened to the introduction to the Senate this morning about the reasoning for the reports, the health care report and, of course, our public sector system and the commitment by the Government to correct or achieve a better system, and this is very commendable. But what I would have liked to hear more of was: why would we like to refer these reports to a joint select committee, this meaning a joint select committee of the Parliament? Because if you look at the reports, Mr. Vice-President, you would see a committee was formed to create these reports. The hon. Leader gave the names of these persons who served on this committee, so let me just tell you why I have asked this question.

If you all look at the first report, and it gives a nice summary, a background for those who are listening. By a Cabinet letter dated November 14, 2015, there was the request for a committee to review the levels of health care delivered by the RHAs and to rationalize the system of public sector doctors in private practice. The committee consisted of seven members. I found that yes the hon. Senator and Leader of the Government Business said the names, but what really drew my attention was the qualifications of these persons who served on these committees.

For example, the chairperson was the former medical director of the Port of Spain Hospital. There was also Dr. Frederick who was the president of a university in the US—[*Interruption*—yes, Howard University. Correct. There is also Prof. Theodore who served at the Centre for Health Economics at the UWI. It also had another doctor who served as an administrator for clinical services also at the Sangre Grande Hospital and the Eastern RHA, as well as the former President of the Trinidad and Tobago Registered Nurses Association. They also had an executive medical director from the South West Regional Health Association.

So these seven persons were well qualified and in their remit to serve on these committees to make recommendations to us to say what amendments or what suggestions they have on our present health care system, and that is why I ask the question: why now are we going to ask parliamentarians to review these reports to give, what? Because they have some recommendations, Mr. Vice-President, and I found that should be policy. I will draw my attention to that a little bit later in my debate, but I really found that these specialists in these areas are giving us recommendations that can serve in the Ministry of Health or serve as a policy for the Vision 2030. I am not really sure, what was the decision as to why they would like to go this particular way with such a tight deadline. I hope to learn that because I did not learn what the reasoning was. I did learn of the reason that yes we have a suffering system, but not much attention was given.

Mr. Vice-President, I looked at this report and they had such great findings of the report. We are not here to debate the report, but there are some recommendations, because this report was tailored for Trinidad and Tobago. This report gave some specific suggestions that would serve the Government well to implement now. That is what I would like to share with this Senate and the

listening audience, at this time, because they did say in their remit—because they did look at several health institutions. They even convened meetings of staff, management, employees, interested parties and representative bodies. So they did their homework; not only are they specialists, but they did their homework in the area of health as it affects Trinidad and Tobago today.

This report, as we said in the mandate, was November 2015, and as the Motion said, it was laid in the Senate on November 15, 2016. So it is an updated report. The recommendations have a lot of merit because, Mr. Vice-President, they did share that they gave greater attention to the conclusions arrived in this report in areas of significant impact for Trinidad and Tobago. They even explained what they meant by “significant impact” because there is such a vast area that needs amendments, but they tailored their time and their efforts into concentrated areas.

And, Mr. Vice-President, they made—well I counted—it probably has some more—about 38 recommendations in this report before us—that says a lot of the amount of work that was put into this. And, again, this is the reasoning why I am saying, at this time, to go to a joint select committee with 38 recommendations to analyze—because we are asking the committee to review and analyze the reports—so I am not exactly sure how they would be able to do this for 38 recommendations.

Now, I did suggest, Mr. Vice-President, that they look at implementing some of these recommendations because of the homework done in the report, and I would just like to share some of them quickly.

**Mr. Vice-President:** Hon. Senator, let me caution you at this point, as the Motion as put forward, we are not going into the report itself. The Motion speaks to the

set-up of a joint select committee. So I would caution you against going into the report or even reading out some of the recommendations. If you can move on to your next point, and leave out the fact that you are going into the report that would be fine.

**Sen. M. Ramkissoo:** Thank you for your guidance, Mr. Vice-President. So I would not touch the recommendations, and just say that there are areas that they have identified that we can implement before going into any further work of the Parliament because of the merit and work in terms of the work that they have done, and the amount of analysis this seven-member committee along with the staff and different persons they have interviewed that there is something that we can do now.

I am not sure if the Government is not confident in these findings—maybe that is it—and they could probably share that with us. Maybe they are not confident in the findings or maybe there are monetary issues at this time that they cannot implement it, but we need to know because to give a committee two weeks is not sufficient time for 38 recommendations.

Another point that I wanted to raise was the report did talk about further work to be done. Now, I looked at the Motion before us, Mr. Vice-President, and there was no comment about looking at the further deliberations or further examination. The report gave 16 points. Right? In the Motion, you will see it is to review and analyze the report to consider the findings and recommendations contained in the report and to report its observations and recommendations no later than June 30, 2017. So that is why I am asking this. The committee has done its work—that is the seven-member team that was set up by the Cabinet for members of the public who are specialists in the field to do some work in the health care

sector. Now, they have looked at the different recommendations as well as they have defined 16 areas where further work will be done, but this was not put in the remit of the JSC. So I am not sure if they would have to now form a new team or maybe this goes back with just the remit of the line Minister of Health. Again, you know, I really think this could have just gone on to the line Minister of the Ministry of Health, and they could have explored this, but I am not exactly sure why we are going with the JSC.

Mr. Vice-President, there was another part of the analysis requested by the committee, and that was to look at the public sector doctors in the private sector. Nothing is wrong with having a dual practice where public sector doctors can serve in private sector, but after reading the report, I have to say that I support the abolishment of private sector doctors serving in the public sector or vice versa, public sector doctors serving in the private sector because of conflict of interest that may exist, because the report even went on to give examples where doctors gave extra treatment to patients so they can come and see them in their private sector practice. That, unfortunately, is such a sad thing, because when this was created it was never for the intention that this would be a secondary job as in their private practice in the public sector. They never thought their public sector work would now be their secondary point and that is what is happening now.

So there is something that I saw showing up with this particular committee work, and I did not really see this falling in the point, because there are only three points, because they did not really recommend much in terms of other than the abolishment. So, again, I am not sure how the committee is going to adapt this particular part of the work that is—let me specify—to rationalize the system of public sector doctors in private practice.

Now, Sen. Ameen in her contribution brought up the point about equipment failure in the public sector, and the report even went into that to say that many times the MRI scans and other specialized equipment conveniently do not work in the public sector, and when you recommend them to go to the private sector they are working and the public servants are there to serve the public. So we have now adapted a culture where we go first to the private sector. That is not something that we have been trying to encourage. We are trying to build our public health sector, because the public sector is not just for the rich but it is for any and every Trinidadian, poor and rich, and sometimes the private sector only attracts one type of customer. Many times the citizens who cannot afford go into great debts—take loans—and are very much inconvenienced. So I did not really see much recommendations into this field, because it is a bad practice that we have adapted in our country.

Now, I am trying to be very cautious not to sway too much into the report as you have guided. Please just give me an indication if I am over- stepping, because I do not want any of these findings to be lost and that have a high capability at this point because we are at the end of our session, and because there is so much work that has been done, I do not want it to be lost, because I am not seeing it. It is probably there where these recommendations that I am pointing out can be captured if it does go to a JSC.

I hope that the Ministry of Health is taking note of these recommendations—if they have not already started to do that—and look at the pros and cons of dual practice and what effects or impacts it will have on our country if we abolish public sector doctors serving in the private sector. The committee even went on to give a nice chart or table of how these doctors coming in will serve.

So let me just see if I have any points that were not touched on in the areas that I would like to see. So, Mr. Vice-President, the committee does not share with us if it will be looking at the efficiency or the effectiveness of these rationalizations. They do speak about review and analyze the reports, so I am not sure if it will be captured there. So, for example, there is a point that they said a particular sector was not efficient going this way, but it was not in terms of a recommendation. It was a finding, but not written as a finding. It was just written into the report as an observation by the committee. So there are a lot of observations in the committee's report that I found were not listed as findings, but it was within the report.

I find that there would be a lot of merit to look at this report in great depth by the line Ministry and see what areas they can correct immediately, because there was mention that whilst they were having their public meetings—maybe it was private meetings, private consultations—that they did identify areas for correction—whilst discussing it with the staff and management of the different facilities, the health sector facilities, they saw areas to correct immediately and it was done. So the seven-member committee saw some great merits in having discussions and consultations.

So, Mr. Vice-President that is my point, and it is that there are some things that need just to be done immediately. It is a clear-cut report in terms of what they have found; what is their analysis as it relates to Trinidad and Tobago. I share the kinds of qualifications and the kind of seniority of the members that served on this health care sector. I am not saying that the parliamentarians do not have this level of experience, but I am just saying that I found as a specialized committee there is much more that can be given than a parliamentary committee of the whole or part



of.

So, Mr. Vice-President, because I am very afraid not to step into the remits of the report itself, I do not want to. I would like to say: is it that we are not confident in the workings by Mr. Welch's reports and we need more work to be done, because the Motion does not say that? Or is it that—we like to just because—this is one of the many reports the Government would like to look at in a holistic manner? I am just giving them an opportunity to share why we would like this because at this point I do not see the need to go to a JSC. I thank you, Mr. Vice-President. [*Desk thumping*]

**The Minister of Labour and Small Enterprises (Sen. The Hon Jennifer Baptise-Primus):** Thank you very much, Mr. Vice-President. Mr. Vice-President, I would like to thank you for the opportunity to participate in this very clear-cut matter before this august House, but before I do so I would like to respond to certain statements made by my colleague, Sen Khadijah Ameen, and it really pains me to challenge my very dear friend, Melissa Ramkissoon, who she knows, I love her deeply.

But you see, Mr. Vice-President, when we come here to participate, we have to pay attention to the Standing Orders under which we operate. The Standing Orders, Mr. Vice-President—and this is precisely in response to my senatorial colleague, Sen. Khadijah Ameen, when she made a very incorrect statement that I feel compelled to correct in the records of this House that this Government, and I quote:

This Government is abusing parliamentary privileges, and this Government is attempting to postpone a decision on the doctors in the public health sector engaging in private practice.

**2.15 p.m.**

Mr. Vice-President, this is furthest from the truth. I want to remind Sen. Ameen, and others, that the Standing Orders of this Senate, page 55, speaks clearly, Mr. Vice-President, to the “General Functions of Departmental Joint Select Committees”, and it states:

“In general, the functions of a Departmental Committee shall be...—

(a) examine Bills and review all legislation...”—et cetera

“(b) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the assigned Ministries, departments or bodies;”

It goes a little further, Mr. Vice-President:

“(c) study the programme and policy objectives of Ministries”—and—  
 “departments”—et cetera;

“(d) assess and monitor the performance of Ministries, Departments...Bodies and the manner of...exercise of their powers;

(e) investigate and inquire into all matters relating to the assigned Ministries, Departments and Bodies as they may deem necessary, or...may be referred to them by the House or a Minister; and

(f) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.”

So, Mr. Vice-President, the point that this issue ought not to be referred to a joint select committee, the Standing Orders makes provision for matters like these to go to those joint select committees. [*Desk thumping*] Now, and I think I have put paid to what my senatorial colleague was inferring or making a deliberate

statement. I will deal a little later on with her point that this Government does not want to take a decision with regard to doctors engaging in private practice while being in the public health sector. Mr. Vice-President, what better way to engage in decision making but to ensure that the consultative approach is taken, and that all representatives in this august Chamber have an opportunity to participate towards governance in this country. And I will go further to say—Mr. Vice-President, I want to remind my colleagues in this House, and, in particular, Sen. Ameen, to remind her that the Gafoor Report on the health sector—I think it was 2007—it was the UNC that was calling for that report to go before a joint select committee. So what kind of message is being sent here? The Gafoor Report was on the health sector, and that was the call being made, and in 2017 we are being told that we are trying to escape our governmental responsibilities.

We are not trying to escape, we are broadening the consultative base, Mr. Vice-President. And I want to remind, and I quote:

The Thirteenth Report of the Joint Select Committee of Parliament on Ministries, Statutory Authorities, and State Enterprises (Group 2), on the commissioning process for the new Scarborough Hospital.

Mr. Vice-President, that went to a joint select committee. I want to remind my colleagues on the other side that that joint select committee, objective number one, was to clarify the relationship between the Tobago Regional Health Authority and the Ministry of Tobago Development, the Tobago House of Assembly, and the Ministry of Health. Recommendations coming from the joint select committee, and this was one of the recommendations, and that is what we are hoping to get out of the joint select committee on this issue. Recommendation number one was, we recommend that urgent consultations be held at the managerial level to assess the

accountability and reporting requirements of the Tobago Regional Health Authority to that of the Tobago House of Assembly, Ministry of Health, and the Ministry of Tobago Development, with a view to resolving some of the existing ambiguity regarding the multiple authorities which exercise oversight of the TRHA. In the end, there must be clear and distinctive jurisdictional boundaries in respect of the three bodies exercising oversight.

Mr. Vice-President, a joint select committee considered that issue. So what is wrong with a joint select committee exercising oversight over this report? A fundamental report like this, and I trust at the end of my contribution I would have been able to persuade my colleagues that a joint select committee on this report is a natural responsibility of this august House.

Now, Mr. Vice-President, I turn to my contribution on this issue. Our Government recognizes and understands the importance of health care in Trinidad and Tobago, and, thereby, once we are considering health care it is an investment in the future of this country. Mr. Vice-President, we need to also ensure a high level of health care for our citizens, which really should be enshrined in all of our health policies. I would like us to remember the definition of health as defined by the World Health Organization, and I quote:

“a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.”

What does this mean in practice, Mr. Vice-President? It means that health is not only about health care. It is very much about being a complete sense of well-being. It is part about all the relevant policy areas, Mr. Vice-President.

Health care is critical in all spheres of life, political, the individual and the collective. It is necessary for all of us, Mr. Vice-President, not only us here in this

House, but us as a collective, us as a people to understand that when we speak about health, we speak about relatively healthy people, and the needs of those of us who are healthy to remain healthy, and those of us who are not so healthy to get on the track of becoming a little healthier. And this is why we need cooperation from all responsible actions, from all our stakeholders, from all of us here in this House, from individual patients, from the professional and the family care providers. Mr. Vice-President, over the years our health sector has faced a lot of challenges because of the complexities involved. We have new pressures, such as an ageing population, chronic illnesses, new diseases and rapid development in health and technology. Further, the new bio-chemical and technological developments are also being introduced in workplaces, some of which have some serious health implications for which we do not know how to meet and treat at this point in time, in 2017.

Mr. Vice-President, it is therefore no surprise that our Government has moved the efficient functioning of the health care system at a higher policy agenda level. We as a Government, we are required to ensure that we have an effective, efficient, functioning health care system, especially within the context of reduced economic ability. It is therefore imperative that as a people we take stock of where we are at this present point in time, and to identify what our future needs are likely to be in order to prepare ourselves to meet those challenges.

Mr. Vice-President, it is against this background, therefore, the *raison d'être* for this Government establishing Mr. Welch's committee in November 2015, to review the levels of health care delivery by Regional Health Authorities and rationalize the system of public sector doctors in private practice. We note, we heard my senatorial colleague, Melissa Ramkissoon, remind that the report

contains some 60-odd recommendations—she is no longer in the House.

But, Mr. Vice-President, following the submission of the committee's report in August 2016, this Government, in keeping with the Vision 2030 theme, which is delivering good governance and service excellence, is seeking to establish a joint select committee. And what are we asking this joint select committee to do, Mr. Vice-President, one, to review and analyze the report; to consider the findings and recommendations contained in the report; and report its observations and recommendations no later than June 30<sup>th</sup>.

Mr. Vice-President, health care provision is changing rapidly, and those of us given the responsibility to take care of our people, those of us who want to have a better health care system, those of us who see the need for the provision of quality health care, how can we sit and make a statement that an important matter as this report ought not to attract the attention of a joint select committee?

Mr. Vice-President, understanding these linkages the Government of Trinidad and Tobago has included the concept of health and well-being of its citizens under theme one of the National Development Strategy (Vision 2030), "Putting People First: Nurturing Our greatest Asset". Mr. Vice-President, theme one, Putting People First: Nurturing Our greatest Asset, acknowledges that our citizens are central to our develop. And, in fact, those citizens are our greatest asset, and identifies that a society must be created in which all the basic needs are met, and each individual citizen is given the opportunity, not only to contribute to the development of this country, but to engage in the self-actualization of their respective dreams. This means, therefore, that we must attempt to eradicate poverty, inequity, discrimination, economic and social marginalization, disease and poor health, and substandard living conditions.

The goals, focusing on health, in line with this theme include, Mr. Vice-President, the following short-term goals: one, the health care system will be sustainable and modern and deliver higher standards of health care; and, two, citizens will be empowered to lead healthy lifestyles. Mr. Vice-President, these two will then feed in to the medium-term goals that the health care system will be efficient and provide quality services, and citizens will lead healthy lifestyles, which in turn will feed in to the long-term goal of all our citizens enjoying a healthy lifestyle. Mr. Vice-President, this is in line with the Sustainable Development Goals, which speak to good health and well-being.

I turn my attention now to the benefits of this joint select committee, additional benefits. Mr. Vice-President, given that this report will redound to the benefit of all stakeholders, it is put to this honourable House that this process will result in the most efficient evaluation of the report. Why? Because a joint select committee is designed, Mr. Vice-President, not to be partisan, but to be less partisan in its deliberations, and can perform functions which the Lower House themselves may not be so designed to do. The added benefit is that political old talk and “ramajay” will be minimized because the committee in its natural construct is non-partisan, and, therefore, would be able to focus at the task at hand.

Mr. Vice-President, the joint select committee will comprise of representatives of those of us who sit in this august Chamber, with all good intentions.

None of us are seated here because we do not have real, or we have bad intentions, we all have good intentions to improve the quality of lives for Trinidad and Tobago. Since this report is highly technical any evaluation will require a high degree of specialized input. Mr. Vice-President, and when you look around we

have all the specialized experts sitting right here, right here in this august Chamber. People whose focus—I mean, Dr. Mahabir is smiling. I mean, we do not always agree with some of his contributions, but, by and large, he sets us on the right track in many instances, so that we do not have to look far. We have the expertise seated here, people who can get the job done. So, Mr. Vice-President, we recognize that there is need for a paradigm shift in our health care system, specifically the way we allocate resources, strategize and operate our health care systems in this country, and the joint select committee would be able to zero in.

I have worked with Sen. Small on parliamentary committees and I always value his contribution, always pay attention to it. I mean, even my friends, Sen. Wade Mark, who I fondly call “Chairman Mao”, I mean, at the level—[*Laughter*] No, no, no, no, it is complimentary, and that is why we are smiling, because Chairman Mao wields a lot of power, and he knows that. I mean, at the level of our committee, it is non-partisan. All Members—Chairman Mao will tell you—Sen. Wade Mark would tell you, at the level of that committee, I am influenced by his guidance, and any time that chairman makes a ruling, and any member of that committee fails, not to adhere to that committee gets my full length of tongue, because I support the decision of my chairman on that committee, because when we sit at that level it is non-partisan. You see how my friend is smiling, he knows that, and he gets 100 per cent support from myself.

So, Mr. Vice-President, I am saying all this to say, the joint select committee is the correct place for this report to go. Now, we recognize that without healthy people, without well-functioning health systems there can be no growth; there can be no economic success in any small developing nation like Trinidad and Tobago. As a consequence, therefore, Mr. Vice President, my Government, our



Government, is committed to delivering good governance and service excellence as articulated in the National Development Strategy (Vision 2030), based on principles of participation and inclusion.

How many times we have sat in this Chamber and heard our colleagues complain that they are not being included, they want to participate, they want to have a say in the policy formulation of this country. I sat here stunned to hear my colleague, Sen. Ameen, accusing us of not wanting to govern. We are governing along the principle of participatory governance, Mr. Vice President, [*Desk thumping*] and I do not know how much more we can do. All I can do is urge my friend, set aside your political focus and let us look at what is good for the country.

It just may be, Mr. Vice-President, that this joint select committee may be able to zero in on certain weak areas in the reporting functions of this committee. This joint select committee may be able to go further than where the Welch's report has gone, and may be able to raise certain issues and demand certain answers. But you know what, Mr. Vice-President, in the final analysis it would be this Parliament making a very clear determination in terms of the health sector, that all of us are aware, needs some very serious reformation and some very serious action to be taken in the final analysis. Which better place for those decisions to be taken but here, the highest decision-making forum in Trinidad and Tobago.

So then, Mr. Vice-President, because this Government believes in fair and transparent processes, and prides itself in being a Government accountable to the people of this blessed nation we call Trinidad and Tobago, have put forward this process. This committee is entrusted with the careful review of the contents of the report. All of the deliberations and hearings of the committee will be made public. We agree at different parliamentary fora that because committee meetings can be

viewed publicly, where various state enterprises have to come before these committees that the public of Trinidad and Tobago has a clearer insight into what is happening, and, therefore, we get a direct feedback from the people.

The Government of the Republic of Trinidad and Tobago recognizes that the quality of public health care services and the management of health institutions continue to be areas of grave concerns of the citizenry of this country, and which better way to identify and address those concerns but through a joint select committee. Mr. Vice-President, according to the Commission on Growth and Development, led by Nobel Laureate, Michael Spence, 2001, and I quote.

“Health is a direct source of human welfare and also an instrument for raising income levels.”

But, Mr. Vice-President, I will not go into all the data that came out of that situation. But I would want to close, Mr. Vice-President, by pointing out the following. It is known that being employed is good for one's health and well-being, but it is increasingly being recognized that a healthy workforce is beneficial to employers also. By creating a positive, safe and healthy environment for employees you can actually increase the morale, improve your employee's work-life balance, and, in turn, that will impact positively on the business that will give rise to a higher level of profits for the employer, which will redound in better pay packages for the workers.

The obvious benefit of having a healthy workforce is that healthier employees are absent less often. You know, Mr. Vice-President, it would be very interesting, not only interesting, it would assist us if a study is done to identify the cost, or the value of absenteeism through illness, through lifestyles that are not healthy. It will prove very interesting, because you see, Mr. Vice-President,

healthy workers are more motivated to stay on the job, to recover from sickness within a shorter time frame, and they are less at risk of long-term illnesses. Mr. Vice-President, it is crucial that we as a people, we as Trinbagonians, that we build the health care system that would meet the multiple challenges that lie ahead. It is therefore necessary that we establish this committee to treat with this technical report in a consultative manner to the benefit of Trinidad and Tobago.

Finally, I have no doubt, Mr. Vice-President, that we would have an excellent set of policy prescriptions geared towards improving our nation's health care system with the work that would flow from this joint select committee. It is therefore against that background, Mr. Vice-President, that I urge my senatorial colleagues to reconsider, those who hold the view that this report ought not to go to the joint select committee, to reconsider their position and the valuable inputs they themselves can make at this level to make this place a better place for all of us, and for the next generation to come. I thank you, Mr. Vice-President. [*Desk thumping*]

**Mr. Vice-President:** Sen. Mark. [*Desk thumping*]

**Sen. Wade Mark:** Thank you very much, Mr. Vice-President. You know, Mr. Vice-President, it is said that confession is good for the soul, and I want to tell you this evening that the Motion before this honourable Senate is a complete confession, if not, it is a reflection by this administration on their inability to deliver quality goods and services at affordable prices through the implementation and execution of effective policies to the population of the Republic of Trinidad and Tobago. [*Desk thumping*] I think this is a confession. I want to debunk, and I also want to completely rubbish some of the views that I have heard today.

I must confess, as I am on confession, that in the joint select committee, that

I have happened to lead, the PA(E)C, I join with my colleague, the hon. Minister of Labour and Small Enterprise Development, to say that we operate in a non-partisan fashion. [*Desk thumping*] I join with her, because she would have heard me on several occasions indicate to my colleagues that the taxpayer dollar has no party colours, and when we come to the joint select committee we come to do the people's business.

So that is absolutely clear. But what is also absolutely clear, Mr. Vice-President, is that when we come in plenary, as we do quite often, it is where we are today, you know, we have to do what we have to do. We say what we have to say within the Standing Orders, because the responsibility of Members of Parliament, those in the Government, they want to remain in Government so they would do everything to retain office, and they will argue in defence of their Government's policies and programmes. And those in Opposition, as we are, we are to expose and to criticize, and to highlight deficiencies, and to offer constructive alternatives in an effort to provide the people with a choice at the end of the exercise. We are not here to remain permanently in Opposition. We are here to move with haste to get rid [*Desk thumping*] of the PNM as quickly as we can. That is what we are here to do.

So we are not here to do anything else but to get rid of the PNM as quickly as possible. So I want to make that very clear, Mr. Vice-President. So I am not here, as I rise, to indicate to you, Mr. Vice-President, that we have to appreciate, and as I am on that point, let me deal with it one time. The hon. Minister of Labour and Small Enterprise Development, Sen. Baptiste-Primus, referred to Standing Order 91, and went on to outline the functions, the general functions of departmental joint select committees.

**2.45 p.m.**

And every function under this section of the Standing Orders addresses essentially, Mr. Vice-President, activities of the executives or the Executive through Ministries, agencies, statutory authorities, state entities and of course, when they legislate Bills, and we are responsible through the provisions in 19 to examine Bills, to investigate matters relating to mandates of Ministries to study the programmes and policies enunciated by Ministries. We do not formulate policies for Ministries.

And, Mr. Vice-President, I just want to refer you to section 85(1) of the Constitution. And 85(1) of the Constitution speaks, and let me quote, Mr. Vice-President, 85(1) talks about Ministers being assigned responsibilities and for any department of Government and those Ministers shall exercise general direction and control over those departments and Ministries. [*Desk thumping*]

You know what that is? You know when they talk about general direction and control what that means?—policy. So the Ministries, Mr. Vice-President, they formulate policies, and when they formulate policies those policies are enquired into by the Standing Committees established by the Parliament, because under 75(1) of the Constitution the Cabinet is collectively accountable to the Parliament. [*Desk thumping*]

So, I think, we need to make it very clear that we are not here to engage in the formulation of policies; that is the domain of the Executive. Even the hon. Leader of Government Business is on record as saying, over and over, listen you disagree with us, that is fine, do not obstruct us. We have five years, we must carry out—give us the responsibility, let us be allowed to carry out policy. Let us carry out our responsibilities as an Executive, as a Cabinet, as a Government, and

if after five years the people are not happy, Mr. Vice-President, then they can exercise their choice and their rights under the electoral system that we have here. So, I think, you know, Mr. Vice-President, it is either some of our colleagues are somewhat confused as to what their roles are and what our roles are.

Mr. Vice-President, may I also remind you and this honourable Senate that there are four essential functions of a Parliament and our Parliament. The first function is lawmaking, we make laws.

The second function is we are responsible through our oversight role through the Joint Select Committees, the joint standing committees to bring the Government, bring the Executive to book through scrutiny and probity. That is our responsibility. So they are accountable to this Parliament for every decision, every action that they take on behalf of the citizen through policy, that is what we do. So that is the second function that we have to execute.

The third function of the Parliament is representation. Forty-one Members are elected in the House of Representatives representing the views and the interest and the aspirations and the dreams of 1.4 million people. That is the role and function of a Parliament to give effective representation to the voices of 1.4 million people.

And the last function we execute as a Parliament is the supply of finance. That is what the budget debate is all about on an annual basis, because without us approving the budget, there can be no goods and services supplied to the people of this country. So, we are responsible for approving the budget on an annual basis.

Nowhere in any literature within the Commonwealth or outside of the Commonwealth would you see a Parliament having the responsibility for formulating policy. Where is the function of a Parliament as it relates to policy

formulation and policy execution? That is the role of the Cabinet. That is the role of the elected Government. The Government is here, Mr. Vice-President, to execute policy and to not only execute, they formulate policy and through the public service they execute and they implement policies.

So, Mr. Vice-President, I thought I should deal with these matters up front so that you would know that when we come to this question of this particular resolution or Motion where the Government is seeking to duck its responsibilities. They are trying to duck their responsibilities, and not only that, Mr. Vice-President, I will show you as I proceed that the Joint Select Committee is a strategy being used by the PNM in order to entrap the Opposition so at the end of the day they will share the blame. [*Desk thumping*] They will share the blame. So they want us to take responsibility for formulating policy and determining policy, and at the end of the day, Mr. Vice-President, they will go out there and tell the population, the Opposition was responsible for X and Y, they took part and look Wade Mark signature is here, he supported this, he supported that, he supported the other.

So what they are doing, Mr. Vice-President, as if we born yesterday or last Sunday, they are trying to entrap us and using this approach to say, listen like my good friend, is like the last train to San Fernando, the hon. Leader of Government Business said, listen you have always been calling for involvement. You want to be part of policy formulation? You better hold on to this now. Snatch it now. Grab it now. "Giving us basket". But I want to tell the hon. Leader of Government Business, you and your baskets porous, [*Desk thumping*] is only holes in that basket, because all the water pouring out, because we are not going to "take basket" from this Government. That is what you are trying to give us, basket. You

understand, Mr. Vice-President?

So when we look at this exercise carefully it tells us, and I want to remind the hon. Leader of Government Business, Mr. Vice-President, you see this, this is the report of the Gafoor Commission of Enquiry into health care. This was 2004. They completed it in 2007 under the late Mr. Patrick Manning former Prime Minister, may his soul rest in peace. We implemented some during our period. We want you to implement the rest. [*Desk thumping*]

The Government, Mr. Vice-President, should withdraw that Motion that is before this House. [*Desk thumping*] You should withdraw this Motion forthwith, because that Motion, I am saying, all the work is contained here already.

**Mr. Vice-President:** Sen. Mark, the picking up of the books, the visual aids, you—[*Interruption*]

**Sen. W. Mark:** “This is not visual aids, this is books.”

**Mr. Vice-President:** Right. So when you pick it up and you direct it at the other side, it is a visual aid. So, please, refrain from doing that. You just continue on with the points that you are making.

**Sen. W. Mark:** I am guided by you, Sir. So what I am saying, Mr. Vice-President, there is no need for the Government to proceed with the Welch reports and tell us that we must take part in this exercise. I want to make it very clear that this Government wants the Opposition to share responsibility. They want us take blame if things fail so we can be held accountable by the people as they are going to be held accountable.

But you know, Mr. Vice-President, if you want the Opposition to be responsible and to help you formulate policy, you have two choices facing you, two choices. You share power with the Opposition, you share power with the



Opposition 50 per cent/50 per cent or you get out of office [*Desk thumping*] and call for fresh elections. You either share power or you get out of office and call fresh election so that we can become the next Government and we can invite you to come with us. So do not come here and try to mamaguy as they would say, Mr. Vice-President, the Opposition and tell us about we want to be part, we want you to hold on to this, grab it on, the hon. Leader of Government Business, grab it.

Mr. Vice-President, I just want to let you know as well that this issue of the Joint Select Committee on this health care reports, I do not know if you are aware, I do not know if you are aware, if you go to Appendix V of our Standing Orders and you go to subsection (1) you will see something called the Social Services and Public Administration committee. It is the Joint Select Committee, right?—on social services and public administration. You know which Ministries fall under and which subject matters fall under this particular JSC? Let me read it slowly:

“Education, Health...”

Health, Mr. Vice-President. So you have Health; you have Gender; you have Tourism; you have Public Administration; you have Labour; Culture; Community Development and other Social Services.

Mr. Vice-President, could you tell us here or could the hon. Leader of Government Business through you, advise us, why is the Government duplicating work? [*Desk thumping*] You already have a Standing Committee dealing with social services and public administration. Why does the Government not refer this report simply to that committee? [*Desk thumping*] Why do you want to create another committee?

Mr. Vice-President, may I advise you that we have 14 Standing Committees in existence. I am on several of them. We also have three additional Joint Select

Committees. We have one on gambling and gaming. That is 15. We have one on cybercrime, 16 and we have the other one on insurance, 17. You now want to come and burden us with two other committees, one on health and there is already a committee here dealing with health and you want to come and tell us about another matter which I do not want to anticipate because it is coming up. So in all, Mr. Vice-President, we are talking about we may be saddled with 19 committees, Joint Select Committees.

Now tell me something. All the Cabinet Members, Parliamentary Secretaries, Ministers of State, their “business fix”. They are well off. They get proper remuneration, full time. You know we who have to come here and labour in the vineyard, Mr. Vice-President, you know what happening? We are not being remunerated like they are. So you want us to come and do work. And, Mr. Vice-President, the Members of Parliament who are backbenchers like us here in the Opposition, but you know, think about the staff, think about staff of Parliament. They work—in fact, the most professional group that we have in the whole of the public service in the Republic of T&T [*Desk thumping*] can be found right here in our Parliament. The professional group.

**Sen. Baptiste-Primus:** The only thing we agree with you on is that.

**Sen. W. Mark:** Yes. And I am very grateful. Right. Very grateful. So, Mr. Vice-President, what about the staffers? Where are they going to find the time? Are they not humans too? Mr. Vice-President, I want to tell you something, eh. This regime is so disorganized, so disorganized they are almost dysfunctional. [*Desk thumping*] Mr. Vice-President, would you believe that as far as we are concerned, how can you come, how can you come and seek to introduce two new Joint Select Committees when you know you already have 17 in existence. And,

Mr. Vice-President, you know what is even worse? You have 14 standing and you have three that are working right now: gambling and gaming; insurance; and cybercrime and then you have two more added to that, 19.

Mr. Vice-President, you know what is even more difficult to endure? Most of those committees, a number of those committees that they want to establish here now, all are going to be chaired by a Government Minister. So, Mr. Vice-President, let us say we go with the minimum of eight Members, it would be five, it would be two from the Opposition and one Independent chaired by the Government. So chairman of the committee on health care will be a Government Minister or Government Member, and as you know, Mr. Vice-President, most of these committees that do not have Independent Senators chairing them, once they are established to do specific work in terms of Bills or in this instance where the Government is seeking to serve reports, they are going to be chaired by Government Ministers who do not have the time, they not have the time, but they are asking for work. Where are they going to find the time to function to do that kind of work? They cannot find the time.

And I want to tell you, Mr. Vice-President, that the former Prime Minister who has now passed on and I do not know if it is the strategy of this one, because the hon. leader made it very clear a short while ago that this came directly from the Office of the Prime Minister to form this committee, to establish this committee. It did not come from the Ministry of Health or to the Minister of Health, it came directly from the Office of the Prime Minister.

I want to advise that the last time a Prime Minister established a commission of enquiry into health care in this country, the Minister of Health was fired after that. [*Desk thumping*] That was a man called John Rahael, he was the Minister of

Health. And the Patrick Manning Government wanted to get rid of him so they established a commission of enquiry into health. So I do not know if the strategy is to get rid of Deyalsingh. [*Desk thumping*] I do not know if the strategy is to get rid of the Member of Parliament for St. Joseph, now the current Minister of Health.

**Sen. Baptiste-Primus:** Wishful thinking.

**Sen. W. Mark:** No. I do not know, I am just asking. Mr. Vice-President, I do not know. I do not know if it is a strategy on their part.

**Sen. Ameen:** A reshuffle coming, the Prime Minister said so. “All ah allyuh” under—

**Sen. Baptiste-Primus:** That coming out of a bottle like “I dream of Jeannie”. Sorry, Mr. Vice-President.

**Sen. Samuel:** “Oh gosh. Yuh not sorry.”

**Mr. Vice-President:** Sen. Ameen. Continue, Sen. Mark.

**Sen. W. Mark:** Thank you very much, Mr. Vice-President. I just want to go back to another point that my friend raised earlier, that is the hon. Leader of Government Business. He stated and I quote:

This Government, that is the PNM Government, is committed to transparency, and that is why on Wednesday, which is tomorrow, the master gas plan or the gas master plan, whatever you want to call it, will be laid.

And that is the first time and they are committed to transparency. I want to ask the Minister, the hon. Leader of Government Business, there is a group—we have been asking for the documentation that gave that group the power to represent Trinidad and Tobago in a place called Washington DC, on Capitol Hill. The name of the group is Group DC LLC led by a fella called Arthur R. Collins. We have been asking the Government, and they talk about transparency and accountability, we

have been asking them to table in this Parliament all the documents, all the papers establishing that particular agency led by this chap called Arthur Collins. You know, this time we are yet to get—[*Interruption*]

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

**Mr. Vice-President:** Senator, on the point of order, I would ask that you just rein it in a bit and keep it in terms of the Motion we have before us.

**Sen. W. Mark:** Mr. Vice-President, I was just responding to the concept of transparency that was raised by my hon. friend. And I was just simply saying that one of the things that we have been asking for in terms of transparency is the tabling of all the documents. Mr. Vice-President, you know why I am raising this point?—is US \$2.4 million which is worth \$16 million [*Desk thumping*] that they have given to this firm and we are no [*Crosstalk*] on this matter. Sorry, have Mr. Vice-President.

**Mr. Vice-President:** Okay, Senator. I just ruled on the point of order regarding relevance, so I would ask you to bring it right back to the Motion before us now in regard to the setting up of the Joint Select Committee in relation to the two reports that have been put forward. So can you, moving forward, bring it in?

**Sen. W. Mark:** So, Mr. Vice-President, I want to get back to the Welch—because as you said, we cannot deal with the contents of the report which, you know, in a quiet moment I will discuss it with you because it is very difficult to speak without making reference to that. But I am guided by your ruling.

Mr. Vice-President, on a broad basis when I examined that report a number of the issues raised in that report were rooted in managerial challenges, and all we need to do is to engage in proper management, and health sector would be running smoothly and efficiently.

**Sen. Baptiste-Primus:** It did not run like that under the UNC.

**Sen. W. Mark:** We had challenges too, we had challenges. So what I am saying, Mr. Vice-President, is the Welch committee report deals more with managerial issues—*[Interruption]*

**Sen. Baptiste-Primus:** That is not true.

**Sen. W. Mark:**—confronting the health sector.

**Sen. Baptiste-Primus:** Read the report.

**Sen. W. Mark:** That is what I am suggesting and not necessarily—*[Interruption]*

**Sen. Baptiste-Primus:** You did not read the report.

**Sen. Ameen:** You had your turn.

**Mr. Vice-President:** Minister, could you just, please, allow this hon. Senator to make his contribution? The crosstalk is actually getting loud and I think it is interrupting the proceedings.

**Sen. Baptiste-Primus:** Thank you, Mr. Vice-President.

**Sen. W. Mark:** I know that the hon. Minister has a weakness for me. *[Laughter]* She has a weakness for me, so I have no problem, I welcome her with open arms. I welcome her with open arms. She does not disturb me. Right. I want to tell you that. I love her too, she loves me, I love her.

**Mr. Vice-President:** Senator.

**Sen. W. Mark:** And we love each other. *[Crosstalk]* Thank you. Thank you. You are quite helpful.

**Sen. Baptiste-Primus:** My husband is completely bald, he is.

**Sen. W. Mark:** Oh, my God. You see why she loves me.

**Mr. Vice-President:** That is not called for. Can we just temper the level of crosstalk and the words that we are using? Senator, continue.

**Sen. W. Mark:** Yes. As I tell “yuh” and so on, she has weakness for me. So, Mr. Vice-President, may I continue?

So, I was making the point that the Government of Trinidad and Tobago does not want to take responsibility for anything. They blame everybody. My heart and my prayers go out to Fr. Clyde Harvey for what has happened to him yesterday or the day before. But when I listened to the Prime Minister’s response where he is blaming parents—*[Interruption]*

**Mr. Vice-President:** Senator, the comments that you are making now do not tie in with the Motion that we have. So again, could you move away from that point and bring it back to the Motion that is before us.

**Sen. W. Mark:** I am dealing with, Mr. Vice-President, I am guided by you. I am saying for instance, the Government has to take responsibility. Do not come to this Parliament, do not come to this Senate and try to place on our back a burden that you should be carrying.

When we were there between 2010 and 2015, the burden was on our back and we carried it out. We did not say, we want to establish—Mr. Vice-President, the same books that I raised and you guided me on, these books that I am touching here, because I cannot raise them—they are too heavy for me now—these same books that were via a report, that were submitted to the former Prime Minister, he did not send that to a Joint Select Committee. Mr. Manning had the wisdom to implement these recommendations. *[Desk thumping]* He proceeded to try to implement those recommendations. Why is the Government of Trinidad and Tobago seeking to burden us with its responsibilities? Listen, you are in charge. The people gave a mandate temporarily, you were “red and ready”. Why are you subcontracting out your job? *[Desk thumping]* Why are you subcontracting out your job and your

services?—so they want us to be part of it.

Look, Mr. Vice-President, we will not accept that, we do not want to be part of any arrangement. And until there is meaningful constitutional reform in this country; until we have effective and meaningful parliamentary independence and autonomy where we can have more power to put the Executive under scrutiny and probity; Mr. Vice-President, until Members of Parliament, everyone are full time and they are paid appropriately; and until there are changes to the Constitution that give the Parliament a new power and responsibility to formulate policy, we are going to stick our mandate which is lawmaking, which is oversight, which is supplying finance and representation. That is our mandate and we must stick to it and the Government cannot foist on us a new mandate.

**3.15 p.m.**

Mr. Vice-President, this should be referred to an inter-ministerial committee. This report that we have before us, that they want to send to a JSC, that should go to an inter-ministerial committee, and let that inter-ministerial committee oversee its implementation of the recommendations. And whether they want to get rid of private doctors who are in the public sector, and they said that there is a conflict of interest, and they need to take legislative action to rectify that, let them take that. Why they want us to be part of that decision making? If the Government wants to get rid of doctors who—

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

**Sen. W. Mark:** Yes. If the Government wishes to get rid of the doctors who are in the public sector and engage in private practice that you consider to be a conflict of interest—

**Sen. Baptiste-Primus:** Point of order, Mr. Vice-President, 46 (1). The report



never said that they want to get rid of the doctors. Do not say that, man.

**Mr. Vice-President:** Minister. Sen. Mark, again, we are talking about setting up a Joint Select Committee in relation to the reports. In relation to getting into the report or anything that may or may not have been said in the report, just stay away from quoting or referencing the report.

**Sen. W. Mark:** So, Mr. Vice-President, I would say that the Parliament should not be burdened with the creation of another JSC to deal with government work. This is government work. Government should do their work. They have set up the Welch Committee, as they have set a committee on Petrotrin, they have set up a committee on education, those reports when they come to the Cabinet, they must implement those reports or reject those reports. Do not come to the Parliament and seek to get us involved in that.

And, I want to tell you, Mr. Vice-President, in any event, if the Government wishes to refer that report to a committee, I am saying that they do not have to create a new one. There is already one in existence. Just refer the report and they will look at it, and they will probably tell them what they think about it at the end of the day, and you do not have to create a new one. Mr. Vice-President, I need to tell you that when you talk about the creation of a new JSC, think about the Parliament, think about the Office of the Parliament in the context of resources, in the context of personnel, in the context of poorly paid staff, in the context of poorly paid Parliamentarians who are non-full time. You have to think about all these things. But we understand from the hon. Sen. Paula Gopee-Scoon that the Prime Minister told her—because that is what she told us last here when they deal with parliamentary autonomy—that there will be no—Dr. Rowley has indicated, or the hon. Prime Minister had indicated, there would be no salary increases. I never

knew he had such power. I thought that was the power of the SRC.

**Hon. Al-Rawi:** Subject to Cabinet.

**Sen. W. Mark:** Well no, subject to here, because Cabinet has to bring it here.

**Sen. Baptiste-Primus:** And you know that, so why are you accusing them of doing wrong—

**Sen. W. Mark:** No, I am just making a point.

**Sen. Baptiste-Primus:** “Yuh like kuchoor eh?”

**Sen. W. Mark:** No, not “kuchoor”. So, Mr. Vice-President, we cannot and we do not support this. We want no part in this exercise. My only duty, and our only duty is to move swiftly and rapidly to get rid of this albatross around the necks of the people called the PNM. [*Desk thumping*] As soon as we can do that—the sooner we can do that the better. We have no other interest but to get rid of this regime as soon as possible, and we are not interested in taking part in any JSC involving, for instance, this JSC.

**Sen. Baptiste-Primus:** You hear that? You hear that?

**Sen. W. Mark:** This JSC! You are seeking to impose—

**Sen. Baptiste-Primus:** Every JSC you said. You said every JSC.

**Sen. W. Mark:** No, I am correcting myself.

**Sen. Ameen:** Point of order. Point of order—

**Hon. Senator:** Point of order against your own speaker?

**Sen. Ameen:**—51(1)(e), (f) and (g), the running commentary, Mr. Vice-President.

**Sen. Baptiste-Primus:** You are the last person to make that comment.

**Mr. Vice-President:** Hon. Senator, you have about a minute left. As for the running commentary that the point of order has been raised on, I would ask you to tone it down a bit. Hon. Senator, finish.

**Sen. W. Mark:** Yes. Well, Mr. Vice-President, I must thank you very much for giving me the opportunity to make my contribution today. Thank you very much.  
*[Laughter] [Desk thumping]*

**Sen. Dr. Dhanayshar Mahabir:** Thank you very much, Mr. Vice-President. I rather suspect that my own contribution will generate a little less crosstalk than the earlier one.

Mr. Vice-President, I would like to just read the first line of the Motion:

*“Be it resolved* that a Joint Select Committee be established to consider the First Report of the Committee established to Review the Levels of Health Care Delivery...”—and so on.

And, I would like to pose the question as to whether there is a need to establish a Joint Select Committee? And second, under sub-article (c):

*“report its observations and recommendations no later than June 30, 2017.”*

That is unrealistic, and I do not think it is going to do justice to the report that is before us.

But when I read the first line of the Motion, I asked myself whether there really is, as my colleague Sen. Mark alluded to, a need to establish a Joint Select Committee. And, Mr. Vice-President, like my colleague, Minister, Sen. Jennifer Baptiste-Primus, I too would like to refer this honourable House to Standing Order 91: “General Functions of Departmental Joint Select Committees”. Under 91(1)(c) it says:

“In general, the functions of a Departmental Committee shall be to—

(c) study the programme and policy objectives of Ministries, Departments or Bodies and the effectiveness of the implementation;”

So, there are provisions in the Standing Orders for a Departmental Joint Select Committee to study the programme and policy objectives of Ministries. And under 91(1)(e) it says:

“In general, the functions of a Departmental Committee shall be to—

- (e) investigate and inquire into all matters relating to the assigned Ministries, Departments and Bodies as they may deem necessary, or”—and my emphasis here—“as may be referred to them by the House or a Minister.”

The departmental committees, when we look at Appendix V are: National Security, Energy Affairs, Foreign Affairs, and under the following omnibus committees, omnibus committee number three, Social Services and Public Administration, to which I will refer.

So, the Standing Orders are very clear with respect to the remit of the committees. And the question I ask myself is: Has a similar situation arisen before? Or, is this the first time the Parliament has been asked to consider a matter that has been referred to a Joint Select Committee by the Executive? I want to refer to page 56 under Standing Order 95, the committee on Foreign Affairs, of which I was when it was first constituted, the chairman, the chairmanship then moved to a Government member at a subsequent occasion, but the hon. Sen. Gopee-Scoon was a member then, I understand is a member now. But, the committee on Foreign Affairs shall have the duty of considering from time to time and reporting whenever necessary, on other matters relating to Foreign Affairs as may be referred to it by the House.

What occurred, and it is on the record, is that a report on the COTED—that is the committee that was established by the Caricom Secretariat to look at further

integration of the Caricom Common Market was referred to the Committee on Foreign Affairs for its deliberations, and then to report to the House with respect to its findings. So that the Standing Orders do provide for the matters affecting the Executive branch of Government to be referred to it so that there could be deliberations at the committee level, and then a report is duly made. When I therefore examined the departmental committees, the departmental committees would include national security, energy, foreign affairs, and under three, social services and public administration to include: education, health, gender, tourism, public administration, labour, culture, community development, and other social services.

So, to emphasize a point raised by Sen. Mark, is there a need—coming back to the Motion—to establish a Joint Select Committee to look at the report on the health sector, and in particular on whether doctors should be both employed in the private sector and in the government sector. Or whether this matter should not be referred to the Committee on Social Services, which is charged with examining matters in relation to health care. And the procedure is a straightforward one. All that is required is for a Minister to simply refer the matter to the Joint Select Committee on Social Services, of which I am the Chairman. We have Sen. Ameen as a member, we have Sen. Lewis as a member, Sen. Rohan Sinanan as a member from this Chamber, and we have members in the other place.

So, it is a Joint Select Committee, omnibus committee, and simply refer to the Secretariat the desire of the Executive branch of Government for the committee to look at that, and the convention has always been that whenever a request is made, coming from the House or a Minister, or the Executive branch, to look at a matter, a discussion is ensued and members set aside the agenda they would

complete ongoing work, and they will focus on this particular matter as a matter of priority, and they will report on it after taking the evidence, public evidence, open hearings, and a report will then dutifully be filed.

So, I ask myself whether there is really a need given, as Sen. Mark alluded, that there are some 19 or 20 committees, and we set up a select committee this morning, and given the limited resources of the Parliament, given the fact that the time is unrealistic, we cannot look—and Sen. Ramkissoon is right, the committee itself was made up of technical specialists in their field, and we are being asked to set up a new Joint Select Committee, and to report in a couple of weeks in the context and the confines that we have.

So, my own recommendation is that we simply refer this matter to the committee which has the responsibility for it, Joint Select Committee on Social Services and Public Administration, the procedure is spelled out in the standing order, a Minister, the Minister of Health, or the Leader of Government Business in the House refers it to us, we deliberate upon it, and the Members are already in existence. There is no need to pass any further Motion as to who will sit on this committee. The Members of the Joint Select Committee are already in existence and it then becomes part of the work programme that is the ongoing work of the Committee on Social Services and Public Administration.

Mr. Vice-President, I think the whole issue is superfluous, the issue has already been dealt with, the Standing Orders are very clear, the remit of the Committee of Social Services is very well defined. This falls within the work programme, and therefore I would recommend that we do not add another committee to duplicate the work of an existing committee, we simply refer this matter to the existing Committee on Social Services [*Desk thumping*] and Public

Administration, and the committee as a Joint Select Committee will duly deliberate and present its findings as it has been doing over the last two sessions in the Parliament.

Mr. Vice-President, I thank you. [*Desk thumping*]

**Mr. Vice-President:** Leader of Government Business. [*Desk thumping*]

**The Minister of Energy and Energy Affairs (Sen. The Hon. Franklin Khan):**

Thank you very much, Mr. Vice-President. I listened attentively to the contributions of all the Senators who participated in this debate. First and foremost, I want to say the Executive and the Cabinet, the Government of Trinidad and Tobago, is not abdicating its responsibility when it comes in terms of policy formulation and policy implementation and the governance of Trinidad and Tobago.

But there are a couple of things we need to understand. There are certain, what I call seminal reports that do not fall under the run of the mill definition. Seminal reports, the Welch Report, the Gas Master Plan, Vision 2030, which we will deal with later on, so I do not want to prejudge what will happen there. These seminal reports—one of the things that Members need to understand, is that when a document is laid in the Parliament it becomes a public document, and by that action only, it is good for governance. Okay, so it now becomes a publicly accessible document.

Secondly, I am surprised to hear the thinking now of some of the Senators. In particular the Opposition Bench, because it is like you want to have your cake and eat it, you know. You have been clamouring all the time, and say everything must go to Joint Select. You are clamouring all the time to say there should be more consultation. [*Desk thumping*] Okay? You clamouring that there is

supposed to be a more bipartisan or non-partisan approach to governance, and here we are saying, let us table this seminal report from the Welch Committee on health.

Health a major challenge. We all know health is a major challenge, and we have come to this Parliament with a document which states that it is proposing recommendations, it is proposing solutions, it is dealing at some key fundamental issues, which the Vice-President has ruled not to go into at this point in time. But that calls for consultation. And another thing some of the Senators mentioned, that it is a highly specialized document. It is a committee of experts, yes. It is a health sector, a health care report, yes. The gas master plan is an expert report, but the energy. But, at the end of the day, through you, Mr. Vice-President, it is public policy, and this is the forum for public policy. [*Desk thumping*] You do not have to be an expert to participate in public policy, because public policy goes beyond the hard-core technocratic—to use the AG's phrase—concepts that will be articulated in the report.

Because public policy goes beyond that. Public policy goes to how it relates to the poor man, how it relates to the institutions of Government, how it relates to all the stakeholders in the society. So, health policy, public policy, as it relates to health is not in the strict domain of the health care givers. It is in the domain of the health care receivers, it is in the domain of the insurance companies, it is in the domain of every single citizen of Trinidad and Tobago, because health and education are probably the two most fundamental aspects of Government. I always say, if you do not get health right, you do not get education right, you stand a good chance not to form the next administration, because that is where you touch every single life in Trinidad and Tobago.



And why would not a Senate, and why would not a House of Representatives want to participate? You are not going to say that Dr. Welch is talking nonsense about recommendation A, B, C and D, because probably you may not be qualified to so adjudicate. But, obviously, as public policy people, you will be qualified to say, “I see another angle in this”, which you could not see, because you have the blinkers of a doctor, or you have the blinkers of a nurse, or you have the blinkers of a hospital administration, but there are other aspects to health care policy, and that is the context in which we brought this to the Parliament. It is no ulterior motive to say we abdicating our responsibility for governance, and how I always say, give us a chance to govern, because we are the Executive. We are the Executive and we will govern to the best of our ability. [*Desk thumping*] But for heaven’s sake, through you, Mr. Vice-President, let us be real, let us come to the dance as citizens of Trinidad and Tobago, and let us come together and participate and contribute, because that is where your greatest value are—your value is, as Senators, to contribute.

When you debate on legislation, whether you oppose the legislation, the legislation is eventually voted into law. The fact of the matter is, the *Hansard* will record your contribution, and that is all you can do as representative of the people, you know. Because this is where public policy is formulated, and public policy represents the people. We represent the people on this side. The Opposition represents the people on this side, and you on the Independent Bench also represent the people. Because in a democracy the people are paramount. And in that context and that context only, I think we should support this Motion of sending the Welch report, a seminal report on the health sector, from even superseding the Gafoor Commission of Enquiry, because that was a commission of enquiry, which

has a different type of mandate to report, to drill down into the health sector, see what the challenges are, and come up with meaningful solution.

I remember as a young man since Kamaluddin Mohammed was Minister of Health, we have challenges in the health system. We have built hospitals. We have built Mount Hope; we have built the Couva hospital, and it will be opened shortly; we are building, as we speak, the Arima hospital for one point something billion dollars. The Point Fortin hospital for one point something billion dollars. We have been pumping six to \$7 billion a year in the health sector, and still drugs are short, still there is a waiting time for beds.

**Sen. Dr. Mahabir:** Thank you, hon. Minister, for giving way. I am in total agreement with everything you are saying. What I am unclear about Senator, is this, what is the problem with respect to referring this particular Welch report to the Committee of Social Services and Public Administration, which has been constituted to address just matters like these?

**Sen. The Hon. F. Khan:** I will deal with that shortly. So, I hope Senators, through you Mr. Vice-President, understand the context in which we are coming from. I am for one person serious about governance, eh. I hope you all realize. And we have to start to take this country down the right track. And when I speak later on Vision 2020 I will show you certain things, not prejudging anything.

So, I really put forward the case that this special Joint Select Committee is well thought through. And let me deal with Sen. Dhanayshar Mahabir: There are several Joint Select Committees; we have the special select committees, which is what we are proposing here; there are the standing joint select committees, which have been long standing; and then the new kid in town based of the new Standing Orders, a departmental joint select committee. We have gone the way of a special

select committee, because we felt this report is so important that we should pull it out and give it status on its own.

And by setting up a special select committee, you can give it a deadline, and say that we want it report by then so that the Parliament could consider its recommendation. So, it does not get lost in the run of the mill things that go into the departmental Joint Select Committees where it has its own agenda set up, and we do not want to usurp that agenda.

And to deal with Sen. Ramkissoo's point about the timing, from our consultation with the Clerk—well, with the parliamentary staff I should say, we know that is an unrealistic time frame. The intent there is that the committee will meet, just prepare a brief interim report, and come back to the House asking for an extension, so that it will survive the recess and the prorogation of Parliament. If it is not done that way, it would not survive the prorogation. So, that is the only intent, and then you will set on your own a new deadline as to when you want to submit the report, whether it is in July or August, or what have you.

So, Mr. Vice-President, it would be remiss of me if I do not deal with Sen. Mark, because he is a character, to say the least. And, as a scientist I deal with algorithms and trying to set up correlation among cause and effect, and anytime I see Sen. Mark come with his shirt jack, I know, watch it. *[Laughter]* When he comes with his business attire, I know he is in a different mood, so I know that I will face aggression when he comes with his trade union outfit. Okay, and I expect that.

But, by and large, what Sen. Mark is saying, that, we as a Government are abdicating our responsibility. We have traditionally come through this Westminster system, the Westminster system is adversarial. We know that, but at

the level of the Senate I think we could be more collaborative, we could be more bipartisan, we could be more non-partisan. [*Desk thumping*] Because this is why—you see, the British knew what they were doing, because they have the House of Commons and the House of Lords, because they say, let the adversary rhetoric take place in the House of Representatives. But when you come to the House of Lords, while usually you still expect certain aspects of that, we have to elevate ourselves into dealing with the key issues.

And while the politics will always continue to play a part in Trinidad and Tobago, because at the end of the day we contest election under the Westminster system, in situations of key public policy—again, and I will talk certain things about public policy in the next Motion, on matters of key public policy, there needs to be buy-in, there needs to be consensus building. And there is no better way in the parliamentary system to get buy-in and to get consensus building than the process of a Joint Select Committee.

So, Mr. Vice-President, though you, I hope I have articulated the cause of this Government coming to Joint Select Committee to study the Welch report and to make recommendations thereto. I hope I have been convincing in my closing remarks, and with these few words, Mr. Vice-President, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Resolved:*

That a Joint Select Committee be established to consider the First Report of the Committee established to Review the Levels of Health Care Delivery by the Regional Health Authorities and to Rationalize the System of Public Sector Doctors in Private Practice as well as the Second Report of the

Committee to Review the Levels of Health Care Delivery by the Regional Health Authorities and to Rationalize the System of Public Sector Doctors in Private Practice, laid in the Senate on November 15, 2016 and March 28, 2017, respectively:

*Further resolved:*

That this Committee be mandated to:

- (a) review and analyze the Reports;
- (b) consider the findings and recommendations contained in the Reports;  
and
- (c) report its observations and recommendations no later than June 30, 2017.

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Mr. Vice-President, I move that we defer the naming of the members of the Committee to a time later in the sitting.

**Mr. Vice-President:** Hon. Members, the naming of the members of the Committee will be so deferred until later on in the proceedings.

**3.45 p.m.**

### **JOINT SELECT COMMITTEE—VISION 2030 (ESTABLISHMENT OF)**

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Mr. Vice-President. Mr. Vice-President, I beg to move the following Motion standing in my name:

*Whereas* the Draft National Development Strategy 2016 – 2030 (Vision 2030) was laid in the Senate on April 25, 2017 and in the House of Representatives on April 21, 2017;

*Be it resolved* that a Joint Select Committee be established to consider the Draft National Development Strategy 2016– 2030 (Vision 2030):

*And be it further resolved* that this Joint Select Committee be mandated to:

- (a) review and analyze the Draft National Development Strategy 2016—2030 (Vision 2030);
- (b) consider the recommendations contained in the Draft National Development Strategy 2016—2030 (Vision 2030); and
- (c) report its recommendation for the development of a National Development Plan no later than June 21, 2017.

Mr. Vice-President, I move this Motion today with a deep sense of regret and sadness because Vision 2030 has now replaced Vision 2020, and hear me out. The years 2015 to 2020 should have been the last leg of the relay to develop country status, because the Vision 2020 plan was to make Trinidad and Tobago a developed country by the year 2020.

Today, we are now forced to include two additional legs in the race: the leg from 2020 to 2025, and the leg from 2025 to 2030. Why? Because there was no continuity of policy. That is what developed country is all about, you know, and I will deal with that later on. There was no continuity because as a society we are not matured enough to understand the fundamentals of national development. I will deal with that.

But, Mr. Vice-President, I will hold up two documents here; it is not as heavy as Sen. Mark's, so I hope you permit me. But, I just want to let this Senate know, and especially the young Senators, the Independents in particular, that the PNM has literally written and charted the economic and social history of Trinidad and Tobago. [*Desk thumping*] I say that without any fear of contradiction. This is

the first document that was prepared by Dr. Williams, “The People’s Charter”, adopted by the inaugural conference of the movement, on Sunday January 15, 1956; The People’s Charter. I know I promised you all a lot of documents, but I will make this copy available especially to my young Independent Senators and anybody—[*Desk thumping*]

**Sen. Gopee-Scoon:** Yes, you should. You want it right, you want it?

**Sen. The Hon. F. Khan:** A seminal document that analyzed the anti-colonial movement and the developmental history that took us through to Independence and charted the course for the Trinidadian, especially the people of African and East Indian descent to stamp the authority and their presence in Trinidad and Tobago in a post-colonial society. And then came 1970, the Chaguaramas Declaration.

**Sen. Gopee-Scoon:** We will send that too.

**Sen. The Hon. F. Khan:** And, the Chaguaramas Declaration, to show you how we were evolving and how Dr. Williams was evolving, it came—it was approved at a special convention at the Chaguaramas Convention Centre in November 1970. It came after the uprisings of the Black Power Movement where the then leader of Trinidad and Tobago, Dr. Williams had to recast his model of development to suit the new changing reality; the new normal at the time of the 1970—Sen. Creese, very familiar with that period. Good?

**Mr. Vice-President:** Senator. Leader of Government Business, in the interest of fairness, the brandishing of the document, the visual aids, I allowed equal amount of time with Sen. Mark when he brandished his, but I give fair warning to each Member in regard to the visual aids.

**Sen. The Hon. F. Khan:** I will be so guided. And that was the Williams era. There is a document called the “Imperatives of Adjustment” that came out of the

Chambers' era. He started the formulation of structural adjustment. He liberalized the manufacturing sector and he started to disband what was the negative list at the time and all this good economic policy. But, we are not delving into the core concept of economic policy today.

And then came the Manning era; a document called “Perspective of the 1980s and Beyond”, when Manning took over the PNM in 1986/'87 and then—the PNM is at its best when we are in Opposition and we are preparing for government. Because a lot of the key policy formulation comes through that era. Because we do not sit down and “lahay”, you know. We do not sit down and “lahay”; we prepare ourselves, because, Mr. Vice-President, when you are a sitting Government and you lose office, the first thing you have to admit as a sincere organization, as the People's National Movement is, is what went wrong. Because if nothing had gone wrong, you would not have been out of office. So we always do introspection, you know. We do not bury our heads in the sand, you know. We always do introspection and see what did we do wrong, where did we not engage the people as they were supposed to be engaged. And that was the perspective of the 1980s. That was after a 33:3 defeat, you know; when everybody said that was the end of the PNM.

I remember Mr. Manning telling me, there was an NAR debate, 33:3 and the Member for Couva South at the time, Kelvin Ramnath said, we will grind you to the ground. And he put his heel and he rubbed it into—“ahhh”, proverbial sign. He say, we will grind the PNM to the ground, and here we are, a party of 63 years in office. [*Desk thumping*]

And then came, to me probably the most seminal document that was ever produced in the history of Trinidad and Tobago, Vision 2020. It was probably the



most comprehensive policy planning and vision document that was ever prepared in the history of this country. While originally a PNM document adopted by the PNM General Council and by a PNM convention, because when PNM brings policy to the Parliament and to the Government we have a process that we go through in the party, you know. We do not operate like the UNC where somebody prepares it and just bring it and say it is UNC policy with no consultation from the membership, you know.

Our policy documents are approved by General Council and it must be approved by a convention. Since the formation of the PNM we have held 35 annual conventions, you know, [*Desk thumping*] which is one every 1.7 years. I do not want to speak on behalf of the other parties. So, while originally a PNM document, it was eventually articulated to the national population and was made into a national policy document. The team that did that, that transformation from a PNM document to a national document was chaired by Arthur Lok Jack. It included: Dr. Ronald Ramkissoon, Dr. Terrance Farrell, Dr. Rolph Balgobin, Mr. David Abdullah, Mrs. Nan Ramgoolam, remember that name? She was a UNC Minister, a Minister of Public Administration.

**Sen. Gopee-Scoon:** They forget about that long time.

**Sen. The Hon. F. Khan:** Prof. Clement Sankat of the University of the West Indies, Dr. Bhoe Tewarie himself and if you listen to his contribution on this very Motion in the House you will be surprised that that is the same Dr. Tewarie who was principal of the University of the West Indies, St. Augustine Campus.

Mr. Vice-President, we are in this position today to have to table a Vision 2030 document because as a society we lack continuity. And I could always remember, one more time I will quote Mr. Manning, God rest his soul, that he used

to always say that three areas of national life should always be apolitical: national security, foreign affairs and energy. Because crime has no face. Foreign affairs, your relation with the international community does not see which government is in power. United Nation, the OAS, ECLAC and all these other international groups see Trinidad and Tobago and there must always be continuation of policy in national security, foreign affairs and energy. Because energy is so fundamental to this country's survival that if you flip-flop, flip-flop you will be going nowhere and you will not attract the level of international investment that this country so dearly needs.

And why I said I was sad today, it is because Vision 2020 was so fundamental to this country. This very Parliament that we are sitting today was part of the Vision 2020 vision. The rebuilding of downtown Port of Spain into a modern city. Check the Government Campus. I mean for whatever happened and for whatever you may want to say when you drive into Port of Spain, despite the traffic and you look at the skyline you must say, I feel proud to be a Trinidadian. *[Desk thumping]*

And I want to go on record today, through you, Mr. Vice-President, I think it was mentioned in the House, but I want to put it on the *Hansard* of the Senate why I feel so sad. Sometime around the middle of 2012—I was elected chairman of the PNM in 2011—I received a phone call from somebody in the Ministry of Planning and Development. And they said, Mr. Khan, what you doing now? I said well, you know I am home. They said, can you kindly come to the basement of the Ministry of Planning because we have a truckload of Vision 2020 documents that we are taking to the dump. Let me repeat that, an officer of the Ministry of Planning and—well what was Sustainable Development at the time, they did not

want to sustain Vision 2020, eh, calling the chairman of the PNM and said, Sir, we have a van load or a truckload, I cannot remember exactly what it was, but it was more a truckload than a van load, of Vision 2020 documents including reports and CDs that they were about to dump at the Beetham. I had a Hilux at the time. I jumped in my—no, the first thing I do was called Dr. Rowley. I say, Chief, X, Y and Z. He say, go immediately and collect the documents.

I went, I, did not have a heart problem then, I loaded up the van myself and came back and today I can take you to the room in Balisier House and show you where all these documents are stored. And if that was not a travesty to the people of Trinidad and Tobago nothing else is. A document that took thousands of man-hours and study to produce that included 600 citizens of Trinidad and Tobago and to quote former President ANR Robinson, some of the finest minds in this country participated in the preparation of that document. And they were about to dump it at the Beetham. And while they did not literally dump it because I saved it through the intervention of the office of the Ministry of Planning, policywise they dumped it. And that is something to really be sad about. And you know what made matters worse, Mr. Vice-President, they came up with an innocuous plan using clichés without thinking through the process of development, it was called the blue economy—remember that? The silver economy, whatsoever that means and the green economy.

**Sen. Gopee-Scoon:** They are colour blind.

**Sen. The Hon. F. Khan:** It was not a robust piece of policy document on development. It had no implementation plan. It was just using the clichés of the time and they governed for five years and the only economy they gave us was the yellow economy you know, the yellow economy of waste, mismanagement and

corruption.

**Sen. Gopee-Scoon:** That is right. [*Desk thumping*]

**Sen. The Hon. F. Khan:** And a vision document is instrumental to societies who want to develop. And again I am bringing a Motion to send it to a Joint Select Committee because the Parliament on public policy needs to talk about it, needs to study it and do not tell me it is PNM policy and “all yuh” in charge of the Government so govern and implement the policy, no.

I have a list of all the countries that have been engaged in some of this planning perspective. India, India has a Vision 2020. They may not accomplish everything, but India is going leaps and bounds ahead of the world today. India has now surpassed China as the fastest growing economy in Asia. Indian IT is second to none. There is a school called the Indian Institutes of Technology that is harder to get in than MIT and Stanford combined.

Even Jamaica next door has a Vision 2030, Malaysia has a Vision 2020, Saudi Arabia, I speak about Saudi all the time when I speak on energy. Saudi Arabia vision now is by 2030 they will no longer be dependent on oil. So their oil production could go to zero and they will survive. Egypt, with all its challenges in the Middle East; and a country I have been looking at carefully over the last five years or so, is Rwanda. Rwanda is one of the most progressive countries in Africa today. After suffering genocide, you know, 15 years ago, 20 years ago, with Hutu and Tutsi, killing each other with machetes. Rwanda, good leadership, good planning and a reconsolidation of its base and settling more complex issues. Trinidad is saying that they have an issue with East Indians and Africans? Rwanda had problems with Hutu and Tutsies and they solved it.

**Sen. Gopee-Scoon:** Good leadership, good leadership.

**Sen. The Hon. F. Khan:** With its strong leadership. Good? And Rwanda today is one of the leading, shining lights of Africa. Kenya has a Vision 2030 and Namibia also, what used to be called South-west Africa. They fell under Apartheid, under South African rule for some time.

And, Mr. Vice-President, I say this thing in context because I really feel as a nation sometime we are losing it. We are here as a government, to govern for all the people of Trinidad and Tobago, all the people of Trinidad and Tobago, because—I will just raise it up a little bit, and let me quote from—I have the right to raise the thing. It is not only for show. [*Crosstalk*]

“Nor are we an ordinary party in the accepted narrow sense of the word.”  
That is Dr. Williams speaking at the National Convention.

“We are rather a rally, a convention of all and for all, a mobilisation of all the forces in the community, cutting across race and religion, class and colour, with emphasis on united action by all the people in the common sense.”

Quotable quotes. You know a great leader from quotable quotes, “eh” and there is nobody in the history of this country that has more quotable quotes, than the Rt. Hon. Dr. Eric Williams. [*Desk thumping*]

So, Mr. Vice-President, in closing, the Vision 2030 document is a further buildup of Vision 2020. It takes into consideration new development and changes especially with regard to the economy and technology in particular. And more importantly, it is correcting some of the areas where we felt we could have done better, because we are a party of continuous learning and we are a government of continuous learning. And therein lies the reason again, for a special Joint Select Committee. Probably even more fundamental than the first one.

Let the Parliament participate, review the document, analyze the document, suggest changes to the document, suggest additional recommendations, say what you agree with and say what you disagree with. Let it be known, because we are the people's representative, and this is public policy formulation. Because, Mr. Vice-President, as a society and as a people on fundamental matters like these, there is no room for division. Let me say it again, on fundamental matters like these, there is no room for division, because united we stand and divided we fall.

So through you, Mr. Vice-President, and to my Senatorial colleagues on all sides of this Chamber, I commend this Motion to you, to set up a Joint Select Committee. It is in the interest of the people of Trinidad and Tobago, the people we are here and we have pledged to represent. Mr. Vice-President, I beg to move.  
[*Desk thumping*]

*Question put.*

**Sen. Wade Mark:** Thank you very much. Thank you very much, Mr. Vice-President. Mr. Vice-President, I believe that this Motion that has been piloted by my hon. colleague again represents a complete misunderstanding and almost misinterpretation of the political system and the political culture of our nation. Until the adversarial Westminster system changes, if you want to develop a Communist state with a one-party system, let us go towards a Communist state, so we will have a common manifesto and a common programme. But once we have a democracy, I am not going to remain here forever. [*Desk thumping*] I have to replace you, there, and I cannot replace you—[*Interruption*]

**Sen. Gopee-Scoon:** Not happening.

**Sen. W. Mark:** Well, Mr. Vice-President, the competitive nature of the democratic culture is what keeps the society bubbling alive. So we were there

Joint Select Committee—Vision 2030  
(Establishment of) (cont'd)  
Sen. Mark (cont'd)

2017.06.13

from 2010 to 2015—[*Interruption*]

**Sen. Cummings:** And you made a mess.

**Sen. W. Mark:** And you, because of false propaganda—[*Laughter*] misinformation, misrepresentation, half-truths, innuendos, you are now in Government. So, Mr. Vice-President, this Vision 2030 document that we are being asked by my hon. colleague that we should consider in the context of us participating in a JSC is even worse than the Welch Report.

Mr. Vice-President, how can a Minister of Government request of us to be part of a document, or to be part of a Joint Select Committee that will draw up a literal manifesto for the PNM. Name it what you will, Vision 2030, but this will be their manifesto for the next election and we must be party to signing off on Vision 2030. So what is our relevance?

**Hon. Senator:** Being part of the committee.

**Sen. W. Mark:** What is the relevance of the Opposition? Because if we are supporting the PNM Vision 2030, then we should become part of the PNM.

**Sen. Cummings:** That is right, we still have forms. [*Laughter*]

**Sen. W. Mark:** We should form a Communist party, become a Communist party and transform ourselves into a one-party state. That is what the PNM would like, you know. The PNM would like T & T to become a one-party state. That is what you would like. But, Mr. Vice-President all these lofty things that the hon. Leader of Government Business spoke to about the PNM evolution and the various documentation, People's Charter, Chaguaramas Declaration, the Imperatives of Adjustment, that was William Demas. He was the former Governor. He authored that report and, Mr. Vice-President, when he did that in 1983, by 1986 all the foreign exchange reserves of the country disappeared under the PNM.

In fact, it was ANR Robinson when he became the Prime Minister, he coined the term “the dragons at our doors”. He talked about the dragons. They left the country bankrupt, the PNM, in 1986 and Mr. Robinson, may his soul rest in peace, had no choice but to go to the IMF and we went through a structural adjustment programme to bring Trinidad and Tobago out of the mess that the PNM left this country. [*Desk thumping*] So with all your perspectives, People’s Charter, Chaguaramas Declaration, Imperatives of Adjustment, Perspectives for the ’90s and the so-called Vision 2020 and now you come with a new one called Vision 2030. But where is Trinidad and Tobago today, Mr. Vice-President, with all these pretty and fanciful documents. Where are we?

Mr. Vice-President, not only are the young people in our country in need of serious support and assistance to be rescued, but the country in terms of law and order has broken down, law and order has broken down in this country. We are in a lawless state, almost heading towards anarchy and chaos under this PNM Government. And we are being asked about Vision 2030.

**4.15 p.m.**

What does Vision 2030 provide to hungry people, to unemployed people? At the end of the day, Mr. Vice-President, I want to tell you that how the system works in this country, we in the United National Congress will formulate our programmatic platform. We will go forward with our manifesto and programme, and we will campaign whether it is in 2020 or it is in 2019, and the people will make a decision whether they want to continue with the PNM or they want to return to the UNC. [*Desk Thumping*] But we cannot be party to a document—sorry for displaying this document. It ought not to be displayed. [*Laughter*] How can we be party to an arrangement where my hon. friend is saying, become part of



this programme?

Look at what happened in India and Malaysia and maybe Nigeria and Rwanda, they came together. Well, the culture of Trinidad and Tobago is not like that. We do not have that political culture. We cannot invent something that we do not have. And unless, as I said, Mr. Vice-President, and if you would allow me to repeat, unless we have meaning constitutional reform in this country, how are we going to have this sharing of a common vision? How can we have a sharing of a common vision without constitutional reform?

So, I am sorry to disappoint the Leader of Government Business, but we will not be able to participate, nor support this so-called Vision 2030 document and, therefore, we will not be taking part in any JSC on this 2030 vision document. [*Desk thumping*] We will not take part in that. We will not be party to that.

Mr. Vice-President, we are talking about waste. Imagine, the Leader of Government Business has the temerity to talk about when we left office. We left it in yellow form, waste. That is your middle name. The PNM is waste. They represent mismanagement, they represent corruption in this country. So you coming—and that is what happened, you know, Mr. Vice-President, between 2010 and 2015. They engaged in what is called “spiritual tar”.

**Sen. Gopee-Scoon:** What is that?

**Sen. W. Mark:** So, Mr. Vice-President—[*Interruption*]

**Sen. Singh:** Mr. Vice-President, on a point of order, 46(6). 48(6), sorry.

**Mr. Vice-President:** Hon. Senator, continue.

**Sen. W. Mark:** So, Mr. Vice-President, when we are talking about Vision 2030 and we are being asked to be party to a JSC to promote this particular pie in the sky arrangement, which will never be achieved. We have to be very practical and

objective. We live in the real world. We do not live in a la-la land. We live in a real world and the real world does not allow us to be party to this kind of arrangement.

**Sen. Gopee-Scoon:** You are not interested.

**Sen. W. Mark:** I have stated that, that the United National Congress will not be party to any JSC on Vision 2030.

**Sen. Gopee-Scoon:** You are not interested in the development—[*Interruption*]

**Sen. W. Mark:** I am interested in getting rid of the PNM. [*Desk thumping*] That is what I am interested in.

Mr. Vice-President, what is the reality facing us? We are being asked to take part in this JSC, but what is the reality facing T&T today? What kind of confidence do the people have in this society under the leadership of this Government? Crime is out of control in this country. Not even the gentlemen of the cloth are safe in this country. Where have you reached? This is courtesy the People's National Movement and they are coming today to tell us—rather than come with a crime plan to deal with the issues affecting the society today, they are telling us, “Let us focus on a JSC with a Vision 2030 document in 203”. Maybe 90 per cent of the people would be dead under this PNM. Unless the people get organized quickly and demand fresh elections in this country so that they can make a choice once again, Mr. Vice-President, we are in trouble. So crime is out of control. We have a collapsing economy.

Under this economy, unemployment, we heard a Minister telling this country, “There is only 5,000 people unemployed”. How can you be real? Five thousand people unemployed since the PNM came to office? There are tens of thousands of people who have lost their jobs. Look, I read only in today's *Express*,

Atlantic LNG is about to retrench over 50 permanent workers via a system of VSEP. VSEP is voluntary separation. It is a sophisticated form of retrenchment. *[Interruption]* My friend does not understand IR, but it is a form of retrenchment in industrial relations—voluntary separation—because if you do not go voluntary, the axe will come down. That is what they will do.

**Sen. Ramdeen:** “Yuh” remember Caroni?

**Sen. W. Mark:** You remember Caroni with voluntary separation? And at the end of the day what did Rahael do? He lick up everybody. He got rid of everybody.

So, Mr. Vice-President, let us be realistic. In this country, today, it is more difficult to do business. In 2012, the ease of doing business, out of 190 nations, we came to 63<sup>rd</sup>. Under PNM, Patrick Manning, we were almost 98<sup>th</sup>. Do you know where we are today under this new PNM? Around 97<sup>th</sup>. *[Desk thumping]*

**Sen. Gopee-Scoon:** You are wrong. You are so wrong.

**Sen. W. Mark:** Look, I have the statistics here. You want to tell me I am wrong? I have the statistics because I know people like you would have challenged me. So I brought the statistics. Mr. Vice-President, with your leave, I will tell you where we are today. In 2008/2009, under PNM, it was No. 81, the ease of doing business.

**Sen. Gopee-Scoon:** So it was not 90-something.

**Sen. W. Mark:** Yeah, but 81. Under UNC, in 2012, it dropped to 63. Today in 2016, it is 96.

**Sen. Gopee-Scoon:** What was it in 2015?

**Sen. W. Mark:** 2015, it was 92.

**Sen. Gopee-Scoon:** And 2014?

**Sen. W. Mark:** It was 85.

Joint Select Committee—Vision 2030  
(Establishment of) (cont'd)  
Sen. Mark (cont'd)

2017.06.13

**Sen. Gopee-Scoon:** Under you it was 90?

**Sen. W. Mark:** The point I am making to you is that under the UNC we were able to bring down doing business in this country—[*Interruption*]

**Sen. Coppin:** Point of order.

**Sen. W. Mark:**—was 63—[*Interruption*]

**Sen. Coppin:** Point of order.

**Sen. W. Mark:**—in 2016.

**Sen. Coppin:** Point of order.

**Sen. W. Mark:** In 2012—[*Interruption*]

**Mr. Vice-President:** Senator, what is the point of order?

**Sen. Coppin:** Could he give clarification of where—[*Interruption*]

**Sen. Samuel:** Standing Order? [*Crosstalk*]

**Sen. Coppin:**—source of the document

**Mr. Vice-President:** Members, Members. Members!

**Sen. Sturge:** Which Standing Order?

**Sen. Coppin:** Clarification.

**Sen. Sturge:** You do not even know. You are a joke lawyer, man.

**Mr. Vice-President:** Sen. Sturge, can I speak? Member, is there a specific point of order?

**Sen. Coppin:** Source of the document.

**Mr. Vice-President:** No, no, no. Not an explanation, a point of order. The number—[*Interruption*]

**Sen. Coppin:** Clarification.

**Mr. Vice-President:** Standing Order, Senator? [*Laughter*] Continue.

**Sen. W. Mark:** Mr. Vice-President, I understand my colleague and so on. I

understand what he is trying to get at, but—[*Crosstalk*] Mr. Vice-President, the source of the information, you can google [www.tradingeconomics.com](http://www.tradingeconomics.com) and you will get the table. Okay? I understand what he was trying to do, but he just could not understand the Standing Orders because he never studied it. [*Laughter*] So I understand your situation.

So, how can we really seek to talk about 2030 when it is so difficult to do business in this country today? You have a country where the Government is borrowing and borrowing and borrowing. We are in a country today where the Government is just taxing and taxing and taxing. So today the debt to GDP is close 62 per cent and it is rising. And as you know, Mr. Vice-President, the threshold established by the OECD countries is around 60 per cent. They say that is a reasonable level. If you go beyond 60 per cent you are in trouble, and the PNM has taken this country, in less than 20 months, from where we were. I think it was close to about 50 per cent, 46 to 50 per cent debt to GDP to now 62 per cent, and you are telling me about Vision 2030. Let us be serious, let us get real.

Mr. Vice-President, we have a situation where the education system in our country has literally crawled to a halt. The quality of education is deteriorating and they have closed the GATE—[*Interruption*]

**Mr. Vice-President:** Senator, I have been giving you quite a bit of leeway in relation to context and the points that you are developing. I want you now to, as moving forward, bring it back to the Bill, not the Bill, the Motion sorry, that deals specifically with setting up a joint select committee as it relates to the Vision 2030 document. So can you tie it back into the Motion as you are moving forward making your points, please?

**Sen. W. Mark:** Mr. Vice-President, I could not agree with you more. Mr. Vice-

President, I want to reemphasize the importance and significance of this particular perspective, and that has to do with the fact—and I want to drum this point home to the Leader of Government Business in particular—the Parliament is not responsible for drafting policy, or giving policy direction to the Government. That is the responsibility of the Cabinet. So when they come with a document and asking us to be party to a document that deals with policy perspective in terms of economic national strategic development and a vision for 2030, that is the business of the Cabinet, not the Parliament. I do not know why the hon. Leader of Government Business does not appreciate that.

So you are bringing a document to us that we cannot accept, and our responsibilities as parliamentarians do not permit us to participate in because we understand the dangers of that. Is the Government seeking to undermine the Parliament? Is your strategy to undermine the Parliament? I do not believe the Government would want to do that. Mr. Vice-President, take the whole question of the JSC and this matter being referred to the JSC. Today as we speak, because of the haphazard chaotic planning by this regime, we are forced to meet twice a week. Do you know why? Because the Government failed to provide us here with what can be called a parliamentary calendar.

The Leader of Government Business could have been working very closely with the Clerks of the both Houses. Leader of Government Business here, Leader of Government Business in the other place, and they could have formulated a parliamentary calendar so we would know from as September last year to September of this year how many Bills we will have to deal with, the times we are going to deal with these Bills. We would have known how we are going to deal with our JSC meetings.

Mr. Vice-President, this Government is trying to impose another JSC on our backs, and do you know what is taking place? That situation is affecting our scheduling of meetings of the JSC Standing Committees that are established to scrutinize and to keep the Government in check. So the question that has to be asked: Is the Government actively seeking to undermine the Parliament by creating these new joint select committees that are duplicating the work of the existing joint select committees and, at the same time, causing chaos with the parliamentary agenda and schedule of our JSC meetings? So, for instance, take an example, Mr. Vice-President, on June 21<sup>st</sup>, because of the chaotic arrangement that we have arrived at, because of the haphazard planning on the part of this Government, you have two meetings taking place the same time on the morning because there is no planning taking place. Everything is clashing.

**Sen. Gopee-Scoon:** You are criticizing the Parliament?

**Sen. W. Mark:** No, I am saying that you all are overworking the parliamentary staff because of the chaotic and the lack of a parliamentary agenda.

So, Mr. Vice President, these are ad hoc committees that are being established by this regime, but do you know what is also important? The Leader of Government Business must understand that the Parliament—I am a champion of the Parliament.

**Sen. Gopee-Scoon:** When it is political.

**Sen. W. Mark:** No, I am a champion of the Parliament and I will always defend the Parliament and the people. We have limited resources in terms of staff to support any additional JSC.

I want to tell the Leader of Government Business that this JSC that you are proposing that we must establish to look at Vision 2030, tell us where the staff is

going to come from to do that piece of work? You cannot have a Parliament operating in this ad hoc manner. So it occurs to the Government that they want to entrap the Opposition. So they have a report on health, they say that we are going to establish a JSC on health; then they come now with a JSC on Vision 2030, and who do you think will chair those meetings, or those committees? Either the Leader of Government Business or the Minister of Finance, or they might put the Minister of Health to chair the health committee.

So whilst Ministries and Departments are planning and implementing measures to cut expenditure, what do they expect to take place in this Parliament? How is Parliament to respond to the whimsical behaviour of this Government? So the Government just come just so and say, "Parliament, we are going to establish two more JSC". No consultation. Mr. Vice-President, you have been witness to situations where the hon. Leader of Government Business will rise here and simply tell us that we are meeting next—we are here on Tuesday, he rises and he says we are meeting on Thursday at 2.30 p.m. No consultation whatsoever.

The hon. Leader of Government Business does not know if there are three joint select committee planned for that day. That does not occur. It does not matter. So what they are doing by their haphazard approach to the establishment of JSCs is that they are undermining the life and the parliamentary work that is taking place in the Parliament. That is what they are doing, and how can we support that? We cannot support that. This is a challenge that we have, and I want to tell you, Mr. Vice-President, that there is no serious democracy.

Even the world's leading democracy, the United States of America, through their presidential system, they do not operate like that. There is a strict separation of powers and you have to a battle between the Democrats and the Republicans for



power. You think it is any child's play taking place? You think the Republicans telling the Democrats come let us go and prepare something called Vision 2030? They do not engage in that. It is war. They want to get rid of Trump.

Right now the Democrats are planning how to get rid of Trump, whether via through impeachment, or somewhat, because they want to get back into the White House. You think they could have a common manifesto? And that is pinnacle of democracy after the United States, and it is a battle royal. Mr. Vice-President, it came so serious at one time, under the former President Obama, that the Congress withhold the budget and they closed down America, they shut down the United States of America. That is the power of the Congress. I want that same power to be given to the Parliament. [*Desk thumping*] We want the Parliament to have that power. Even if it is necessary and PNM is involved in waste, and mismanagement, and corruption, we shut you down.

So, Mr. Vice-President, let us be serious. You cannot expect us in the Parliament, on the Opposition Benches—we are campaigning outside there. We have a meeting last evening in St. Helena. We are telling the people in St. Helena, and different parts of the country, it is only a matter of time before we face the polls. [*Desk thumping*]

**Sen. Gopee-Scoon:** On a point of order, 46(1).

**Mr. Vice-President:** Hon. Member, as much as I understand the context of the point that you are trying to create, again tighten it up just a little bit. We are talking about JSC, Vision 2030 going to the JSC, and as you are developing that point, tighten it up and move along.

**Sen. W. Mark:** So, Mr. Vice-President, all I was indicating is that when we go to the public and we engage them, we present ourselves as the alternative

Government. We gave them an alternative vision. So if we are going out there to give an alternative vision to the people of the Republic of T&T, how can we justify being part of this? We cannot be party to this. We have to establish our own manifesto, and you must be able to develop your own manifesto. The PNM has a manifesto, but I never saw in their manifesto any document that they talk about 2030. Nowhere in the manifesto of the PNM did they mention that they are going to develop Vision 2030. I have not seen that. So I do not know where this thing came from. And all of a sudden, Mr. Vice-President, we are being told that we must be party to this.

The hon. Leader of Government Business is the Minister of Energy and Energy Industries, I want to ask him whether in this Vision 2030 document is there any consideration for renewables? Apart from just this solar energy item I saw, is there, for instance, an organized policy to deal with renewables for the next 20 to 30 years? My hon. colleague mentioned Saudi Arabia, a country that is drowning in oil and they are talking about renewables. We should be heading in that direction as well, working towards reducing fossil fuels and getting involved in what is called alternative energy consumption as well as production. Whether it is wind, whether it is solar, whether it is tidal, whether it is thermal hydro, whatever, these are some of the areas that we have to start thinking about in terms of reducing our dependence on energy consumption in the area of fossil fuels.

So I do not know—I have not seen in their so-called Vision 2030 any kind of vision in an organized and systematic way for the development of renewables.

**Sen. Gopee-Scoon:** I am sure it is there.

**Sen. W. Mark:** I have not seen it.

**Sen. Gopee-Scoon:** I am sure you will—[*Interruption*]

**Sen. W. Mark:** Well maybe it is there, but I have not seen it, Mr. Vice-President. So I just throw that out for the consideration of my colleagues on the other side.

So, Mr. Vice-President, we want to make it very clear to the Government, that there is need for this Government to recognize that the trajectory that they are on right now is wrong. They are not going to arrive on the right road because they are on the wrong trajectory and, therefore, I want to appeal to the hon. Leader of Government Business that it does not make sense pursuing this matter, like the health report. I believe that this Motion is misplaced.

**Sen. Ramdeen:** It should be taken to Balisier House.

**Sen. W. Mark:** I think this Motion should be withdrawn and taken to where it belongs, Balisier House. [*Desk thumping*] This is a Balisier House Motion. Take it back to Balisier House right, but you cannot tell the Parliament of the Republic of Trinidad and Tobago to help you. You want us to help you remain in power when our objective is to get you out of power.

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

**Sen. W. Mark:** Mr. Vice-President, could you imagine that? [*Laughter*] They want us to help them to remain in power when our objective is to get them out of power. That is unbelievable, and you expect—the hon. Leader of Government Business is smiling because he understands what is the trick involved in this thing. It is a trick, but I want to disappoint him that we will not buy that bag of tricks from the PNM. We will not participate.

You will get no nomination from the United National Congress [*Desk thumping*] or any Member on this side taking part in that travesty you want to get involved in. We are not taking part in that. That is for you and you alone. And, Mr. Vice-President, I believe, in closing, this document is going to end up where it

rightfully belongs. I think that the hon. Leader of Government Business would have to get a new truck because this document might end up in the dump, because no serious party, worth its salt, will become party to that kind of arrangement that you are talking about, and we will not be party to that and I make that abundantly clear. So do not come and ask us for any nominees because there will be none. We will not be taking part in this matter and once you understand that, you will get the message.

Mr. Vice-President, it was a great honour and pleasure allowing me to advance the perspective of the alternative Government which will soon be the Government, as we move towards getting rid of this albatross called the PNM. [Desk thumping] Thank you very much, Mr. Vice-President.

**Mr. Vice-President:** Hon. Members, it is now 4.45 and time for the tea break. This House will now stand suspended until 5.30.

**4.45 p.m.:** *Sitting suspended.*

**5.30 p.m.:** *Sitting resumed.*

**Mr. Vice-President:** Sen. Shrikissoon.

**Sen. Taurel Shrikissoon:** Thank you, Mr. Vice-President, for acknowledging me and allowing me the opportunity to enter into this debate on this Motion that is before us, which I think has been brought before this House at a critical time in terms of the development of Trinidad and Tobago and the need for probably even development at a faster rate at which we are going. Allow me to use a statistic that I think the hon. Attorney General uses sometimes, but which was also brought to my attention through my own research, that maybe, over the last 15 to 17 years, approximately \$1 trillion has flowed through Trinidad and Tobago, and today, I ask the question: How has my life changed in a significant way after \$1 trillion?

And I would like to say, with no ill will to any regime, I believe my life has changed to the extent—while it was facilitated by governments—that I was able to work a little bit harder and earn and provide a little better quality of life for my family and myself. Whether or not I am happy with respect to the rate of development and advancement of Trinidad and Tobago, I cry, as a citizen, to know where we are today and where we could have been.

I honestly believe that Trinidad and Tobago could have been developed and a far better place if we had a plan. That is my simple position on this. If there was dedication to a defined pathway, minimum as it may be, without trying to actualize and find the best ways all the time, but a minimum threshold of development accepted by all, we would be in a better place. That is my position on this.

With respect to the adversarial nature of politics in this country and the suggestion by Sen. Wade Mark for constitutional reform, I understand the nature of adversarial politics. But I ask the question: If we wait for constitutional reform, how far will we get given the time frame that we have? And I am burdened as a citizen to know that we have the potential to do better, to have a far better country, to enjoy a better quality of life, and yet still, amidst multiple regimes, Trinidad and Tobago is probably not where it should really be. I am burdened by that as a citizen. I acknowledge the efforts of past administrations and in no way am I speaking ill of any, but I still think, as a citizen, we could have done better.

And, why do I say so? If we reflect on the themes of budget statements and I go back to 2007/2008 or even 2005: Ensuring our Future Survival; 2006: Ensuring our Future Prosperity; 2007: Vision 2020: Moving Onward; 2008: Determined to Reach our Goal; 2009: Shaping our Future Together. And then I just skip down to 2012/2013 or 2013: Stimulating Growth, Generating Prosperity;

2014: Sustaining Growth and Generating Prosperity, almost the same or probably I made an error, I am not sure; 2015: Empowering our People through Sustained Economic Growth and Prosperity.

Yet in 2017, our economy is not sustainable; our GDP is falling; our prosperity is most certainly absent; the quality of life and productivity in our country is falling. Yet we had successive regimes, through their themes of budget statements, delivering as they saw fit but never manifested into those ideals created by those statements. And the reason why I used the two time periods is to show that they were differing regimes, but according to the hon. Leader of Government Business, there was no continuity and when there is no continuity, there is wastage of resources and so Trinidad suffers.

Mr. Vice-President, development today, and as the Motion is before us, with respect to:

*“Be it resolved...”*

—and I am just using part of it:

“...that a Joint Select Committee be established to consider the Draft National Development Strategy 2016—2030...

*And be it further resolved* that this Joint Select Committee be mandated to:

- (a) review and analyse the Draft National Development Strategy 2016—2030...
- (b) consider the recommendations contained in the Draft National Development Strategy 2016—2030...”

And (c), a very important difference:

“report its recommendations for the development of a National Development Plan...”

The fundamental difference between (b) and (c): moving from a draft to a national plan, and I observe that difference.

Mr. Vice-President, if you allow me for a brief moment to say this. Development is critical and essential to the sustenance and growth of any nation. A country is classified as developed when it is able to provide a minimum quality of life for its citizens. Development is essential and critical to growth and the sustenance of any country. If we look at the definitions of development, one definition by Buhagiar 2003 captures development as an idea that embodies all attempts to improve the conditions of human existence in all ramifications. Buhagiar, when he presented this definition, was taking an all-encompassing approach to development and was saying that there should be an improvement in the general well-being of all: the powerful, the rich, and even the not-so-fortunate and that inequality should be eradicated.

If we compare Naomi's view of development in 1995. She was saying here: development is usually taken to involve not only economic growth, but also the notion of equitable distribution, provision of health care, education and housing. What Naomi was saying here back then is that development was evident in the institutions. But Chrisman, 1984, views development as a process of societal advancement where improvement in the well-being of people are generated through strong partnerships between all sectors, corporate bodies and other groups in society. And I like Chrisman's view of development because it entails the involvement of many sectors across.

Within the context now, now that we have defined development and you look at national development, national development is obviously development that embraces an entire nation. It says here, national development, therefore, can be

described as the overall development or collective development of the socio-economic and political sectors, as well as religious advancement.

So essentially, we know what development is and now we are seeking development at a national level. I have observed the document presented by the Government with respect to its Vision 2030 programme and I am saying, while it is a political document, in my view, it is still a start, and I want to recognize that. Whether or not it should be presented before a joint select committee, this House will decide or participate in that process.

But I want to present a view that is saying that there is a benefit or there are benefits to it going before a joint select committee. And one of fundamental benefits of it going before a joint select committee, as Sen. Khan alluded in his presentation, is simply that of continuity. If it is that we reflect for a moment on the development at the LABIDCO estate of TGU and the aluminium smelter and the resources spent there, and you look at another administration coming in and an abandonment of that strategy, then the people of Trinidad and Tobago pay that price. And it is irrespective of which Government, it affects the life of every Trinidadian and Tobagonian. Whether you choose to continue it or not, it affects us.

If it is done and it is lucrative or it performs efficiently and it can yield a benefit, Trinidad and Tobago benefits, and if it is that it does not, as the current state, then Trinidad and Tobago pays the price. And as a citizen, I am disheartened by the disjoint between these projects that can actually strengthen Trinidad and Tobago and the economy of Trinidad and Tobago. I am very much disappointed as a citizen that we do not have, at a bare minimum, continuity in fundamental projects. And it is for this reason why I believe, one of the benefits of it going



before a joint select committee is that of continuity.

I am not saying that a plan has to be crafted in a perfect way that one administration takes the credit and omits the other or that it presents a unanimous view of the political parties coming together. What I am hoping for is that if it is presented to a joint select committee, at least we can have a minimum threshold of development for Trinidad and Tobago over the period—and I want to use the same period—2016 to 2030. Because if it is that we can establish a minimum threshold, can you imagine the level of political creativity and leadership that will come off a political platform when box drains, schools, road paving, electricity and water, fundamentals, are entirely removed from a campaign because they remain basic amenities for which Trinidad and Tobago will benefit from, irrespective of which party comes into power. [*Desk thumping*]

It will force political parties to be so creative that your competitive edge is what is going to stand out and the level of planning for Trinidad and Tobago will take on a new dimension because the basics and fundamentals of governments and responsibilities of governments would have been agreed to at a bare minimum, and so it forces the political parties to capture the votes of the electorate in a way that it propels Trinidad and Tobago forward in a dimension unheard of before.

At a JSC, I personally believe that you will have greater stakeholder involvement and inclusion because multiple people would be invited, multiple sectors will be invited and there would be participation. It will not be—and I am hoping, it will not be a situation where a policy is provided, dominated by Government and presented as a plan. I really hope that that does not happen but the JSC is constituted and operated in a way of delivering and reporting the findings of all.

There will be or there should be, if agreed to, there can be stability and continuity of policies that encourage investment and propel investment in Trinidad and Tobago. Because when the world looks in, the world is seeing a committed Government irrespective to a minimum threshold, and so scepticism and speculation would be removed and so confidence in investing in Trinidad and Tobago, having a defined pathway, is a real possibility. And I would say, from my observation and my readings, confidence in Trinidad and Tobago is not where it is supposed to be at this time and we need to create that international outlook where Trinidad and Tobago is presented as stable and attractive.

If sent to a JSC, there can be agreement on the sectors of development. We are speaking of diversification but many people have many different views of which sectors we should diversify into and develop. I think at a JSC level, we can at least agree on the sectors. We will not have one political party advocating tourism and another, education—and I am just saying that by way of example. We can have defined sectors that will attract the scarce resources that Trinidad and Tobago has. Agreement on sectors. It can also create attitudinal change. And why am I saying this? Because if it is that a minimum pathway of development can be established, people in Trinidad and Tobago can identify with a common vision and if we can identify with a common vision then we can all be part of it, then all of our actions could be geared towards it.

And if we look at the indices that rank Trinidad and Tobago: the Perception of Corruption Index, the Global Competitive Index by the Global Competitive Forum, whatever it may be, the indices for Trinidad and Tobago are all falling. But as a country, if we can recognize that that index is weighted on an individual action and by identifying with a common vision, we have the potential to rescue

Trinidad and Tobago.

I would also like to say that if sent to a JSC, the value of the input of individuals will allow them to exercise their true right as a citizen as having a participatory role in this developmental agenda. And most importantly, I would say, if it is developed by the people, there will be a level of patriotism and commitment, second to none, which I think would be required to develop Trinidad and Tobago. I am also saying that this minimum threshold can be the defined pathway of progress for Trinidad and Tobago, and we must understand that the role of Government in Trinidad and Tobago must change over time.

And why am I saying that? It cannot be that the Government of Trinidad and Tobago continues to have a significant “stakeholding” and hand in operations of state enterprises that are loss-making that can be sent to the private sector and optimized. Over time, the role of the Government from being the prime mover of investment has to move away and the private sector has to step up. I am saying this is an ample opportunity for us to set a pathway where the private sector grows faster than the public sector or that of the Government. That is the way Trinidad and Tobago should be going. And there should be alignment and there should be alignment of projects and expenditure, especially at a time like this when resource are scarce.

A financial plan for Trinidad and Tobago is also required. So I am saying that there are several benefits to be derived from a JSC if managed well—if managed well but there will be challenges. One that I do notice, that of the timeline, very similar to the Motion debated just before us, and I would like to say that this development agenda for Trinidad and Tobago must extend—the timeline must be extended because there are comprehensive reviews required and the

timeline is just too short. I am sure that there is a way to fix that.

But I want to refer to a point by the Sen. Khan when he said that his heart was burdened by the way in which Vision 2020 was treated and you had to take care of it. So, too, am I saddened by the fact that the development in Trinidad and Tobago did not take on a faster rate. But what I am saying here is that while you were in Government, at that time, and it was because of the public perception of your governance that you were removed from office, and it cannot be that we have a developmental agenda charting a course for Trinidad and Tobago when the behaviour and conduct of leaders in our country are questionable and engage in questionable practices. It will defeat the purpose of development.

It cannot be and recently—I am just going recently here and I do not mean to chastise—there were two issues aired in this House and on the press concerning leaders in our country with respect to the way in which they conduct themselves in using national resources. It cannot be that we speak the language of development and we, in our own way, utilize the resources for our own benefit. It is for sure that both cannot be synchronized, they cannot co-exist, and it has to be that the errors, as Sen. Khan was saying with introspection when he reflected, it cannot be that a Government or any party speaks of development when their activities, behaviour and conduct in public office is questionable. [*Desk thumping*] The development that we are seeking cannot be achieved and I mean this in no way to cast aspersions onto the existing Government because the Perception of Corruption Index and the allegations of corruption in Trinidad and Tobago extend several administrations, so I mean no ill will or disrespect to anyone.

For this JSC of this national plan to be effective, it must be data driven and whether or not the accurate data is one, available and two, accessible, to those who

would require the information or data to create policy, I am unsure. And so, sending this to a JSC may not be, will not result, in the best plan if accessibility and availability of data is now under question.

As Sen. Mark said, the composition of the JSC will also be very, very, very important. Why? Because it sends the signal to the population about the objectivity of the Government with respect to this document and if it is that the JSC, that it may appear before, is one composed and dominated by the Government, then you do not need our help or you do not need my help, I should say, because my input there will obviously be—it will be overcome by those dominating the committee. And so I ask to be considered whether or not there can be equity in the composition of this and probably even chaired by an Independent to ensure balance, and I am going somewhere with this point.

The reason being, it cannot be that a document is presented as the national development plan for Trinidad and Tobago as a result of a JSC which has multiple stakeholders, multiple participation by multiple organizations and institutions and it comes out as a Government's plan. It cannot be. It has to be a national plan determined by the people of Trinidad and Tobago. So I want to say that while I would support and there is strength in the initiative of presenting this before a JSC, if the outcome is a political one, then it obstructs objectivity and the participation.

And so, if we are to put country first, a tri-partisan approach may be required but it cannot be that the outcome—and I am saying this—PNM 2030. Because if I am going to participate in that JSC—and I am just using myself as an example—it can be that my contribution is viewed in terms of a political context because that would be a discredit to me in terms of the position that I occupy in this House. And I am asking the Government to depoliticize this and let us establish what the

outcome will be, giving credit where it is due to all that have participated, recognizing their efforts and saying, listen, it was a collaborative effort.

In my final point, as I close, Mr. Vice-President, without getting into the content of the report, the report that was laid, the language of the report reflects the will of a political administration. When you look at it, termed such as “my Government”, just to use an example, in laying this report, is saying that there is a strong political alignment. And if it is that we want to continue with a strong political alignment, a JSC is not the place for it. Because it will result in the outcome associated with that regime but if it goes before a JSC, there is an opportunity for it to reflect the national input of multiple stakeholders. Depoliticize the agenda.

I personally believe that a developmental plan for Trinidad and Tobago is absolutely critical. If I am to support this Motion before a JSC, as Sen. Mark says, there are a lot of JSCs, there is a lot of work. The Independent Bench participates in all and so it is additional work, but I am sure somebody would be willing to say Trinidad and Tobago needs us and therefore, we will respond in a particular way. But it has to be that the view of those outside the regime is well respected, taken into consideration and the plan presented in that way. That is my simple analysis of it and I am simply saying, if you allow me to quote from Proverbs 29, chapter 18: where there is no vision, the people perish.

**Sen. Gopee-Scoon:** That is what happened in the last Government.

**Sen. T. Shrikissoon:** I am not in—*[Interruption]*

And so, Mr. Vice-President, as I conclude, I am saying that there are significant benefits to be derived from multiple stakeholders participating in the development of Trinidad and Tobago. If it is that a JSC is the best forum given the

challenges and guarantees by the Government, then so be it. If it is going to be politicized, I am still saying that a developmental plan is needed but a JSC may not be the way to go. The onus is on the Government to present this in a form where there is buy-in throughout Trinidad and Tobago, the multiple sectors and institutions are well represented and credit is given to those who contribute to it, whether in terms of institution or party, whether it is, no matter which one it is, so that as the name implies, a national developmental agenda can be on the table for Trinidad and Tobago and not an agenda dictated by one group in society.

And so, Mr. Vice-President, as I conclude, I am saying there are benefits: benefits of continuity, benefits of stakeholder involvement, stability, alignment of projects, uniting of people, citizenship and cooperation, a defined pathway, a minimum threshold, a minimum pathway of development agreed to. There are benefits. There are also challenges: the timelines, the behaviour and conduct of those in office, the availability and accessibility of data, the composition of the JSC, as well as the language and recognition of those who contribute and the title given to that document.

With those few words, Mr. Vice-President, I thank you. [*Desk thumping*]

**Sen. Wayne Sturge:** Thank you, Mr. Vice-President, for the opportunity to join this debate and the opportunity to offer by two cents in about five or six minutes. I was amused when I heard the anecdote given by the Leader of Government Business with respect to receiving a call and having to turn up at, I think it was the Ministry of Planning to prevent Vision 2020 documents making its rightful way to the Beetham landfill. And I was amused because I remember years ago, I taught criminal law and I think the hon. Member Gopee-Scoon, I cannot remember if I taught her criminal law or if it is—[*Crosstalk*] Yes. But I do remember teaching

Joint Select Committee—Vision 2030  
(Establishment of) (cont'd)  
Sen. Sturge (cont'd)

2017.06.13

and—[*Interruption*]

**Hon. Senator:** Yes?

**Sen. Gopee-Scoon:** No.

**Sen. W. Sturge:** It is not criminal law, so I think it is English legal system I taught her. You see? She cannot deny it. [*Laughter and crosstalk*] But I am—you know, although the Member is denying that I did not teach her criminal law, I want to believe I did. But if you are saying I did not, the short point is, I always remember teaching in criminal law and more particularly, the topic dealing with theft and there is a very interesting case on theft where a homeowner or the owner of a business or government agency, puts things in the trash and then the issue was, can it be stolen or is it property belonging to another if it is thrown out in the trash. And the Law Lords resoundingly found, yes, you can steal trash. So it was really amusing and I do not mean to impute any improper motive but it was very amusing to hear—and of course, you are covered by parliamentary privilege, to hear—[*Crosstalk*]

**Sen. Khan:** We stole the document?

**Sen. W. Sturge:** Yes, to be regaled about such an anecdote [*Laughter*] where a Member of this honourable House is admitting to stealing garbage. [*Laughter*] But anyway, I say that simply for the sake of levity and so on but I am sure, when it is checked out, one would see that you can, in law, steal garbage. The fact that it is thrown out, the owner does not relinquish his rights over it.

**6.00 p.m.**

But anyway, beyond that, I am amazed, Mr. Vice-President, that we are being asked to convene a joint select committee to deal with what is now, what was dusted out of the garbage and the two replaced with a three, what is now



Vision 2030. And, I am amused, and when I first heard this was going to be on the Order Paper, it was early in the morning when I had checked my email and then I received a call from Sen. Ramdeen that we were going to debate this and I was not sure. Of course, I was in a hypnopompic state, so I was thinking to myself, later in the day: Did this really happen? Because I cannot believe that a Government which had to be brought kicking and screaming to a joint select committee on FATCA will be asking the Parliament to convene a joint select committee.

And I heard earlier on radio, when I think it was the Leader of Government Business himself saying well he cannot believe this is the same UNC who was saying: “We want everything to go to a JSC and now we do not want this”. Let me make a distinction in my few short minutes, and I assure you that I will wrap up in no time at all. We have asked for several Bills to be referred to a joint select committee of Parliament for obvious reasons. But if you look at the bits of legislation, we had asked to be referred to a joint select committee, one would readily be able to ascertain that, in those instances, what was at stake would have been rights of citizens.

So if I could ask you, Mr. Vice-President, to throw your mind back to when we debated SSA in May of last year, or April or May, sometime last year, and we had asked that the SSA Bill be sent to a joint select committee for obvious reasons, there are advantages, and so on, and because there were certain rights involved. The Government said: “No, we are not referring it.”

Now, what rights were involved? The right to privacy being chief among them, freedom of association, and so on, and so on. And it was really to get the benefit of what a JSC brings so that at the end of the day we will bring to Parliament a Bill that would be the best possible Bill, with all the legal minds

meeting and all the other minds meeting, and with the benefit of expertise from outside the House making representations before the Parliament, and the Government said: “No”. And we were simply asking for a JSC because rights were involved.

Now, what rights are involved in this JSC that they are asking to bring before, sorry this Vision 2030, that they are asking to bring before a joint select committee? I have read it and I cannot think of any. So, when it comes to dealing with rights, they do not want a JSC, but when they want help in formulating policy, they want help from the Independent and the Opposition Benches. [*Desk thumping*]

That must be amazing, because you see the thing is Vision 2030 is in essence a rebranding of Vision 2020, which is PNM policy. So why do you, as the Government, and you are in charge, and you have said so, if you are in charge, why are you asking us to help you come up with ideas, and so on, and then at the end of it you present it at some mass rally in either Eddie Hart or wherever, and pass it off as your own? That cannot be right, Mr. Vice-President.

Another Bill we asked to go to a joint select committee, the controversial Marriage Bill, because the rights of different groups stood to be affected, and so on. They said: “No. No amendments.” Just like SSA, they did not want to hear about amendments dealing with rights. Same thing with the marriage Bill, they do not want to hear about amendments dealing with rights, regardless of what our take is—because just like the Attorney General said when he was piloting that Bill—this is not a theocracy. It is a democracy. But when the Attorney General said that, I think that what he did not fail to appreciate, it is not a theocracy and, therefore, we cannot impose Christian ideology in a diverse society where there are

other groups and religious beliefs, and so on. And that is the reason why that should have been put before a JSC, but it was not, and now you are asking us again, something that has nothing to do with rights, but something that has to do with you implementing and developing your policy, you are seeking to put before a joint select committee.

Then there is the Motor Vehicles and Road Traffic (Amdt.) Bill, which we debated quite recently. Again, rights involved, property rights, and so on; trial behind your back, and so on. And although the Attorney General made mention that there was precedent under section 44 of the Summary Courts Act, when we looked at it, it is quite clear that section 44 envisioned that there would be a plea.

**Mr. Vice-President:** Senator, I understand the point that you are making in relation to rights and the benefits of going to a JSC in dealing with rights, what you are in fact doing is re-opening these Bills that we have dealt with before and actually closed. What I would ask you to do is to move on from that point and not really bring back up anything that we have dealt with in previous sittings.

**Sen. W. Sturge:** Yes, I take the guidance and I was simply trying to very briefly point out what rights were involved, and so on. So I take your guidance, Mr. Vice-President.

But lastly, I think they have seen the light, because I understand today, after kicking and screaming and saying they are not going to, I understand today that the contentious judge-alone trial Bill is going before a Select Committee of the Senate and I applaud that, that the Government is now finally willing to listen, because there are substantial rights involved.

So I close by saying that I too—and I hope the Leader of the Opposition Bench does not recommend me to this because I told him I do not want to be part

of any committee, because I simply do not have the time. But, if he should put God out of his thoughts and ask me, this is one committee I dare say I would not sit on, because I do not want to be a part of the “cokey-eyed” Vision 2030.

I thank you.

**Sen. Khan:** You want to go against your leader?

**Sen. Sturge:** I will. I told him “I going against him on jury Bill too.”

**Sen. David Small:** Thank you very much, Mr. Vice-President, for allowing me to join in this debate. I want to start off, Mr. Vice-President, by saying, I suppose, like many of us here, certainly on this side, as a Senator without portfolio, underpaid and overworked—[*Interruption*]

**Hon. Senator:** Without a pension.

**Sen. D. Small:** Well, pension is out of the question. I am exhausted. I serve on three committees. I am a chairman on one, and I try to be here at every sitting. I do not think I have missed a sitting since, other than being out of country, and I am exhausted. I understand what the Government is trying to do here, and I actually support it. And the challenge I have is just when you look at the schedule, it is a lot of work. And, perhaps, because of the fact that we are all overworked, perhaps, I—I could only share my personal experience, Mr. Vice-President. We have been asked to set up another joint select committee here. And I understand with the schedule that we have, the plan is to have a report by the end of the month. We probably would just have one meeting, work out what is the plan of the schedule of activity for the committee and then do a report on that and then continue in the next session. I understand that. That does not faze me. But it is just more work. It is a lot of work. Just attending to one joint select committee being the chairman of that is a lot of work. Because, as any chairman who sits on

this side knows, we have to do everything.

I want to support what was said by my colleague, Sen. Shrikissoon. I think that where we are as a country, we have to have some modicum of a plan, in terms of how we move forward. I think that I have stood here on more than one occasion, Mr. Vice-President, and advocated that without a plan we are not sure where we are going. We may not all agree with the plan. We may not all agree, but here is what, we have an opportunity to have an input in the plan and that, for me, is something that should be supported.

I also say, Mr. Vice-President, that I noted in the contribution by Sen. Mark, he indicated his reason there, his objective on his side of the Bench. That caused me to reflect on what is my objective for being here as an Independent Senator, an Independent Member of this Senate. What is my objective for being here? My objective for being here is to do the people's work. My objective here is to come to lend my experience and my knowledge about things in general, to the work of the Parliament. So that, I could query and ask all sorts of questions about where this came from or why it came, but that is irrelevant. It is in front of me. That is my take on it. It is in front of me and it requires me to take some action. So that, planning is such a critical activity, Mr. Vice-President.

You know, you look at the countries—I think someone earlier in this debate, and I do not intend to be very long, but someone mentioned how various countries have to have plans to move forward. Now, other countries do not. But one of the countries that has sustainably been the heaviest and most successful economy in the world is a small country called China. And I think they are on their 13<sup>th</sup> five-year plan, and that demonstrates the fact if you want to be where you want to go, you must have a plan. You must have something that is driving it. So China is, I

think they launched their 13<sup>th</sup> five-year plan and all they do, they review the activities of the various plans.

What is I am really a strong advocate for, Mr. Vice-President, is for us to extend the planning window beyond the next election date. I have a huge challenge where we put things in train and then after the next election date everything goes into abeyance. It cannot be that everything that was going before is all bad. It cannot be. I say that that damages the potential of Trinidad and Tobago, in terms of achieving appropriate and sustainable development. I believe that for us to move forward as a country we need to embrace the situation where we develop a plan and that plan sustains us. The one element of this country's economy that has, in my respectful view, been able to sustain a long relative period of inflexibility of minimum changes is the energy sector.

I used to be proud, Mr. Vice-President, to be able to go overseas and present at all sorts of conferences and talk about the stability of energy policy of Trinidad and Tobago, going back all the way from the 1970s, when the first Natural Gas White Paper was developed. And that is the one thing that has allowed us to be able—and if we look at the roots of that success, the core policies of the Government, in terms of the successive administrations, in terms of how we manage the important energy sector, have not changed. So that we understand the innate value of having a core set of plans that can cross across a whole period of time and that successive administrations sign on to. There will always be little tweaks, but it cannot be that every time that an administration changes, you throw out the baby with the bathwater. I do not subscribe to that.

So that, Mr. Vice-President, consistency of approach. I think that when we talk about trying to develop our country, having this plan, I have the document in

front of me. I looked at it. There are several issues. I know I cannot delve into the issues and I will not, Mr. Vice-President, and if I stray, please guide me.

But permit me to share, Mr. Vice-President. Some of the issues that really are facing this country that we really need to look at is about—lots of people talk about the fact that Trinidad and Tobago is dependent on oil and gas, as if it is a bad thing. I respectfully have a different view. I think that it is a good thing. The challenge with Trinidad and Tobago being dependent on oil and gas is that the other sectors have not really stepped up their game. And now that we are having a challenge with oil and gas, there is a lag. There is a lag, in terms of the other sectors being able to come up to speed. Because the extent to which oil and gas and the way in which that is weaved into our economy is not really captured by or understood by enough people. The banking sector is now realizing that with oil and gas we have a problem. All the time when oil revenues and gas revenues were coming in, it was all wonderful, but now they are realizing that when that market is in trouble, the entire financial sector is in trouble. And the extent to which that is so important to us is not understood by many.

I think that we are in for a period, Mr. Vice-President, of low or moderate prices for the medium term. I think everyone who has looked at the market—I claim no knowledge, no foreknowledge of where the sector is going, but all the prognostications point to us operating in a scenario where international energy prices are going to be at a middling level. What that means is that we need to plan differently from how we have been planning before. So I have seen some things inside of this document that speak to that, but I would not go into the details. But that for me is key.

Another key instance—I remember several years ago, probably a couple

decades now, forgive me, I was doing a programme at UWI called development administration and, you know, you talk about if you want to develop a country, you need to have proper systems of administration, have proper institutions. Yeah? So that the issue for me, Mr. Vice-President, the institutions in this country are weak. They are failing. They are failing. And they are failing because I think somewhere in the document it is actually listed we have weak institutions and then crime and criminality. Whether it is a Freudian slip, but they are next to each other in the document. Weak institutions followed by crime and criminality, and unfortunately there is starting to be a mingling of the two where you have crime and criminality causing the weak institutions and that is something we need to fix.

We need to address it because the sustained development of this country is going to be impacted by having these poor governance structures, people not adhering to the rules, people trying to navigate around the rules and then you have a level of behaviour where the whole sole purpose is the personal enrichment of myself and my friends or my family at the cost of the taxpayers. That is a mantra that is ingrained in many parts of the system and we need to root that out. My statement is that the one way to do that is to have some people—not “make a jail” as I would have said in the past—but at least have them properly investigated, at the very least. Let us move the envelope.

So in looking at the things that this joint select committee is going to be asked to do, this is a huge job. The report that is going to be reviewed by the committee is a significant document. And we would all have our own views about the document. I have my own views on it. But I think that is a document that allows for the opportunity for a rich discussion.

And if, Mr. Vice-President, I sit in a place, I say I try to figure out in my



own mind what is the larger picture I am looking at. I am here. I am a Member of this august Chamber, a document is placed in front of us and we are asked to participate or be given the opportunity to participate in looking at this document to see whether it is something that works, does not work, or could be improved or whatever. I ask myself: “What is the bad intention in that? What is the negative in having an opportunity to have an input into something like this?”

Forgive me, Mr. Vice-President, I am not a politician. I am not involved in active politics, so I probably do not care about being popular. My view is that I think this is a document—we have the opportunity here to look at a document, have input on it, and I suspect it will actually require a lot of input from other parties external to the committee. Because I do not think whatever committee we form here could really adequately address the areas covered inside of this document. So that, forming the committee to look specifically at it, and this is why I agree with the hon. Leader of Government Business. This is something that requires focused attention. Having a committee chartered specifically to look at this is the way I support that way of dealing with this. I believe that is the way to go. Because it is too important. We have the opportunity here now to have a framework plan for how we develop the country.

At my stage of development, Mr. Vice-President, this is less about me but more about the next generation. Most of us here have family and younger ones growing up. This is about laying the groundwork for the future, for the next generation of Trinidad and Tobago, and I refuse to abdicate my responsibility in that regard, Mr. Vice-President.

I believe that when I can—I prefer to be in a place where I can have input in a document than to say: “Well this document does not apply to me” or “I do not

like where it is coming from.” Each of us have our own choices, and I have mine, and I think that having the opportunity to be able to go in, examine, pull it apart, give my own dissenting opinions on whatever, regardless of whatever the frame, at least I have an input in it and that for me is key. I think that where we are in a country, where we do not understand the impact on the world, how the world is impacting us, we cannot be static. We cannot be static. We have to be able to demonstrate that we are willing to be flexible and try to see how we can improve ourselves. How can we improve ourselves if we abandon opportunities to have dialogue? Dialogue is how we fix things. There is no way around it, Mr. Vice-President.

Mr. Vice-President, in my former career I remember there was a document, I do not know if it still exists, called the *Medium Term Planning Framework* and it would have been updated every so often, and as a civil servant I would hide behind that document because that was the document, I go to the Article for meetings and that is the Government’s policy, this is what we are going to do. I do not know if it still exists, but it was a document that was put together and it was a document that was frequently updated to help guide, so that when you go to speak to these international bodies this is what the Government is doing in this particular area of development, these are the plans, and these are the status of the implementation. And if the implementation slips, the important thing the agencies look at is that you have a plan. In the absence of a plan they struggle. And then you struggle.

So that all I am saying, Mr. Vice-President, I believe, that no document comes in front of me is perfect, especially if I have not had an input into it. No document is perfect. So I would rip it to shreds and were I to be part of this committee I would certainly have my one or two words to say. But Mr. Vice-

President, I am seized of the opportunity to have an input and I like that. I personally like that. I professionally like to have input, rather than have things foisted upon me. Because if I remove myself from this discussion, Mr. Vice-President, and say if I were the Government and I had this wonderful document we came up with, it is great, it is wonderful, let us press on. That is an option for the Government. So I do not want to get into the whys or wherefores or why it came here. It is here, and I believe that that is the way we should look; at least that is the way I look at it, Mr. Vice-President, because as I am always aware, we are all entitled to our own views and I am entitled to mine.

One of the issues that I will certainly be putting on the table for whoever on this side is represented on the committee is the issue of how we manage the impacts of climate change. Trinidad and Tobago has not prepared itself in any way, in my respectful view, for the impact of climate change. They are going to happen later on, when Dr. Mahabir and I are in our rocking chairs sitting and wondering why the beaches are disappearing and some resorts are falling into the sea. We would be wondering why. Because I always point my colleague Members to the data on an institution called the five Cs: the Caribbean Community Centre for Climate Change. When you go on that website I point everybody, go to it.

When you see the sea water temperature around Trinidad and Tobago 1950/1960, and you see that the sea water continues to get warmer and then the sea level around Trinidad and Tobago, the data is there. It is free data. Something is going on. And according to Dr. Olive Trotts in a paper that he did in 2010 or 2011, somewhere around there, he says sea level rise goes this way and then it hits an inflection point and does this. It goes along gradual and then it is at an inflection

point and it goes up and that is going to happen, forecast to happen in the next 40 to 50 years. It may be happening in the next six years. But here is what, it is going to happen, and if we do not start to put plans in place or try to put that inside of our planning framework we will be caught off guard.

It is one of the pet areas that I continue to follow. I have young ones and would like them to be able to say: “Dad, if you know this is what is going on, what did you do? Dad, what did you do? Are you part of the solution or are you part of the problem? What did you do?” And I would have to look at them and say: “I spoke about it. I tried.” But at least they can reference the *Hansard* and say: “Well Dad spoke about it. Nobody took on dad. But dad did something.” I did not just keep the information for myself, because these things are real. They are coming and while it may not impact all of us here in our current lifetime, the next generation will feel the impact.

Mr. Vice-President, as I begin to wind up, I think that I want to reinforce the point. Mr. Vice-President, I am exhausted. I am exhausted. We come here and we try to do the Government’s work, the people’s work, the work of the people of Trinidad and Tobago. It is very important for me what I do here. I come here and I am always prepared. If I come here and I am not prepared, I am not coming. That is how I work. So when I come here I am always prepared. But there has to be a measure of understanding too, Mr. Vice-President, that we are running a very long period of work here and that we have to find a way to fix the system.

The Parliament staff, I feel for them. I work my committee team to the bone and I know they are under pressure but they are responding to me at 6.45 in the morning. Saturdays, Sundays they are responding to me, because they work like me. We work around the clock. But there has to be some understanding in the

system that people cannot run at this pace forever. We have to find a way to fix some of those institutional issues, to make sure that people are properly remunerated, to make sure that when you get—and you need to—it is not only the money but it is the numbers of people. And those are things that within our remit to fix but we have tried and so far we have failed.

So, Mr. Vice-President, the Motion in front of us, I support the Motion to have a joint select committee look at this and let me review my rationale. This is the opportunity to review the plan. Now, it could be argued that this is the Government's plan. Okay. I did not see anything on this document that says the Government's plan. It is a public document laid in the Parliament. I would be abdicating my responsibility as a Senator in this Parliament to not at least look at it. That is my pure simple position. And as I have said before, Mr. Vice-President, I prefer to be in a place where I can have some meaningful input into a process that could, perhaps, lead to the better or greater development of Trinidad and Tobago. That is a process that we should all embrace.

And while we may have all sorts of questions, hold those questions for when you get to the committee or when your Members are on the committee or send the questions to your Member and ask your Member to ask these questions. That is what I would do. Whoever here is selected or chooses to go, they will certainly get my questions about, this is what I would like to find out or this is what I would like to address, could you help me with this, to make sure that we are all aligned about what we are trying to do here.

Mr. Vice-President, what we are trying to do here is to do good for Trinidad and Tobago. Unlike a lot of other people, Mr. Vice-President, I only have a Trinidad and Tobago passport. I have no condo or other residences. I live in the

east of Trinidad and Tobago. I am a regular normal person. I always run into citizens of Trinidad and Tobago. They see me Saturday mornings “with meh slippers and meh short pants. Me and meh two sons, we going in the grocery, we going in the market, ah going by de mini mart. I live. I live normal like everybody else.” I am a normal regular person so I understand those issues. Okay? I understand those issues very well. I am just a normal person, as when I drive out of here first thing I do, I take off this , I take off this and I start to breathe and I say: Okay, here I am again. But we are here. We have a job to do.

When I was asked whether this is something I wanted to do, I indicated I would try my best and give my best every day. I said that to somebody in a higher office; that I would try and give of my best every day, and I refuse, I refuse to go back on that undertaking. I refuse. I may be exhausted. I am completely worn out. But if push comes to shove and I am the only person who is willing to do it, I am going to do it and I will give my best effort to the limits to which, before I decide I cannot do any more.

So, Mr. Vice-President, we are here. We have a job to do. I think that this is a leap by the current Government to be able to put this document; their thoughts, their internal processes, their views on how we should develop the country and have a committee however constituted. Because at the very least, Mr. Vice-President, if I or one of my colleagues here sits on the committee and we do not agree with anything we have the opportunity to have a dissenting opinion recorded, at the very least, indicate that while the committee may be going along this way, and this is one we have strong objections to, we have the opportunity to record a dissenting opinion; if at the very least your opinion is recorded if you do not agree with the committee. So for me that is a simple process. It is a clean process and it

allows for the collection of the views of different parties in the process. We are in a process here. We are trying to develop our country.

And I am blessed that I sit on this side with my colleagues here. I have no alignment other than with my colleagues here, my good colleagues here. That is my alignment. But my views are my own and I own my own views. I own my own views and respectfully understand and accept the views of others, and all I ask, Mr. Vice-President, is that given that I respect everybody else's views that, you know, the same be afforded to me.

So, Mr. Vice-President, I have detained this Chamber for long enough on this subject because for me this is a straightforward matter that should not have detained us for so long, in my own thinking, and here is what, I want to say that the Government of Trinidad and Tobago has taken a leap here by bringing this document before us. That is my view. [*Desk thumping*]

I think that where we could all argue about transparency and what should have come or what could not come, I hear that and I am not disputing that. That is actually a reality. But here is what, it is in front of us now. [*Hits desk*] Forgive me for pounding the desk, I did not mean any disrespect, Mr. Vice-President. It is in front of me now and I can choose to act or I can choose to abdicate, and given my normal mantra, I try to act. If I get the opportunity to act—if people put in front of me and say: “David, you cannot do anything about it”, I will respectfully disagree and try to find a way to do it. If I have the opportunity to act, and I plan to act.

So Mr. Vice-President, with those few words, I want to thank you for giving me the opportunity to share my thoughts on this matter. Thank you very much. [*Desk thumping*]

**Sen. Rodger Samuel:** Mr. Vice-President, I appreciate the opportunity to participate in the discussion on this Motion, a Motion:

“...that a Joint Select Committee be established to consider the Draft National Development Strategy 2016 - 2030”—otherwise known as—

“(Vision 2030);” and

“...that this Joint Select Committee be mandated to:

(a) review and analyse the Draft National Development Strategy 2016 – 2030”—and that they are mandated to:

“(b) consider the recommendations contained in the Draft National Development Strategy...”—and then:

“(c) report its recommendations for the development of a National Development Plan no later than June 21, 2017.”

I have always been taught by my parents, Mr. Vice-President, that it is not what is said but how it is said. It is not the thing itself, but it is the thought behind the thing itself. That is why in most instances, the preamble to anything really gives credence to the thing itself. Our Constitution, the Preamble, gives credence to all that is said subsequent to it.

I sat listening attentively to the hon. Leader of Government Business, Sen. The Hon. Franklin Khan, an individual that I respect tremendously for his many years of service to the nation—whether through thick or thin, he has stuck his grounds—but what I have to say does not in any way suggest any disrespect or any kind of personal grievances, but when he began to speak about continuity and he says the problem that we have had in Trinidad and Tobago is the lack of continuity, I understand the premise upon which the hon. Member based his statement. I am glad that he based his statement on that because continuity has been an issue



forever, from the inception. As a matter of fact, it has not just been a problem from where there is a change of Government based on elections from one regime to the next only. Even under the same regimes you had an issue of continuity. So continuity is an issue.

Not only that, but I was going along all well, Mr. Vice-President, and I am saying well this is probably a national policy, a draft and everything else and then immediately in the midst of that, based on his statements, I recognized behind all of that is politics. That blew my mind because I was going along well. He began to ring the bell and beat the drum of his party, and in the midst of it talked about there are three elements that should be non-partisan and have to be national security, foreign affairs and energy. I agree. As a matter of fact, I believe that most things should be non-partisan if we want this country to move forward and rise up.

But, in one breath, we are speaking as if we must have this non-partisan move together in the House, and in the very next breath we are speaking about is the party who designed that and the party who organized that and the party who did this and the party who did that. It was kind of conflicting in my mind because in one breath I am grabbing on to the non-partisan ideology and then right after that non-partisan ideology is dumped for a partisan kind of spirit, and I found it was kind of conflicting in many ways.

As a matter of fact, to the extent that the idea as to who did it and who were not bright enough and who had no plan and all the other parties that probably existed in Trinidad and Tobago did not have a vision and they had nothing to offer and that the only party ever had anything was one party. I felt if you want to whet my appetite and say, I need your support in such a situation, then keep it that way,

but do not be shifting back and forth with that kind of situation, because what it does is that we are trying to get a non-partisan committee to pump up a partisan document, based upon the idea behind it [*Desk thumping*] and I am very concerned.

As I said, it is not what is said, it is the thought processes behind it. What is in the mind? Why we are saying things? I have always been taught to look at that, you know, Mr. Vice-President. So I have heard about it appears as if the NAR had nothing planned, the UNC had nothing planned and the PP had nothing planned and there was nothing good. As a matter of fact, I understood from the statements that there was no other plan, no vision.

But Sen. Small made mention of the MTPF, which is the *Medium-Term Policy Framework*. There was a medium-term policy framework under the last regime. As a matter of fact, exactly what he says—how it was supposed to be monitored and agencies could now tap on that and see what the plan is for the Government—that was all there under the last regime. As a matter of fact, if I may quote something, Mr. Vice-President, if I am permitted, it was Minister Bhoendradatt Tewarie who laid it in the Parliament. This was dated October 2011, in the *Trinidad Express*.

He said that the Government was replacing Patrick Manning 15-year Strategic plan, the 2020 Vision and:

“In its place, Planning Minister Bhoe Tewarie will lay in Parliament”—that is the Monday—“a three-year Medium-Term Policy Framework...entitled Innovation for Lasting Prosperity, the first such strategic plan that will guide Government’s policies and focus over its term of office.”

So there were things in place. It was not so much that there were nothing in place,

but subsequent Governments would tap off of things and pull things together.

But, Mr. Vice-President, when we talk about continuity, I mean, I remember how much continuity there was when the NAR with their brilliant vision for the country and the vision till 2000 came into existence, and then in 1991 there was a change of regime, and immediately with all of the propaganda—and the Minister really says that when they are out of office, it is not that they are all planning, you know, is when they are most dangerous. Because, I mean, the NAR suffered the consequences of the dangers of the regime.

Then to show how much there is no continuity, they blamed the then Government for a lot of stuff, and to the extent that the dragon on the Red House was spitting fire on the country and propaganda and all kinds of stuff, and then they pulled down the dragon and they put a dove. The dove was supposed to be a love for the country, and all we had was more hate and more murders and it keeps escalating.

So continuity is a dangerous statement when organizations and parties will speak those things, but not be part of the continuity process. If there is something that is good, amen. If there is something that needs adjustment, then you adjust the changes and you move on with it, but that has not been the *modus operandi*, not even of the same party when they were in office. Not only that, but even from party to party, when a change of leadership steps in with the same party, there is no continuity. Things change and things are dumped.

The Vision 2020, according to a newspaper clipping, Vision 2020—this is Sunday, October 30, 2016—“Vision 2020 ‘failed to deliver’” This is the *Trinidad Guardian* newspaper. The draft policy document on the Vision 2030 programme touted by the Prime Minister, Dr. Keith Rowley, has linked URP and CEPEP to

crime and corruption, and it talks about the failure of the previous policy and stuff like that.

So really to talk about continuity is really, really, not the way it seems to be. And when the Minister presented it as a neutral policy, as a policy for all to participate in, what he did is counter that and then had us now thinking, well, we are agreeing to some PNM policy that was drafted that went to a committee and then to a national assembly and it was perused and—how the term goes? In other words, it passes through a process within a political realm and then it comes to a Parliament. I found that difficult. So then, if it passes through a political process and it went to a national assembly and all of these things to be ratified, then it turns out to be a political document and that is something that I am very concerned about. I am concerned about it. That is how it came across to me. Okay? It came across to me that way.

So, Mr. Vice-President, we have to be careful when we present stuff that wants participation, non-partisan participation. We are saying that joint select committees are supposed to be non-partisan. We sometimes need to look into some of those joint select committees and we would find a partisanism in some of the joint select committees, and it is something the Parliament will have to look into, okay, because there are traits of it within the joint select committees in the Parliament of Trinidad and Tobago. In the joint select committees there are operations that would suggest that people are defending parties, as opposed to being neutral and non-partisan in joint select committees. So it is something that we have to look at closely, and this particular document is clear.

The underlying theme, the underlying factor and the underlying message is that this is a document of the PNM, who are better than all the other Governments

and who are brighter than all the others and who last longer than all the others and they have more quotes than all the others, and that is what this is about. [*Laughter*] That is what it is about. I am just quoting the hon. Minister.

As a result of that, Mr. Vice-President, then the purpose it was brought cannot be realized, because then we would have to be guided by the thought process of the party to understand the document that is crafted and we have to sit and sort of talk with the party members to understand what were the thought processes behind it, because it is a party document. And if it is, then who are we speaking with? And they will give us a party view ,and if that is the case then it cannot be a non-partisan participation, because everything that will come out there—because in such a committee the Government will have more Members on the committee and you will have a minority on the other side. They will all gather their thoughts and they will come with their party and they will go back to their partisan documents, and they will say well this meant this and this meant this and it will all be based upon what the party says and nothing else, Mr. Vice-President, and this is not a party. This is not a party in here, this is the Senate. [*Desk thumping*] If that is the case, it is difficult for me to give support to such a document, unless this was done in a different way and a different approach. If it started long before they got into Government, it is a party document, a party document that is being camouflaged as a national policy document. So it is a party document disguised as a national policy document. It is a version or an expansion of a “manifest zero”, and we have to understand the dynamics of all of this.

So, Mr. Vice President, it is tough. I listened carefully, but then when the “partisanism” stepped in, I had difficulty really accepting all it had to say. So it is difficult for me, Mr. Vice-President, very difficult. Thank you. [*Desk thumping*]

**Sen. Dr. Dhanayshar Mahabir:** Thank you. Thank you very much, Mr. Vice-President. Mr. Vice-President, when the Leader of Government Business piloted the Motion, he made a very telling statement, and the statement was that some individuals had planned to take the 2020 documents which were housed somewhere and to discard them and he rescued the documents and, immediately, that begged the question: What happened to all the promises, all the projections which were contained in the Vision 2020 document?

It is important, therefore, to ask ourselves, having used so much manpower. In fact, I was invited somewhere in 2002, to sit on the macroeconomic aspect of that particular plan and I declined, because I have a more detailed understanding of development planning than most. I wanted to know exactly that was going to actually result from the document that we were preparing. You see, this is what was supposed to happen.

Between the time the Vision 2020 was presented, and three years from now 2020, we were supposed to see greater diversification in the Trinidad and Tobago economy. We have not seen that. We were supposed to see the reduction of congestion. We were supposed to see an easing on the pressure on the exchange rates. We had water shortages, health issues, poverty was supposed to be reduced at the various international indicators which are used to judge Trinidad: index of competitiveness, ease of doing business, the perception of corruption index and best places in the world to live. We were supposed to be rising on all of these dimensions. We have not seen much by way of progress and, therefore, we are not aware of what has happened to the targets that were set out in the Vision 2020 document. And, Mr. Vice-President, prior to Vision 2020, as Sen. Small alluded to, there was the *Medium-Term Policy Framework* documents. So there is a history

with the *Medium-Term Policy Framework* documents. It emerged, as Sen. Samuel has indicated, under the NAR administration, when we entered into our IMF standby arrangement, and the budgets of 1987 subsequently were required to produce a *Medium-Term Policy Framework* on how we were going to mobilize the resources of the country to really get us out of the period of stagnation and into a period of growth and that lasted for a while, and then of course it disappeared. I have not seen a *Medium-Term Policy Framework* in quite a while.

The third issue I want to ask myself is, having examined the 2020 documents and seeing that individuals thought they should be discarded after so much very good work went into those documents into the findings, into the analyses, I ask myself the third question, because it has direct bearing on the Motion before us: what has happened to development planning in Trinidad and Tobago? Because under article (c) of the Motion it says:

“*And be it further resolved* that this Joint Select Committee be mandated to:

- (c) report its recommendations for the development of a National Development Plan...”

Now, a document written today for 2030, 13 years from now, is not a development plan. It is a view of where you think you ought to go. What does a development plan entail? It entails resource mobilization, institution buildings, targets that you want to meet, the projects that you need and a great deal of input/output analyses. The economists know what I am talking about. You have outputs and you must mobilize the inputs, and unless you get the inputs you would not be able to get the outputs that you would like to get and the plan will fail. What happens when you cannot meet your targets then, of course, you have to do an iterative process.

What happened to development planning in Trinidad and Tobago? We did have development plans starting from the late '50s, 1958, and this country produced three development plans. The last one 1968 to 1973. The development plans were developed by the Planning Commission and the Planning Commission made up of some of the iconic economists in Trinidad and Tobago, William Dumas being one of those. I think he was the last head of the Planning Division. That 1968 to 1973 plan was our very last. It was not given any attractive catch-all phrase like Vision 2020 in 1973 or anything, it was just the third five-year development plan. It was a technical document and, in general, the involvement of the politician was minimized. The technocrats looked at what was the resource availability and they worked with the Government at the time. Whoever the Prime Minister was, was going to be the titular head of that commission, and that is to bring the political directives in there but the technocrats produced the development plan.

So if a Government changed, the subsequent Prime Minister would then head the Planning Commission as the titular head, because just as you need the Central Bank to work with the Ministry of Finance, you needed the Planning Commission to also work with the Ministry of Finance, the Government and the Cabinet to ensure that the goals set out by the development plan are realizable and that the constraints that are imposed by the plans are constraints that the Government will live with.

But development planning ceased in 1973, and what the Motion is attempting to do is to ask the Senate to report its recommendations for the development of a national development plan. The concerns I have with the development of a national development plan is this: where is our institutional



memory in producing a national development plan which cannot be a 13-year plan, but it is normally of a five-year duration?

India, that Sen. Khan referred to, is currently on I think its 17<sup>th</sup> five-year development plan. They started development planning upon attaining independence. Great planners like Mahalanobis and the last one of which I am aware, Montex Singh Ahluwalia, these were the individuals who started planning in India and were able to generate a stock of institutional knowledge so that the next generation—I think Ahluwalia demitted office in 2014, so there would be newer head. I do not know who he or she is, but that individual would have something like 50 years of experience in how to produce a development plan.

The Motion calls for the establishment of a joint select committee. So is the joint select committee then going to be charged with establishing a national planning agency, that we are going to go into our achieves and into our files to see how to go about writing, constructing and producing an implementable five-year development plan? Well, if that is the case, then there is merit, but if it is that we do not understand or we have forgotten what planning is all about, then the Senate will simply agree to the development of the five-year plan without knowing what it is getting into.

We need to look at the institutions of planning. And unless we understand that you simply do not start to write a plan from scratch, you have to get the institutions going, and we are going to allocate the kinds of resources now to build up that institutional strength, and if we do not have it, get from elsewhere—I am sure there are countries, as Sen. Small alluded to China, China has a different type of economic structure from us, India has one that is almost identical to what we have. We may very well want, if the joint select committee agrees that we need to

get back on the path of development planning, India might be the place for us to look to see could they assist us in establishing, once again, a planning commission in Trinidad and Tobago.

I personally think that we do need to resume where we left off in 1973. Copies of that 1973 plan are still available. I have one that is an original one that was sold for a dollar in 1973. Anyone who purchased it would have spent a dollar very well, because you really saw what technical officers can do in order to ensure that a country can move forward with scarce resources.

We were able to achieve, Mr. Vice-President, a great deal from development planning. We were able to establish our industrial estates, our manufacturing sector, post-independence. We were able to diversify between 1958 and 1973. And then something happened in 1973 when we faced a tremendous increase in the price of our export commodity, which was oil, not gas. We were told that planning and the constraints of the plan are no longer relevant to the needs of Trinidad and Tobago. Planning had lost its mystique and the Planning Commission disappeared.

Mr. Vice-President, I think that the Parliament should look at whether we should, in fact, reinstitute planning in this country in a formal way, not just a vision document, not just a wish list, but really a map with respect to where we want to go, how are we going to get there, how do we mobilize the resources to achieve our objectives and what are we going to do, because it has implications for our tax structure. It has implications for our borrowing requirements. It has implications for the amount we can spend on transfers as opposed to the amount we have to spend on our capital programmes.

This is not in any way a minor issue. This is a huge issue, because you are basically looking at the budget in a multi-year framework; the budget not in an

annual framework, the budget over a five-year period; a five-year period which can cut across administrations. It can cut across the various politics, and you want to see to what extent projects will continue. So then the projects of one administration will not be stopped by another since it is already in that national planning document.

So you need everyone to buy into the plan, but a plan is not the same as a Vision 2020 document. The plan is not the same as a Vision 2030 document. A development plan is a much more formal piece of economic work and my concern is we do not now have the institutional capacity to do it. If the Senate recommends, it has to be that we are recommending at the same time that we put into place the necessary steps to rebuild the National Planning Agency which was dismantled post-1973.

So, Mr. Vice-President, while I have no objections to the Parliament as a whole examining the document, I do have concerns with its implementability and, for me, what is very important is before we consider the 2020 vision document advanced to us by the Government, I think it is critical for us to undertake a deep and detailed analysis of our Vision 2020 document.

I know a tremendous amount of work went into that and not much came out of it, because three years from now we are nowhere development status than we were in the year 2000. So it is as if we have gone nowhere except having a document with a beautiful word And I fear the same may arise with 2030, and when 2030 comes we will be talking about a 2050 document and these are just wish lists and hopes.

And if the Senate is going to look at the 2030 documents in the context of why the 2020 has not achieved its objectives, and what we are going to do to

ensure that what we state as hopes, goals and objectives for 2030 can best be realized, I think there would be some benefit. But if we are not going to look at where we went wrong in the 2020 vision, I have to say that this exercise is going to be an exercise in futility. With these few words, Mr. Vice-President, I thank you.  
[*Desk thumping*]

**Sen. Dr. Lester Henry:** Thank you, Mr. Vice-President, for allowing me to say a few words on this Motion and just to set the record straight on some issues that were raised principally by the Opposition.

Now, we are dealing with the issue of the 2020 vision which supersedes the 2020 plan and you ask yourself: well, why do we really need a Vision 2030? The simple answer is because the UNC wrecked Vision 2020. It will take us about 15 years to undo the damage you did in five years. So we have from 2015 to 2030 to correct the mess that you made of the economy of this country.

**7.00 p.m.**

It is not surprising that they are objecting to participating in any kind of vision, you know, it is a continuation of the irresponsible, reckless behaviour of the UNC, in and out of Government. So it is not surprising at all. I think anything with structure and responsible, hard decision policymaking is like kryptonite to the UNC, so they immediately take a confrontational position. The previous UNC speaker talked about partisan document, and so on, when the Leader of Government Business on this side went to great pain to point out that the Vision 2020 document included quite a few people who were not members of the PNM, and who could never be accused of being PNM members.

So, we all understood that, plain and simple, yet they still coming and saying it is a PNM document. The Prime Minister at the time, the hon. Patrick Manning,

went out of his way to include a wide variety of people, and we are just building on that, in what we call Vision 2030. So there was a lot of input from people way beyond the PNM, and people, who, as I said, could never be, in any way, accused of being PNM supporters—very broad spectrum.

So, you see, there is an old African saying that, of course, if you do not know where you are going, any road will take you there, and that seems to be the mantra in terms of the UNC. Because, I mean, it is quite obvious that when they were in Government for those five years and 90 days, or so, those woeful years, where no hard economic decisions were taken, and not very much by the way of planning, despite what they put out there as the so-called medium-term plan. And the issue of continuity, when the Leader of Government raised this issue I immediately thought of what would have happened in 1995 when Basdeo Panday took over as Prime Minister, in late 1995. What would this country be like if he had cancelled the LNG projects, because it was started under the PNM? Where would we have been?

The country experienced 14 years of positive economic growth between 1994 to 1998, one of the longest economic expansions in the Western Hemisphere, in the history of the Western Hemisphere. And, primarily, because one of the main reasons of that is that the Panday Government did not interfere with a lot of the PNM programmes, as far as economic development plan.

They did not act reckless like the last UNC Government and start cancelling everything because it was supposedly started by the PNM. It just does not make sense. You cancelled the OPVs, the aluminium smelter, in which a lot of money was already sunk—a lot of money. Now, we do not know what could have happened to aluminium prices and the downstream product, but right now, given

the state of the economy that we are facing, that could have been an alternative source of foreign exchange. We could have been earning quite a few US dollars from that aluminium smelter was it allowed to go through to fruition, and there was a lot sunk into that already, but you did not care about that. You came in and you said, oh, that is a PNM thing, so stop the smelter; and, I repeat, suppose Basdeo Panday had taken the same approach and stopped the LNG projects, right?

And because of that move into LNG exports, per capita income in this country doubled between 2000 and 2008. The whole middle class existence that you take for granted now came about because of those decisions, and that is a fact, and whether you like the PNM or you do not like the PNM, you cannot deny that fact. That is what it is. That is the record. So when we say the PNM is the party of development, we mean it, and we could back it up. [*Desk thumping*]

Sen. Mahabir talked about the development plans, and so on. I am also familiar with them, and in terms of the attempts to diversify the economy, many of those plans involved serious attempts into trying to diversify the economy, going back to the '58 plan, the '63, and even the '68. And that is why you had, during the 1970s, a lot of what we call “screwdriver industry” in Trinidad and Tobago. That was an attempt at diversification, and many people just overlooked these things. In fact, a lot of younger people may not even know the kind of things that were produced right here in Trinidad and Tobago—well, assembled, and some actually produced. With liberalization of the economy, and so on, a lot of these things went by the wayside, but there were attempts to do things, and they were well thought out by the planners and the people in power at the time. So Eric Williams culminated his vision in terms of his attempt at planning and development with the Point Lisas Industrial Estate.

Where would the country be without Point Lisas? And many in the UNC, just like their irresponsible behaviour today, objected to the construction of the Point Lisas Estate. Yes, many of them accused the PNM of all kinds of evil. And what has happened with the Point Lisas development? It has revolutionized central Trinidad and Tobago. Many millionaires created, high level of development all around, feeding off the Point Lisas development estate. Again, vision.

After that, we moved to George Chambers, who many people vilified at the time, and then, later on, you talk to people in the manufacturing sector and they tell you, George Chambers was a really excellent Prime Minister, despite all the bad, and the *mauvais langue* about him being duncey, and all kinds of stuff. They will tell you that, go and ask them, because he was the one who gave them the opportunity to retool, to invest, and to the point that Trinidad and Tobago started to dominate exports in the Caribbean region. Our manufacturing sector took off. What we have as a manufacturing sector is largely attributable to the policies of George Chambers, [*Desk thumping*] where 75 per cent of Caricom trade, trade within the Caricom region, originates out of Trinidad and Tobago.

So we are not talking abstract here, we are talking real development that changed the lives of people in this country. Many of you take it for granted, I do not, because I am old enough to remember what life was like before. I was a little boy, but I could remember what the life was before the Point Lisas Industrial Estate and the kind of poverty and hopelessness that used to exist in this country. Later on, after Chambers, we had Patrick Manning, and, as I mentioned before, making the policy decision to go into LNG instead of flaring the gas, as they still do in Venezuela. There is no LNG plant in Venezuela after all this time, with all their reserves. So give us some credit for making solid policy decisions, and, like I

said, you could like it or you do not, but the point is that is the fact.

The Vision 2020 document was a solid foundation going forward, and we hope to continue this with the Vision 2030. If you read the document, and you look at the ideals, in some ways it is a very idealistic document in terms of what we would like to see, what we would like to accomplish, things like behavioural change among the population, culture, changes in values, in attitudes. You see, we know there are a lot of people in this country who have a very careless attitude towards law enforcement, towards abiding by the laws, all of that is included in the Vision 2030; civic pride, tolerance, all of these things. And the UNC is standing here and saying, we against this, that is a PNM concept. Seriously, you against that because the PNM said it? I mean, come on, be serious. I promised not to be too long, I just wanted to make a few points. Thank you, Mr. Vice-President.  
[*Desk thumping*]

**Mr. Vice-President:** Sen. Ameen. [*Desk thumping*]

**Sen. Khadijah Ameen:** Thank you very much, Mr. Vice-President. I hope to be able to make a short contribution this evening on this Motion that is asking the Parliament to establish a joint select committee on Vision 2030 programme. I want to begin by responding to the lament, the complaint of the mover of the Motion, hon. Franklin Khan, that the People's Partnership practically dumped Vision 2020. I want to remind him that on May 24, 2010, there was a general election, the population of Trinidad and Tobago overwhelmingly rejected the PNM Vision 2020. So to accuse the People's Partnership of carrying out a mandate that it received from the electorate is really a misrepresentation, to say the least.

I also wish to correct for the record something else that he said when he spoke about the role of one of our Opposition Members of Parliament, former



Minister of Planning and Sustainable Development, Dr. Bhoe Tewarie, and he spoke about the fact that Dr. Tewarie had participated in consultations, or headed a committee in the consultations, but what we said is that Dr. Bhoe Tewarie was part of the formation of Vision 2020. You can correct me if I am wrong, but I just want to quote Dr. Tewarie, when he spoke about the role he played in Vision 2020, and this is from the *Hansard* of the 31<sup>st</sup> of May, 2017, and he said:

“What I chaired was the committee on tertiary education, and I made very clear recommendations for rationalization of the tertiary sector. I think when I was finished with it, they took it and threw it in a dustbin somewhere or on a shelf somewhere, but there was no action that was taken by the Government at the time that had any alignment with any of my recommendations.”

So the opening statement of the mover of the Motion was by far a misrepresentation. Mr. Chairman, later on in my contribution I will highlight the views of some persons who headed committees in various other areas, but I felt it was important to get that on the record.

Mr. Vice-President, the anecdote used by the hon. Minister Khan about the printed Vision 2020 being carted off to the Beetham landfill, or being carded to be dumped, and the fact that he would have gone to the Ministry and salvaged those magazines, notwithstanding the contribution of my colleague, Sen. Sturge, with regard to the legality of that action, the fact that Vision 2020 was on its way to the dump, the fact that the PNM salvaged that rejected document, that rejected plan, is an amazing, vivid, perfectly clear illustration of what Vision 2030 is. It is a revived rejected plan. It was thrown out by the population. It was retrieved by the PNM, dusted off, and renamed Vision 2030. [*Desk thumping*]

Mr. Vice-President, what I find strange as well in the lament of the Government is their complaint that the People's Partnership did not stick to Vision 2020. You know, the reality of elections in this country is that there are often two major political parties competing, you campaign. Mr. Vice-President, you have a manifesto which is a promise to the people. A promise that they will make a decision on what they want in terms of their Government. Your vision that you articulate during your campaign, your manifesto, when a Government is voted in and it wins and it forms a Government—when a party is voted and it forms a Government, it has a duty to honour those promises to the citizens. So how could the People's Partnership implement Vision 2020? That was not our promise to the people.

For the Members on the other side, put the shoe on the other foot, would the present PNM Government take the core policies of the People's Partnership as their own and the seven pillars outlined in the vision of the People's Partnership Government? Would you make that your policy and implement it? So it does not make sense. You do have a mandate, you have a majority, you formed the Government, and nothing prevents you from adopting, deciding on your policy and adopting it, and carrying on with your PNM business.

Mr. Vice-President, I think another part of this article was quoted, but I just want to refer to a different section. It was an article in the *Newsday* of October 30, 2011, and it was when the then Prime Minister, Kamla Persad-Bissessar, replaced the Vision 2020, that was by former Prime Minister, Patrick Manning, and the article indicates:

“In its place, Planning Minister Bhoe Tewarie will lay in Parliament on Monday—budget day—a three-year Medium-Term Policy Framework entitled Innovation for Lasting Prosperity,”—[*Interruption*]

**Mr. Vice-President:** Senator, just one second. I am getting a low grumbling on this side that is actually making it hard for me to hear what she is saying. Also, Senator, I think Sen. Samuel raised that exact article and that point in his contribution, so before you run afoul of the Standing Order that speaks to tedious repetition, I would ask you to just move on from that point, because I think he made that point clear in this contribution.

**Sen. K. Ameen:** Okay. Thank you, Mr. Vice-President. I did say that it was mentioned, I am quoting the article but I have a different point to make from Sen. Samuel.

**Mr. Vice-President:** All right, well, you may want to move on from the article and make the further point that you want to make.

**Sen. K. Ameen:** All right. So, Mr. Vice-President, the point of the extract that I was reading was that the then Minister of Planning and Sustainable Development tabled the People’s Partnership strategic vision in Parliament. There were seven strategic pillars outlined by the People’s Partnership during its manifesto, and so on, but my point is that the People’s Partnership took the initiative, they adopted a policy that would guide development, that would guide the work of the Government, and also that would create measureable—really, what it did was create ways to measure the Government’s performance, and that is another point that I want to touch on.

So while it is the prerogative of every Government to put methods in place to implement its vision, its strategic plans, its policies, and, of course, the

institutions and the infrastructure to support it, my question, as we consider whether we should even be having a joint select committee on this matter, also has to do with the time frame. Mr. Vice-President, the people on the other side, particularly senior Members, they are Members who have served in previous governments, who are very familiar with Government and Parliament, and they know that there is no requirement for Parliament to adopt this Vision 2030 for it to become national policy. Bringing this Motion to the Parliament requesting for a joint select committee really is a gimmick, and I do not know who they are trying to fool.

Mr. Vice-President, that brings me to another point where I want to debunk the boasts made by several Members on the other side with regard to the success of Vision 2020. I spoke earlier about the People's Partnership having ways to measure the success of its vision, and there are ways to also analyze the opinion of citizens with regard to its success. So there are the measureable items, and, of course, there is the opinion. The perception of the citizen may not be reflected in the data. There was a review, or some discussion on the national sphere with regard to Vision 2020, and while we deliberate on forming a joint select committee to discuss Vision 2030, I think it is important to analyze the success and what took place previously. UWI economist, Dr. Trevor Farrell, at a conference that was held in October, he said, we are nowhere close to being a First World country, and the data shows that. However, the *Newsday* did a piece where they referred to a Market & Opinion Research International, MORI poll, of May 2007, where people disagreed with Dr. Farrell, and what they were saying is that half of the public thinks that Vision 2020 will be achieved. And in that *Newsday* piece, several people who headed different subcommittees on the creation of Vision 2020 gave

their opinion:

“OWTU Education Officer David Abdullah, who headed the Vision 2020 sub-committee on Labour, does not think most of the targets in the Draft National Strategic Plan have been achieved.”

That is very similar to what was said by Dr. Bhoe Tewarie, who headed the committee on tertiary education. That survey also found that although more people had become aware of Vision 2020 in the past four years—now, this was done in 2007, and this article was in 2008. The poll found that there had been a steady decline in the confidence of its ultimate success. The last finding indicates the subjectivity of people’s opinions, and Governments are elected on the opinions of people. So this Government has to consider the opinion of the population on this Vision 2030. Political Scientist, Dr. Kirk Meighoo, was a vice-chair of the subcommittee for governance, and he said that he believed that the question on whether or not we are on schedule to achieve developed nation status cannot be answered. And it was because he felt that we cannot achieve something that was not defined.

In this new Vision 2030 that has not changed. And I continue with the article:

“...the question of Vision 2020’s progress can be answered empirically, since the core document—the Draft National Strategic Plan—contains specific benchmarks and timelines.”

The Government had published at that time an update entitled, Transformation in Progress, 2007 Report, which, basically, was supposed to provide an account on the progress being made towards the achievement of those specific targets that were identified in Vision 2020, and an operational plan that was supposed to be

three years, from 2007 to 2010. The title of that report was misleading, in that while it spoke about implementation it only said what had been done by the Government in certain areas, but it did not speak about targets that were not achieved. There was no comparison between goals and achievement, instead the report really used a lot of glorified phrases, like, excellent progress has been made here, and well on track here, and it did not really give proper data and proper statistics.

Again, I also noted that in this Vision 2030 document a lot of similar terms have been used. So my question, again, is that if we are being asked to establish a joint select committee that is to report within a week, but less than two weeks, and many of these issues cannot be determined by that committee and fixed by that Parliament. So the work of the committee really will be rushed, and I feel that this is an opportunity for the Government to have its political plan rubber-stamped by various political parties in this Parliament to legitimize a political plan.

Mr. Vice-President, the Leader of Government Business spoke about the value of having long-term development plans, and there is merit in his suggestion. He referred to Saudi Arabia which had a 20-year development plan—I think he said—there are other countries who have long-term development plans; there is Cuba, there is China. There are countries who have communist Governments, who have had a one-party government system for over 30 years, so their term in office is uninterrupted.

Trinidad and Tobago, on the other hand, is a democracy. A very vibrant democracy. The one-man, one-vote system, the first-past-the-post system, electoral system that we have almost guarantees that governments will change. And, in fact, we have been seeing a phenomenon, in not only in Trinidad and

Tobago but in other places where you have healthy democracies of one-term governments. This Government must be mindful that it has a five-year mandate. It does not have a 20-year mandate, it has a five-year mandate, and, very likely, they will not be there after 2020. [*Desk thumping*]

But the merit in the bi-partisan, having a bi-partisan national development plan is an admirable ideal. Is it realistic in a country like ours with such a vibrant democracy? Well, it is very challenging. Such a plan, Mr. Vice-President, has to be derived from vast meaningful consultations. I want to endorse, without repeating the point of Sen. Mahabir with regard to having a non-political, technical institutionalized authority to deal with planning, and he called it a planning commission. The fact is that the implementation of any vision requires the buy-in of the man on the street, the population, and, most critically, the public service.

**7.30 p.m.**

Mr. Vice-President, in our country people have a culture with regard to many of the things that they do and, you know, I read somewhere that people have a psychological contract with existing culture and that applies to the public sector. It is very difficult to do any sort of reform in the public sector and it is, in fact, a hot potato that has been avoided by various political parties even though they would have spoken to the need for change. But it is difficult and in order to successfully implement any plan you must have the buy-in, the full participation of the public sector.

This plan does not outline how, in a comprehensive way, how that will be achieved. Would a joint select committee, having a joint select committee change that? No. It would not. Unfortunately, this mechanism of having a joint select committee is being use as a rubber stamp as an attempt to sanitize the PNM's plan.

Unfortunately too, Mr. Vice-President, getting a joint select committee to produce a report or even to accept Vision 2030 would not mean that that vision would have consensus or approval from the population. Would citizens feel that sense of ownership if we in this little Parliament here sit down and say, okay, we adopt Vision 2030? Where is the participation? Going on a political campaign and talking about Vision 2030 does not mean that it has consensus from the population.

Mr. Vice-President, there are numerous other obstacles that I wanted to touch on, but I will leave it there for now. I want to respond to some of the things said by Sen. Lester Henry. He chastised the People's Partnership for stopping the smelter. I want to tell you the People's Partnership did not stop the smelter. The people of Trinidad and Tobago stopped the smelter. The court struck down [*Desk thumping*] and made a decision with regard to the smelter. There are facts and he spoke about these are the facts. In this country —Mr. Vice-President, in the United States there are facts and there are alternative facts. In Trinidad and Tobago, there are facts and there are PNM facts. He spoke strongly of PNM facts. [*Desk thumping*]

Mr. Vice-President, he also went into a very strange comparison and he spoke about the condemnation that was heaped on then Prime Minister George Chambers. You know, I was born in the '80s and I remember vividly a number of things happening that had a strong impact on our way of life. There were events such as the coup, but in the 1980s when there were so many cuts, based on the economy, you know, you had no apples for a certain Christmas, you had the negative list, you had a number of basic items that you took for granted being cut out of the grocery list. But I remember very vividly a phrase that was coined, and I hope that I am not violating any Parliamentary rules, and that phrase was “duncey



Chambers” because there were so many negatives attached to his decision making.

And today, Mr. Vice-President, Sen. Lester Henry is right. The present Prime Minister, Dr. Keith Rowley is making George Chambers look good. This is an unfortunate situation and basically that is what he was saying and I quite agree with him. He spoke of a number of areas where he felt that Vision 2020 was a success, that he felt was justification for this Parliament agreeing to a joint select committee on Vision 2030, and I just want to reply to those with actual figures. And this was actually published in the—so previously when we had the Vision 2020 the success rates were measured based on a number of key areas, and this is the success rate that I am going to read, it sounds amazing. National Security; 10 per cent, failure; Governance, 13 per cent, failure; infrastructure, 14 per cent, failure; health, 9 per cent, failure. And that came from the Draft National Strategic Plan of 2007 under the People’s National Movement.

That sample indicates that contrary to the claims being made on the other side, the fact is that the overall success of Vision 2020 was a dismal 11 per cent, total failure by the PNM Government. [*Desk thumping*] And what we have today, Mr. Vice-President, in 2016 [*Crosstalk*] the draft Vision 2030 document states that Vision 2020—Mr. Vice-President, you know every Member in this House is allowed their time to speak and there are people who continue to throw all kind of remarks. All they have to do is take notes, you know, and they will have time to respond. So, Mr. Vice-President—[*Interruption*]

**Sen. Mark:** On a point of order, please. Mr. Vice-President, 51—[*Interruption*]

**Sen. Baptiste-Primus:** What?

**Sen. Mark:**—(1).

**Mr. Vice-President:** Senator, sit, get the point of order, then raise. Senator,

continue.

**Sen. Mark:** No. No. But I am rising.

**Mr. Vice-President:** So what is the point of order?

**Sen. Mark:** I am saying under section 51(1)(e), the Member, the hon. Sen. Jennifer Baptiste-Primus—*[Interruption]*

**Mr. Vice-President:** You do not need to explain, I understand the point of order. Right? We are heading towards almost 10 of hours of debate. So what I am going to ask is when hon. Members are making their contribution that we do maintain a certain level of silence so that we can move smoothly throughout this particular Motion and anything else that is on the Order Paper. Continue, Sen. Ameen.

**Sen. K. Ameen:** Thank you, Mr. Vice-President. I really think that the reaction from the Members on the other side has to do with their own shock and dismay that they too seem to believe the propaganda that Vision 2020 was a success when the fact is that the figures show that it was an abject failure. *[Desk thumping]*

Mr. Vice-President, I move to today, in 2016 there was a document called the Draft Vision 2030 document, and it said that Vision 2020 had an implementation rate of approximately 70 per cent in four years. Again, propaganda, untruths, but that draft its own statistics show that only 18 per cent of the objectives were achieved, and 30 per cent showed no significant progress. So when it came to goals like effective Government the achievement rate was very dismal, it was 3 per cent, Mr. Vice-President, that is what they call success. There was another measurement for competitive business.

Mr. Vice-President, I want to make it very clear, the statistics that I am reading did not come from a People's Partnership document; it did not come from a UNC Government. This came from the Draft Vision 2030 a PNM document. *[Desk*

*thumping*] The achievement rate for competitive business was 17 per cent. I am sure the hon. Minister of Trade and Industry would be interested in what presented that final figure. Developing innovative people, 4 per cent, 4 per cent. That is what they call success. There were other measurements for a caring society which was 20 per cent, and I think the highest that was reached was for effective Government which was 38 per cent, and total when in terms of when you found the average, the total success rate for implementation of that was to—*[Interruption]*

**Sen. Mark:** On a point of order. Mr. Vice-President, 51(1)(e), please, please.

**Mr. Vice-President:** I think the Chamber is quiet enough now. Sen. Ameen, continue.

**Sen. K. Ameen:** Mr. Vice-President, the source of this information is the Ministry of Planning and Development. It says that the implementation rate for Vision 2020 and this from the Draft Vision 2030 document was an overall 30 per cent.

### PROCEDURAL MOTION

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Mr. Vice-President, in accordance with Standing Order 14(5), I beg to move that this Senate continues to sit until 10.00 p.m. Thank you very much.

*Question put and agreed to.*

### JOINT SELECT COMMITTEE—VISION 2030 (ESTABLISHMENT OF)

**Mr. Vice-President:** Sen. Ameen, continue.

**Sen. K. Ameen:** Thank you very much. Mr. Vice-President, in my close to two years in this Senate this is probably the contribution that has been most interrupted by Members on the other side and I think it is an indication of how hard the truth hits. *[Desk thumping]*

As I come to my close, in spite of the disturbance of the hon. Minister of Labour and Small Enterprise Development, I want to speak about the timeline with which this proposed joint select committee will be required to report. Mr. Vice-President, as you would have read in terms of the Motion, we have been asked that the report from the recommendations of this committee for the development of a national development plan come no later than June 21, 2017.

Mr. Vice-President, today is the 13<sup>th</sup> of June, there are 17 Joint Select Committees in this Parliament to date. There are two days, at least, Tuesdays for the Senate and Fridays for the House of Representatives where the House meets, and there are limited days for when these Joint Select Committees will meet. The practical reality is that there is very little work that could be done between now—if we start tonight—and 21<sup>st</sup> of June. And I think it is because this Government has no intention of taking any suggestions from any joint select committee, because the timeline, the deadline does not give the opportunity for meaningful contribution from the Members of the committee or gives the committee the opportunity to invite persons to participate and to give contributions.

Mr. Vice-President, I know that there are other Members of my bench who indicated that as a party we would not be participating in no PNM vision rubber-stamping. And I also think that it is a poor practice for the Parliament to be engaged in rubber-stamping a political PNM plan. But I want to say personally, I, Khadijah Ameen will not be part of rubber-stamping or sanitizing or accepting a failed Vision 2020 that was on its way to the dump, has been shaken off and renamed Vision 2030. I will not be participating, Mr. Vice-President. [*Desk thumping and crosstalk*] I find you behaving bad today, you know.

**Mr. Vice-President:** Sen. Edwards. Sen. Ameen [*Crosstalk*] All right. I

understand that, but you allowed that, and Minister of Labour and Small Enterprise Development. [*Crosstalk*] When we have that level of crosstalk at this late hour it adds to the length of time that we are here and it interrupts the proceedings on a whole. So what I would ask, once again, is that we limit the level of crosstalk so that we can finish the business at hand. Sen. Edwards.

**Sen. Nikoli Edwards:** [*Desk thumping*] Mr. Vice-President, I thank you for giving me the opportunity to contribute to the debate on this Motion with regards to the Draft National Development Strategy 2016—2030, also known as Vision 2030, which the Government is asking that it goes before a joint select committee. Now, I want to start off, with, if you would permit me, a quote from the actual document. [*Interruption*] No.

**Mr. Vice-President:** The document itself is not before us that we would go into the document at all. You would notice that hon. Members who have gone before have not actually gone into the document, would have taken a very broad sense in relation to visions and development plans. So, I would ask that you stay away from going into the document itself. Continue.

**Sen. N. Edwards:** Sure. Thank you for your guidance. Now, what I want to put forward is that persons across Trinidad and Tobago in every sphere of life they at this very moment, they are looking for some sort of direction as it pertains to the direction the country intends to head, and especially their role in all of that and how a direction, once presented, would benefit them. Because you have so many issues as a country that we are experiencing right now and I do believe that it is high time that we need some sort of a policy direction in this country.

When we look at the different pieces of legislation that we have before us, many of them would have come about as a result of a particular direction that a Government

would have seen or identified for a country and this is no different. My only concern from the onset is that this document that is being put forward to the Joint Select Committee, I do not believe in its current state has adequate input from the public, because I would have attended an event relative to this document and I walked away with the understanding that about 600 individuals would have contributed to this document which we have being presented to be consider by the Joint Select Committee, and that is concerning to me. Because in a country with the population being 1.4 million persons, you have 600 persons contributing to this document, and I do believe that much better can be done.

And as such I feel as though this document may need further consultation before it even reaches the stage of being considered by a joint select committee where you would have high-level persons, expertise coming to the fore and contributing. It is also concerning the timeline that this is being asked to be considered, because the 21<sup>st</sup> of June, as we all know, is next week. And while Sen. Small would have put forward a rationale for how this may be actually piloted insofar as the document or the committee, rather, meeting and setting out a course of action and then this being picked up in the other session, I still do not think that that is good enough.

I am fully 100 per cent in support of any Government that puts forward a document for national development, because I think that is where we need to be thinking, national development and how many of the agencies, Ministries, the activities of a country are interlinked and provide a road map for development in this country.

Now there must be public buy-in. It must transcend red, yellow and any other colour constituency in this country because it is a document for the people of

this country, and as such persons should not feel as though this particular document is the policy of a particular administration. I do agree that there must be a bare minimum when it comes to development in this country. And that begs the question, where is the youth policy? Where is the gender policy? Where is there a policy on the environment or ICT or public health? These are the policies that are very necessary to the direction of this country. And there should not be a situation where there is a top-down approach whatsoever.

The common man on the street, the guy playing on the basketball court or in the football field or those in the parlours across the country they should feel a part of this document if it is to move forward. But it seems so far distant from the average citizen in this country and that is a big concern. Because let us say this document passes through the Joint Select Committee and it goes through all the levels of approval and it becomes public policy. Where would the support come from when it comes to all those actors who would be very much involved in the new landscape as we road-map our way to 2030? If it is that the common man on the street does not feel as though he has a voice where this is concerned, then this will amount to nothing.

And the fact is that a Government does not even need to bring this to the Parliament or to a joint select committee, because if the Government views that this is the right direction the country should head in, then the Government by the very nature of it being voted into office has that right and has that responsibility. So, I do in one stead commend the Government for bringing forward this document and it would be scrutinized by the Parliament of the Republic of Trinidad and Tobago. However, as I reiterate, I do think there needs to be greater buy-in where this is concerned.

Now, it is also being termed a Draft National Development Strategy. Why not simply be called the national draft strategy, because the fact is that regardless of whether it is passed or not there will be changes in the future in some way, form or fashion. As it stands right now, we do not have a draft Constitution.

We have a Constitution of the Republic of Trinidad and Tobago which is a living, breathing document and which would undergo changes from time to time, and I do believe the same model should be adopted or accepted where this is concerned. Because you will not present a draft in any one stead expecting it to be at this level where you are asking the Parliament to consider the contents of the document. To me, it makes me wonder how much confidence there actually is in the document that it is still being considered a draft. So that I would appreciate if it would be removed that title draft and be presented as the national development strategy 2016—2030.

Now, just to highlight some of the downfalls of a country not having a national draft strategy and I will actually look at two instances that I can speak of recently. The Government Information Service Limited and I would have previously been an employee there. And as we all know that is obviously on its way out. The Minister of Public Administration and Communications would have gone in there and advised employees that the agency would be closed down. Now, I am concerned because we still have not received that report on the relevance of state media that was a mass consultation, but yet you have GISL being closed down, you have families being affected, persons who would be left with no other decision than to depend on others. Now, that is very, very, very concerning when one has to understand the purpose of state media in this country, and it has a place. You cannot simply put persons out on the streets.



And we also look at the TDC and especially the manner in which that was handled. I do think that tourism in this country is failing. We can do much better when it comes to that. I would prefer to look at international television and see when we have some of these game shows. Who knows, a trip to Trinidad and Tobago and it is being sponsored by the Tourism Development Company or whatever would come after that. But the fact is that we are seeing institutions being closed down because we do not have a plan. We do have a plan that incorporates the agencies that currently exist. What we have is a decision that comes about every single day that we find that this no longer has relevance or that no longer has relevance, but we have to understand the social impacts of these things on the lives of persons involved.

And I am not just putting this at the feet of this Government whatsoever, because decisions would have been made, let us say for instance, in GISL to expand GISL beyond possibly its means, but it is a matter of how you handle things moving forward. And I do think that had we had a proper strategy in place where the state agencies were actively involved, then we would not be having many of the situations that we are experiencing at the moment.

And that draws me back to this whole top-down approach where you would have a policy coming into effect and many persons feeling as though they had no role to play in how this was drafted or how this was crafted in any which way. And those are the kinds of things that a Government, a Parliament should stay away from, because we are all aware especially in the other House persons are elected and they have a responsibility and as such, I do feel a type of way when I do not hear Members saying “my constituents want X, Y and Z; my constituents prefer this”. We are hearing “my party” and this is the direction, and that is not

what this is about whatsoever.

Mr. Vice-President, I would actually prefer if we would not whatsoever acknowledge party affiliation while in this august Chamber while in the Parliament altogether, because you are not here representing party. You are here representing people, and many politicians tend to forget that and it is high time that they be reminded of this. [*Desk thumping*]

If it is that we are to move forward we cannot see the things in black and white or red and yellow. We have to see it as the common man in the street and how we are here to make his life much better in the context of things. We are experiencing economic downturn right now. How many citizens in this country feel confident that in a year's time or two years' time or five years' time that better will come. These are the kinds of questions that we need to drill down to, because the fact is that as much as we will have an overarching strategy, the day-to-day runnings and operations of the Government or the public sector as a whole needs to change [*Desk thumping*] and you do not need any strategy right now to deal with things today. These things will be looking at long term and how we put things in place.

Now, I am still not saying that we do not need a strategy altogether, but what are we doing to deal with the problems that people are facing today? That is my concern, because the fact is that every day I have to mix and transverse up and down and interact with persons who want better in this country. When we listen to radio programmes, when we look at the television, when we see protests, people want better, they want better all around, but many persons are not seeing the light at the end of the tunnel, and that is why we need charismatic leadership. That is why we need leadership that gets down on the ground, and when I speak of

leadership, I am speaking of every single Member of Parliament, be it at the Lower House or the Upper House, being actively involved in the everyday lives of persons. No strategy could really dictate how that interaction takes place if persons do not understand first and foremost their responsibility and their right as a Member of Parliament.

You have across the board persons filling Ministries, Permanent Secretaries, technocrats and so on and so forth, but after a while they become very much disjointed from the realities that face us as a population and it is high time we remind them that people are suffering in this country. People are going through hardship and it is not a matter of I vote this party into power and that party into power and things will change, because you know what?—there is no party that will ever come into office and fix every single problem that we have.

But if we do have parties understanding their role and responsibility and understanding that is not a matter of scrapping projects and throwing down this because it was done by a previous administration, but understanding that is it here and it was developed for the good of every single citizen in this country, then and only then we could achieve true development in this country. Until then it is just a joke, until then it is about how long I could last in office and how many terms that I can get. And I for one I am not concerned with popularity and all these things.

So as they release to this strategy, Mr. Vice-President, I am going before the Joint Select Committee, I do think that persons would have responsibility insofar as being able to vet this document, being able to provide recommendations and so on and so forth, and being able to as well bring in some of the expertise that is necessary to provide a constructive criticism. But at the same time have we adequately captured the voice of the common man in the street through this

document? And for me, I do not think so. [*Desk thumping*]

So, I am putting at the feet of the Government to do better where possible. Let us see how we can reengage the citizenry of this country, let us see how we can make them feel part and parcel to this process and not leave it to a joint select committee to then vet and then pass this accordingly. Better can be done, because it is only when election time comes around that you tend to see a lot of your Member of Parliament. Let that be throughout the tenure. Let that be a lesson when it comes to, if you are not re-elected, and this document should not be a political football whatsoever. It should be the national strategy as it relates to development in this country.

So, we have a prime opportunity here to do good by the citizens of this country. We have an opportunity to capture their voices. We have an opportunity to ensure that at the end of the day every single person in this country benefits, regardless of what area they are from, or constituency; regardless of their religious faith; regardless of how much money they make; regardless of so many other factors.

And I think that this document is a bit vague, and that is something that I would want to see corrected.

**8.00 p.m.**

So, just to round up the point, I do believe that we need this strategy. There is no question about it, and anyone who questions whether or not we need this strategy or a strategy has an improper motive. So, I would fully support a strategy, once it is done in such a way that we all, as citizens of Trinidad and Tobago, feel part and parcel, and I would just say, you really need to consider whether now is the right time to bring this to a joint select committee, and after you have gone

through that thought, really and truly look at how—if this document is to proceed as is, how much buy-in will there really be?

And with those few words, Mr. Vice-President, I thank you. [*Desk thumping*]

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Mr. Vice-President. I think we had a very enlightening and vibrant debate on this Motion. I think contrary to what may have been said by the Opposition, I get the feeling that there is general consensus, that for a country to go anywhere, and to go anywhere in the right direction you need a policy framework, you need a planning document, and you need a document of the nature of which Vision 2020 and Vision 2030 seem to be articulating.

As to whether it is a PNM document, whether it is a national document, the issue—and Members may feel I was a little political in my introduction. But the genesis starts with the party. It is there you sow the seed, and then it spread its wings across the nation. The issue really is to say that—the example I like to draw is that Sir Ellis Clarke was the main architect and drafter of the national Constitution. Everybody knows that Sir Ellis Clarke was a PNM [*Crosstalk*] but it does not mean that the Constitution of Trinidad and Tobago is a PNM document. [*Crosstalk*]

So, the issue is that if 800,000 people vote in Trinidad, approximately almost half and half: half vote PNM and half vote UNC, on or about, give or take. The issue is, even Independent Senators, you have the private right to go to the polls, and that is why the ballot is secret. You may vote for party X or party Y, but it does not make you—would you be branded a PNM or a UNC? No. But you will have a political preference based on how the country was run for five years at the

day of polling, and that is your right, that is your democratic right, and it does not blemish you in any way. It does not blemish you in any way as a citizen of Trinidad and Tobago to support the party of your choice. That is the democracy.

So, do not criticize the party system. What we do is we overdo the party system at times, and that is the point I am making here today. There is a consensus that policy planning is good, development planning is good. Let me go back to India. India had a Vision 2020, and Manmohan Singh just came out of power about two and a half years ago. That is the Congress Party of India. Narendra Modi is now the Prime Minister, very popular Prime Minister. I like his phrases. I like leaders that have quotable quotes, eh. He says: “Toilets before temples.” That is one of his classic statements in India. He would clean up the Ganges, and toilets before temples. But, in India their vision document does not take care of who, whether it is Congress Party or Bharatiya Janata Party because, you see, the Indian people are going in a particular direction, and there is a large consensus base to say where we want to go.

Even right in Jamaica, they switch power all the time. Portia Simpson, PNP; Bruce Golding, JLP, now Holness JLP, but they have a vision 2030 document. So, why can we not come together for that greater cause? If you support a vision document, if you support a major developmental framework for your island state, it does not debar you from being the strongest supporter of your party, the UNC, or vice versa, the strongest supporter of your PNM party. And if and when you come into power, or you come into office—I do not like the word “power”—you have a responsibility to re-analyze, to retool, to redo, and the whole issue of continuity, and Sen. Shrikissoon raised the point, which I originally raised, and he sort of supported me, in the context of continuity, and I will show you a classic example

of continuity. Sen. Shrikissoon spoke about, LABIDCO, TGU and Alutrint. Sen. Lester Henry mentioned that. You know what we are dying of today, now?—because we do not have a new source of income outside of oil and gas, an income to earn foreign exchange, and the winner was the source of income.

Aluminium prices have stayed stable on the international market for the last decade. The gas, the TGU power plant has 700 megawatts of power wasting that should have gone there, and we would have been having downstream in e TecK to make mag rims, and make all these sorts of aluminium products, and we would have had a genuine new stream of income, foreign exchange, but there was no continuity of a plan. That was the Kamla Persad-Bissessar, the UNC regime, and I will draw a parallel example with Basdeo Panday. The more I study Panday is the more I am getting to like him, you know, [*Laughter*] because I will tell you why. There is a story that has to be told, that when the Manning administration went into LNG, he went to Train 1—the Train 1 agreements were signed and the Train 1 plant was built, and then he demitted office in 1995, and the agreements were supposed to be signed for Train 2 and Train 3, and Prof. Julien will tell you the story, that on attaining office in 1995/1996 then Prime Minister called him in and say, Professor, is this a good deal, should I sign it? And he said, yes.

**Sen. Gopee-Scoon:** Kamla “woulda” never done that.

**Sen. The Hon. F. Khan:** And Panday signed it. And had it not been that action we may not even have an LNG industry today. And all the boom of 2007, 2009, 2009 where we could have funded GATE and all these programmes, came through LNG revenues, but there is continuity of policy.

And on fundamental matters like these—Sen. Mark ranting and raving and talking about Democrat and Republican, but they will rant and rave on Capitol

Hill, but when it is coming core economic policy, when they are meeting the CEOs of General Motors, and Google, and Amazon, and General Electric, that is where the decisions are taken. So, continuity is important, and that is what we are providing for this country. Okay?

You know, I do not want to bash the UNC because they are so bashed already [*Laughter*] but when you replace 2020—I mean, this is the most laughable piece of policy document I have seen. I have never even seen it. The former Prime Minister used to be on the TV all the time, the blue economy, the green economy, the silver economy, it made no sense in developmental planning. [*Crosstalk*] If you say the silver economy—[*Crosstalk*]

**Sen. Sturge:** “You better doh talk inside here, you never have nutten to say, you just a height man.” [*Mr. Vice-President stands*] Sorry.

**Mr. Vice-President:** You finished?

**Sen. Sturge:** I withdraw it. It is a rap term, “height man”.

**Mr. Vice-President:** I already ruled in regard to the crosstalk. Hon. Leader of Government Business is wrapping up, please allow him to do so in silence. Continue.

**Sen. The Hon. F. Khan:** The silver economy was supposed to deal with matured people. What did they do for that sector of the population? What did they do in bringing back the experience to mentor young people? Nothing! Okay?

For those who were not financially secure, what did they do for the pension system? What did they do for social security? The blue economy. The blue economy is marine, you know. Good? Blue economy, what did they do for the fishing villages all over Trinidad and Tobago? The Carenage fishing facility, the Prime Minister speaks about it every day and every night. He dreams and thinks



about it every day, because a major fishing facility was to be built in Carenage that was never built. The blue economy—and the green economy is just cliché. Okay? Because all their development programme was not structured in a way with a strategic plan in place.

Sen. Dhanayshar Mahabir mentioned the five-year development plan scenario. That came through the '70s and what have you. But in any event—and we made the point that we rant and rave, and the most important debate for the year for the House is, you know what? The appropriation Bill. When the appropriation Bill comes up the whole Chamber full. Upper House, Lower House, the Chamber full, the press, photographers want to blind you with photography. But, the appropriation Bill must be put into a context of a plan. But, here today we are debating this plan, Opposition criticizing it, the public gallery is empty, so we do not understand what we do, you know. We do not understand what is serious, what is important, and what impacts on the national psyche and the national economy of Trinidad and Tobago.

Because, you come to a budget debate and everybody wants to know if gas go up, if alcohol go up by 10 cents, if cigarette is going up, that is the budget. But, to the layman that impacts on his life, I understand what he is seeking out. But for those who are well-researched and who understands the concept of where you want to take an economy, this is a fundamental document, and that is why we are saying, we want a greater buy-in, we want a greater consensus. It does not mean that if you buy in to the vision that you will disband your political party, and say, “We join the PNM”. And even then, Sen. Mark, to join the PNM you have to come through a screening committee, you know. [*Laughter*]

**Sen. Mark:** I do not want no part of the PNM.

**Sen. The Hon. F. Khan:** There is a membership screening committee, and you will be quizzed and questioned. [*Crosstalk*] So, it is not certain that if you want to join the PNM that you will qualify.

But having said that, the issue is that it is a national development policy paper, it has in fact to some extent piggyback. [*Continuous crosstalk*]

**Mr. Vice-President:** Members, I am actually getting very exhausted having to rise to my feet to continually ask you all to maintain a level of silence while the Leader of Government Business is wrapping up this Motion. Therefore, I am not going to say it again. No one is to speak while he is speaking. I am invoking that Standing Order 51. No one, not on my right, not on my left. Continue. [*Desk thumping*]

**Sen. The Hon. F. Khan:** Thank you, Mr. Vice-President, and I do not want anybody speaking either on my right or on my left. [*Laughter*]

Mr. Vice-President, as I said, this is a national planning policy document. It is strategic to the economy and it is strategic to the future of Trinidad and Tobago. In times of plenty, you could succeed without planning, you know. There will be wastage and there will be bad decisions, but at the end of the day people will still feel that something is happening for them. It is in time of shortages, in times of downturn, it is in time of economic crisis, whether it is based on price shocks or production shocks that the true mettle of a people is tested.

Today, very humbly, this administration took office in trying times. We are trying to communicate to the nation that we have to learn to do more with less. We are trying to communicate to the nation that people have to adjust to the new normal. And it is in that context we present to this Parliament today, a planning framework that hopefully if implemented, 60 or 70 per cent with success, we can

come out of the hole that we find ourselves in. That is all we ask. And we ask that this Senate approve the Motion to set up a joint select committee, not for you to endorse PNM policy, but as parliamentarians and as public servants, and as people who represent what is best in Trinidad and Tobago, you come and join with us, study the document, make suggestions, consult with who you feel you should consult with. If you feel we did not consult enough, we will accept that, but you now go and say you did not consult with group A, B, C and D, and let us do that piece of the consultation, and come up and say, “Yes, we think you have a good plan save and except A, B and C.”

Yes, we feel you do not have a good plan, and this is a possible alternative you can look at, and that is all we ask. Because that is what good governance is all about, and that is what matured people and matured citizens of any country will expect to do, on behalf of the country in which they were privileged to be born in. [*Desk thumping*]

And ladies and gentlemen—not ladies and gentlemen, but, through you, Mr. Vice-President, I am privileged to be born in Trinidad and Tobago and I feel proud of that. [*Desk thumping*] I have travelled a lot in my life to many, many countries, and I am yet to see or to visit a country that I feel more comfortable and happy than in Trinidad and Tobago. [*Desk thumping*]

So, today I ask of this honourable Senate, the Opposition and the Independents, to support this Motion to take this 2030 Vision document to a joint select committee for its deliberation. With those few words, Mr. Vice-President, I thank you.

*Question put.*

**Sen. Mark:** Division.

Joint Select Committee—Vision 2030  
(Establishment of) (cont'd)  
Sen. The Hon. F. Khan (cont'd)

2017.06.13

*The Senate divided:* Ayes 21 Noes 6

AYES

Khan, Hon. F.

Gopee-Scoon, Hon. P.

Baptiste-Primus, Hon. J.

Rambharat, Hon. C.

Sinanan, Hon. R.

Moses, Hon. D.

Hosein, Hon. K.

Henry, Dr. L.

Singh, A.

Coppin, W. M.

Cummings, F.

Baksh, Miss A.

Dookie, D.

Lewis, Miss A.

Young, N.

Mahabir, Dr. D.

Small, D.

Shrikissoon, T.

Chote SC, Miss S.

Raffoul, Miss J.

Edwards, N.

NOES

Mark, W.

Joint Select Committee—Vision 2030  
(Establishment of) (cont'd)  
Sen. The Hon. F. Khan (cont'd)

2017.06.13

Ameen, Miss K.

Sturge, W.

Samuel, R.

Ramdeen, G.

Sobers, S.

*Miss M. Ramkissoon and Mr. S. Creese abstained.*

*Question agreed to.*

*Resolved:*

That a Joint Select Committee be established to consider the Draft National Development Strategy 2016– 2030 (Vision 2030):

*Further resolved:*

That this Joint Select Committee be mandated to:

- (a) review and analyze the Draft National Development Strategy 2016—2030 (Vision 2030);
- (b) consider the recommendations contained in the Draft National Development Strategy 2016—2030 (Vision 2030); and
- (c) report its recommendations for the development of a National Development Plan no later than June 21, 2017.

**CRIMINAL PROCEDURE (PLEA DISCUSSION AND PLEA  
AGREEMENT) BILL, 2017**

*Order for second reading read.*

**The Attorney General (Hon. Faris Al-Rawi):** I beg to move:

That a Bill to establish a system of plea discussions and plea agreements, and for matters incidental thereto, be now read a second time.

I feel almost a fixture in this Honourable Senate [*Laughter*] as I have spent a

considerable amount of time both in the Tenth Republican Parliament and now again in this one, and I have to say, Mr. Vice-President, that I am very, very pleased to share time with the hon. Senators, and to see the democracy of our country alive. We have had during the course of today, very good assistance, very good opposition, very good reflection, and our democracy has worked. I do not think that anyone looks for a choirperson, boy or girl, to chime one's views, and I certainly do respect the health and wellness of our democracy, and I compliment all Member of the hon. Senate for that demonstration in its various terms today.

Mr. Vice-President, I started off that way because we are now returning to a matter of law and structure, and we are now in this Senate continuing with another one of the elements of the Government's structured approach to, in our view, catalyze the reform of Trinidad and Tobago. There is reform. Reform happens. The question is the pace of reform. Reform is put against measurables, importantly, so that we can manage the process by which we move from where we are to where we hope to be. We have been having a conversation in this particular second session of the Eleventh Republican Parliament, as to whether law can change culture, or whether culture can change law, and perhaps it is a mix of the two.

This particular Bill is intended to repeal and replace law which has come to our books some 28 years ago. We are looking specifically at Chap. 13:07, which is the Criminal Procedure (Plea Discussion and Plea Agreement) Act. That Act of Parliament, No. 11 of 1999, came onto the books of the laws of Trinidad and Tobago on the 11<sup>th</sup> of September 1999, and was piloted then by a UNC Attorney General, well-known distinguished senior Mr. Ramesh Lawrence Maharaj, and in piloting this particular law, it is interesting to note that the Act was intended, and

was put into operation, specifically to improve the pace at which justice moves. Plea bargaining as a concept of law is not something that is unknown to the commonwealth or to the civil law jurisdictions. There is technically no one structure of plea bargaining. It is a range of structures to be found in many jurisdictions, from the very formal structures embodied into law, or the informal procedures embodied practice. And it is useful to reflect upon the fact that in looking at this law, Trinidad and Tobago has had an experience which spans two administrations, in terms of this work product now before us, and specifically one which is anchored in an experiment in 1999.

Specifically, I should say, that the laws which inform this particular product include the Criminal Justice (Plea Negotiations and Plea Agreement) Act, 2010, of Jamaica, as is to be amended by their current piece of law, which is before their Parliament as we speak. It also includes a reflection of the criminal code, the RSC 1985 C46 of Canada, the Criminal Justice Act, 2003 of the United Kingdom, The Plea Negotiations and Agreement Act, 2010 of Zambia, and the Federal Rules of Criminal Procedure of the United States, and the Criminal Procedure Act, 1977 of South Africa.

But, more importantly, this work product is certainly, as I have said, the work product which really was born out of practice. And I must give a very strong and open public commendation to the persons that brought this Bill to life. Under the past administration, the last Government, the UNC Government, started the experiment with plea bargaining and its improvement, and they actually structured a very good run up to the wicket. The last Attorney General who dealt with this was Anand Ramlogan, and he started by hiring Dana Seetahal, God rest her soul, of Senior Counsel, to commence a project, which was taken over after her untimely

demise by Mrs. Pamela Elder of Senior Counsel. That resulted in a policy paper on the reform of the Criminal Procedure (Plea Discussion and Plea Agreement) Act, Chap. 13:07, which was a very well-articulated policy which traversed the shortcomings of the existing law and policy reflections on how the law should be improved.

There was also a very meaningful passage through a workshop report, which was the Plea Agreement and Plea Bargaining Workshop, held at the Radisson Hotel, Port of Spain, Trinidad and Tobago, April 24 to 25, 2014. It was a report compiled by Cassandra Seetahal, and also Ria Reyes, and in that two-day training programme we saw representatives speaking to the criminal justice system of the United States of America, their perspective on prosecution and defence, the discussion as it was relevant to Trinidad and Tobago, there was representation by the Criminal Bar Association of Trinidad and Tobago, the Law Association of Trinidad and Tobago, the criminal justice advisor who is a representative, in fact, employed by the Canadian Government, but coming out of the United Kingdom, by the Director of Public Prosecutions in Trinidad and Tobago, members of the Judiciary, and we had a very significant amount of input bridging as well into the Police Complaints Authority, et cetera.

These two excellent work products found themselves into the United National Congress's Cabinet on two occasions, and in particular, their Cabinet saw reflection on: (a) A policy for plea bargaining, which was on July 24, 2014, and then, in fact, some draft legislation. Regrettably, I think that the work product was lost in the other work that that particular administration had on its plate. We as a country are very fortunate that there is a continuity of purpose, and in coming into the position as Attorney General, I was very anxious to grab a hold of whatever



work was there on this particular subject matter, because it fits in with the very square agenda, which this Government offers for consideration, which is a systemic improvement of the criminal justice system.

Of course, it is incumbent to reflect again upon who we are, what we are and what we are dealing with. And in this jurisdiction, I would remind that our statistics are not very good.

**8.30 p.m.**

We have definitely spent close to \$26 billion as a country in the last seven years. We have spent that across national security, the Attorney General, Ministry of Justice, our communications, the DPP's department, et cetera. We have definitely witnessed that our prison system is in a significant state of worry and concern, that our remand population of some 2,200 people is not moving, which is why we started in that pot to look at the litmus testing to see where we were moving and what variables were required to be factored in this systemic improvement. That is how we came up with the proposals for abolition of preliminary enquiries; the experimentation with trial by judge, by election of the accused; the decriminalization of the motor vehicle and road traffic offences, some 100,000 of them; the need to improve the access to bail; and also how we are coming to deal with plea bargaining.

Statistically, we know that our Magistrates' Courts are inundated on a three-year average with approximately 120,000 cases. We know that in the High Court, the 2017 figure is that there are approximately 21 odd-thousand cases in arrears that are over 15 years old in the High Court. We know that our criminal matters pending for over 15 years actually occupy some 45 per cent of our case listing; that is at the High Court. We know that our motor vehicle and road traffic

offences border on close to 100,000 cases in arrears. We know that our criminal matters filed three-year average 2012 to 2015 is 371,574 matters. The number of indictable matters filed on a three-year average is 23,947. The number of indictable matters per magistrate is 430. The number of summary matters filed is 99,911 on a three-year average. Therefore, each magistrate deals with 1,796 matters per year, plus 430 matters per year. We know that we have 11 Court of Appeal judges. We have 30 High Court judges. We have nine sitting High Court judges on the Criminal Bench. We have 48 sitting magistrates. We have magistrates sitting in the criminal matters standing at 38. We know that we have 17 courts in the Magistracy, including three out courts. That is a little tour of the statistics.

We know that our disposition rate is 0.49 per cent, 51 per cent, 0.49 or 49 per cent, meaning that 51 per cent of matters fall into arrears every year. Every year you throw 51 per cent behind you, and you rack it up, and you rack it up, and you rack it up. So this is where plea bargaining comes into existence.

Jurisdictionally, the United States of America sees an experience where 95 per cent of their matters are dealt with by plea bargaining. The Canadian experience is that 90 per cent of their matters are dealt with by plea bargaining, but in 2014, at this workshop, the Director of Public Prosecutions, in reflecting upon the functionality of the law which we now seek to repeal and replace, told us in Trinidad and Tobago that we had 14 matters only in the period 1999 to 2014, coming under the plea bargaining success factor, 14 matters. But, that may not in fact be a full reflection of how this system works.

There has been acknowledgment of an underground system of management of matters with suspects, where people tell you in our country, that there has been

some form of charge bargaining in an informal arrangement, where people will enter into agreements, informal or otherwise, to actually receive a charge that the police may offer. So the story goes. We would perhaps be naive to think that the system would be a pure system. After all, we have justice protection, we have witness protection. One can easily think of state witnesses coming into the mix and surely there is a quid pro quo in respect of how the prosecution will proceed to treat with people in these circumstances. Certainly, we know in simple terms that our criminal justice system needs to have releases for purposes of efficiency, which is why we have been on such a tour, a dedicated tour, to try and assemble this system right.

I should remind, as we said, just a week ago, no one Bill is the panacea, no one Bill is the magic bullet, but these Bills are articulating in a system where you can see a discerned pattern of logic against measurables and they are added against the improvements to manpower, which we were organizing. Because the system also includes the rate at which evidence gets to the court, the rate at which prosecutors can manage cases, the number of persons available to conduct trials as defence attorneys and the rate at which that flows, the number of courts that we have, the number of prosecutors who are not attorneys that we have, the number of persons in the DPP's department, which is why we are building out a public defender system, a national prosecution agency, a special purpose forensic institute, which we are hoping that the Government of China will agree to fast track whilst we do the other fast tracks on forensics.

Which is why we have introduced the criminal proceedings rules, which is why we are computerizing the Magistracy immediately and on purpose, which is why we have gone into the Judiciary, with due permission and consent, looked at

the 2,100 cases in arrears and found out, when you check inside the files, that there are coding errors, and you really looking at 200 cases beyond 15 years. You see, you had to check the statistics, check the facts, check the manpower and get down into the minutia. That is what is required to make the system work.

This Bill before us and I have circulated for hon. Senators a flow chart diagram to put the Bill in its simplest term possible, which shows the full logic from start to finish. This particular Bill before us, in a nutshell, observes certain deficiencies in the existing law. Those deficiencies included: Number 1, a poor definitional approach; there was not an adequate definition of a detailed enough nature with respect to victims; it was too narrow; with respect to relatives; it was too narrow, with respect to what plea bargaining look like, in the terms of what is the odium to be avoided, that is, improper inducement, that needed to be looked at. There was a criminalization in section 5 of the existing Act for the improper inducement provision where you are on summary conviction subjected to \$25,000 or five years and that constituted a significant dissuasion or disincentive for prosecutors to be involved.

The definition of “prosecutor” also included policemen, and it was found to be in the deliberations and fulminations of the committees that went to work. It was found to be infra dig that policemen should be involved in the process because of allegations of abuse to be associated with their involvement. That was the work of the committees. We also saw that there was not enough prescriptive safeguard expression in the existing law. We also saw that safeguards from the appellate position, both for the accused and for the DPP’s Office were not adequately dealt with. There were limitations on the appellate route. We also saw that there was not enough provision for the details of how the hearings were to be had. And these

Criminal Procedure (Plea Discussion  
And Plea Agreement) Bill, 2017 (cont'd)  
Hon. F. Al-Rawi (cont'd)

in a nutshell are the deliberations which led to the view that one should repeal and replace the legislation.

So what does this Bill before us do? The Bill before us allows, in 36 clauses, five Parts and Schedule items or Forms; it allows for, most respectfully, a significant improvement of the work. Put into a nutshell, the first Part I, clauses 1 to 4, deal with the very important interpretation sections which were not adequately dealt with. And in the interpretation section we have now amplified the concept of the accused and we have specifically included, and I know this is a rather novel concept, in this jurisdiction, we have specifically included the suspect, person before charge; somebody who the police has reasonable belief to be involved in the commission of an offence.

We have also specifically provided for the broad description and definition of what an improper inducement looks like, the things which are to be avoided. The improper inducement definition finds itself in the safeguard provisions where you can have an appeal for an improper inducement, either by appeal by the accused or the DPP's department and also where the court itself can reject a plea discussion or plea agreement. So there is a three-pronged positioning on improper inducement, a complete set aside. You can not only appeal but you can also apply to withdraw from the proceedings. And that is built out in a very significant fashion.

We have also allowed for a definition of what a particular course of action should look like and that is basically the prosecution's undertaking as to how you will be treated in an agreement and the actual action by the State against the accused. We have very importantly broadened the definition of "relative" and we have gone in a much better acceptance of what Trinidad and Tobago is made of, to

the various degrees of actual consanguinity or affinity as our society accepts relatives to be. And you will see an improved definition there.

We have specifically removed the concept of a policeman being deemed to be a prosecutor, in the definition section, and then we have gone to add the definition of “suspect” into the Bill to clarify the fact that this works. We have added in a “victim” definition and specifically we have now sought to treat with economic victims, businesses, et cetera, and actual victims in the usual form of person or family, et cetera.

Now, section 3 shows the scope of the Bill. In the scope of the Bill we are talking to the fact of its application to summary offences and indictable offences. And very importantly, we acknowledge the continued existence of your right to plead guilty and also a very good judicial precedent, which has found itself into our jurisdiction right now, which is the Goodyear principle. Goodyear principle, simply put, is a sentence indication born out of a case called Goodyear. Goodyear is 2005, EWCA at 888, and in that dicta we saw the guidelines of approach come forward, which tells you how one can knock on the door of the court, ask for an indication as to what your maximum sentence might look like at that point, not some point in the future, and have it dealt with. That was embodied on the 25<sup>th</sup> of August, 2015, into a Practice Direction by the hon. Chief Justice so gazetted. So it is now part of the feature four corners of our law.

In the Bill in clause 4, we see a very careful description of what an agreement actually looks like. And in this agreement we are recognizing the players: the prosecutor, the accused or suspect and the court. Now the logic behind this Bill is simply put, that you enter into discussions, you must cleave those persons who are represented from those persons who are unrepresented by

attorneys-at-law. You are given the safeguard approach as to how your interactions with the prosecution should be managed. You are told that no plea agreement or plea discussion must essentially be held without the written consent of the Director of Public Prosecutions, safeguard number one.

Secondly, if you are represented by an attorney-at-law, it must always be in the presence of your attorney-at-law. Thirdly, if you are not represented by an attorney-at-law then the safeguard must kick in such that you are advised that you must have an attorney-at-law. You must indicate your position that you do not want one. You must have an independent certification by a Justice of the Peace that you are so advised and it must be recorded. Further, you are allowed to have a third party of your choice attend in those provisions. Because there are some instances where an accused may say: I do not want a lawyer.

The Honourable Senate will remember that I read out a letter that I had received from a prisoner who said that he was on death row for seven years and he admitted that he had killed his wife, and all he wanted to do was to face the consequences without any form of process other than getting straight to the end.

Mr. Vice-President, I get confused between the two Houses as to timing. May I ask what time my debate must end?

**Mr. Vice-President:** 9.07 p.m.

**Hon. F. Al-Rawi:** Thank you, Sir. We come next to the concept of a plea discussion and when we look to clause 5 of the Bill, and we work our way through those particular sections and we see, in particular, 5 to 12, being eight clauses in total, we are now setting out what a plea discussion is going to be. We are being very clear that a plea discussion comes into the realm of before charge, during committal proceedings, before arraignment, after committal proceedings, those are

preliminary enquiries, and at any time before or during trial of a summary offence or indictable offence. Basically, you have the ability to go right down to the end, prior to a verdict being given. We have provided specifically in clause 6 that the DPP must give consent, as I have indicated previously, and in clause 7 we have put the spring board for where one runs afoul by improper inducement. We have removed the criminalization, which existed in section 5 of the existing law, because of the deterrent effect it had on the utilization of this particular body of law.

Clause 8, clause 9, provides for the safeguards in particular. We are dealing with a prohibitions that I just went through, in respect to whether you are represented or unrepresented, what course of action must happen, what safeguard must be in existence. You will see, hon. Senators, in clause 10 that:

“(1) A prosecutor shall not”—institute—“a plea discussion with an accused person who is not represented by an Attorney-at-law unless”—and I am just pointing to the—and grounding to what I had said earlier.

“(a) the prosecutor has informed the accused...his right to be represented”—et cetera.

That he may elect to have a third party of his choice present.

“(b) the accused person has informed the prosecutor, in the form set out”—in Schedule I—“that having been advised of the matters”—et cetera—

“(i) he desires to represent himself;

(iii) he agrees to the plea discussions being recorded;  
and

(c) the Court has been informed of the matters set out in...(a)...”



Because we are not only hanging the hat upon this arrangement between prosecutor and an unrepresented accused. The court must also be informed of the process.

We provide for a cleaving of a treatment of an accused, i.e., someone who has a charged and somebody who is a suspect. Because it needed to be tidied up and we made those amendments in the House as we came forward. I should say that the Leader of the Opposition in the House referred us to the work, which we had been looking at as well, in Jamaica and we did stop and have careful reflection on the work in the Jamaican Parliament and considered that work side by side with ours as to whether there was any benefit for incorporation of provisions. A lot of the provisions that hon. Senators would spot in this Bill are as a result of the springboard built in discussions which were very fruitful in the House of Representatives.

We come further now to the very important clause of the prosecutor's duty to disclose evidence. We make it a requirement and feature of safeguard in the Bill that the prosecutor must disclose evidence. We, of course, have the caveat that if you are a suspect and not yet charged that there is a caution in the amount of evidence that you disclose if you are going to basically cause any prejudice to the administration of justice or to witnesses or to the case, and the Bill makes careful provision for that.

When we get to clause 12, we see an interesting acknowledgment of what I have termed as, "statutory right". And that is, of course, to just draw reference to the fact of an acknowledgment in statute that an accused is going to be advised by the court that there is a right to enter into a plea discussion with an attorney-at-law; that the accused person, if he cannot afford to retain an attorney-at-law, that there

is a right to apply for legal aid, et cetera; and of his right to enter into a plea discussion with a prosecutor, if he does not wish to be representative by an attorney-at-law.

Part III of the Bill, which include clauses 13 to 18, deals with a larger expansion of the victim impact statements and the role of the victim in the consideration that a court has, when the court is considering whether to accept or reject a plea agreement after plea discussion. In this clause we have provided for the right of the victim to be included in the process, and with the broaden definition of victim, with the broaden definition of a relative, as is bound inside of this concept, we have put in the need for explanation by the prosecution to the victim.

We have given options for the victims involvement if the victim wishes to or not, if the victim is a child under 14 or above 14, what circumstances of accompanying supervision there may be by parents or guardians or otherwise or attorneys-at-law. We have also provided for, where a victim is in fact a business, or where a victim has passed on or does not wish to participate and where someone has passed on and a relative may in fact turn up to give some form of consideration for the volunteering of a victim impact statement.

We have provided a safeguard in clause 14, which we have taken out of case law and other jurisdictional experiences, in particular, Canada, where we are not going to allow a restatement of facts, criticisms of the accused person or the victim's opinion about the type or severity of sentence to be imposed. And, in fact, if that is included, the obligation later in the Bill is for the prosecution to do some degree of redaction and for the court to ultimately consider the position. That is grounded in the position of the courts' duty versus the prosecutions duty and the

victims role inside of this because there are carefully circumscribed rules which have developed, or norms which have developed in law on how this is considered.

When we get later into the Bill you will see that we have also included, and this came from the Opposition, a recommendation that we allow for the right to cross-examine the victim on the victim impact statement. Because one ought not to have an unfettered hand in what one says. And in the fairness of a trial and a right to a fair hearing, you also want to make sure that there is proportionality in the balance between the two.

Part IV of the Bill, which clause 19, leading its way up to Part V, which is clause 27, stopping at clause 27, deals with the full process of plea agreements and plea agreement hearings. How we get from the plea negotiation in Part II, to a plea agreement in Part IV, and what process you take. And you will note hon. Senators, that there is an acknowledgment represented in the flow chart, which I have provided for ease of reference, there is an acknowledgment of accused, suspect, represented, unrepresented by attorney-at-law, the steps where you will be involved in the Magistracy or in the High Court, what happens if you are before a committal proceedings has ended, what happens if you are at the High Court and it is going on. And we provide, in particular, as we come down to clauses 21, 22, et cetera, the mechanism where the DPP can, after you filed your mechanism in the court's registry, be it at the Magistracy or the High Court, you can actually have the preferring of an indictment to accelerate the process.

But, there are very careful safeguards built into this process where we are saying, that you must have the position of the court being involved, the registrar going there, the registrar receiving documents, the listing period which is involved in getting the matter after it is filed to the attention of the court, if the court does

not list it of its own volition, that the accused or his attorney-at-law otherwise may actually apply, whether orally or in the form that is prescribed, for the matter to be listed to come before the court.

The time frame you will note specify there is a little bit thin and that is so because the commentators to the Bill agreed that it was not a difficult process because everything had been agreed in the body of an agreement already. And the court, which is being invited to consider this plea agreement, is a court which is receiving documents for approval after due consideration, of course, not to dilute the discretion of the court. So that it was a time frame which the Judiciary and criminal bar and other commentators were quite comfortable with.

We have also gone into the mechanism of what constitutes the plea agreement bundle. That is the combination of forms which you will note. Form 1 or Form 1A accompanied with Form 6, Form 7, and Form 6 is, of course, and Form 5, Form 6 and Form 7 and those Forms basically put, simply put, are the agreement in its form, the statement of the attorney-at-law involved in the Form 5, the statement of the interpreter, for instance, in Form 7 and we provide for it in the different routes where you are either represented or unrepresented.

Now, there was a little bit of concern in the House expressed as to how one moves from a suspect, not yet charged, into a plea agreement. And I am able to report that the mechanism involved here, I took back to Mrs. Elder in particular, and to the many commentators, and we went through, hence, the decision to circulate the flow diagram which we have. Essentially, what happens is that once you are a suspect and you are going to enter into, after discussion, a plea agreement, you are going to be charged. And you are going to be charged. The form recognizes that form. So you are brought to court on a charge and then you

go through the process and I should say you go through the process in open court, unless the court decides otherwise that it should be in camera. In open court means reporters are present, et cetera. In camera is where there is a secluded setting and you put certain people out of the court. The previous iteration of the law, the existing law, provided for in camera and that was something which was frowned upon in the fulminations of those who considered the policy behind the improvements to the law.

We have put in very careful safeguards into clause 24. And that is the procedure at the plea agreement hearing. And I would like hon. Senators to take note, not only of the in open court, which is in clause 24(1), but also of the insistence of the matter proceeding in the presence of the accused. In the previous law, the accused could have been excluded, his attorney-at-law could have been in. It fell into condemnation. But, we are also adding that at the plea agreement hearing the prosecutor shall disclose the following information to the court in the presence of the accused: the substance and reasons for the plea agreement; whether there were previous agreements; the relative factors of whether they are or are not victim impact statements, whether they are filed or not; whether the statements are filed, if the victim wants to turn up to give evidence; and in subclause (3), specifically:

“Before accepting or rejecting a plea agreement, the Court shall make enquiries of the accused...in order to determine whether the accused person—

- (a) understands the nature and substance of the plea agreement, including recommended sentence;
- (b) received legal advice before signing the plea agreement;

(c) understands the nature of the offence with which he is charged and to which he is pleading;”—understands that this trial shall be conducted by a judge and jury where applicable, because we are now contemplating the issue of judge only and that the accused:

“(d) is aware of his rights, including the right to—

- (ii) plead not guilty;
- (iii) be presumed innocent”—until proven guilty
- (iv) that—“the State”—must—“prove its case beyond a reasonable doubt”
- (v) —that he may—“be represented by an Attorney-at-law at trial;”
- (vi) —to have the right to—“cross-examine witnesses;”
- (vii) —the right to—“testify—or the right to—“remain silent”

—which is anchored in the right against self-incrimination in the Constitution, in our entrenched rights provisions. And that the court is not obligated to accept a plea agreement.

We have also added in the cross-examination provisions, et cetera, for the victim impact statement. But in clause 25 we anchored the ultimate overarching supervision of the court and that is where the court may reject a plea agreement entered into between the prosecutor and accused if the court considers that it is in the interest of justice to do so.

And I stick a pin for a moment to speak to the right to a fair hearing and I now advocate that in my humble submission this Bill amplifies the right to fair hearing. In fact, it takes care of a number of the observations which Sen. Ramdeen raised this morning in our previous fulminations in another Bill and that is the need to put in certain prescriptive timelines, certain trigger events, so that the right to fair

hearing is amplified in more substance than not. It also allows for the safeguards in each step of the process coming to the court's attention and the court having this scrutiny over.

Now hon. Senators are aware that there is a practice and there is often a complaint, a very loud complaint that witnesses are forced to confess to matters, they are beaten into submission, notwithstanding the fact that Justices of the Peace may be present. And I am very pleased to say that the Government has operationalized and is further operationalizing the video recording suites for all statements. We have installed them already in several places and we are rolling them out such that the ultimate goal is that no statement is recorded without a video recording of a statement. [*Desk thumping*]

And that is a material operational concern which anchors into some of the legitimate suspicion that Members may have in relation to how a suspect is treated and how a suspect signs, particularly where a suspect or an accused is unrepresented, these forms which indicate having received advise, or not being threatened, or harassed otherwise to enter into process.

### **9.00 p.m.**

Hon. Senators will note that the court may accept, in clause 26, the agreement. Then we go into the processes now of allowing for a withdrawal from an agreement, and we now specify that you should not necessarily go back before the judge who considered your agreement. We do not want to have a mind which has received information that another mind should not in deciding a fair trial or a fair process.

Part V of the Bill, which is clause 28 down to the end, we deal with the rights of appeal, both with respect to the prosecution end, which is the DPP and the

accused, and we deal with the rights in a very prescriptive way. There are few typographical errors in clause references which will be picked up when the Bill is dealt with in proof reading. For instance, in clause 28 you will see the reference to 25(2) in subclause (2), which should be 25(3) obviously. Similarly, in 29(2), you will see a reference to 25(2), which should be 25(3). But we have provided for this particular position and we have amplified in clause 30, the grounds for withdrawal from plea agreement and appeal by an accused person. So we have been very careful to take it down to its logical conclusion in coming forward with this particular point.

Specifically, in clause 30, the accused may withdraw or set aside. In clause 31, we are looking at the DPP's application to the Court of Appeal to set aside. Again, there is judicial supervision—[*Interruption*]

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

**Hon. F. Al-Rawi:** Yes Sir, thank you. There is judicial supervision right through the process.

We have added the position in clause 34, for the sealing of records. This caused some concern in the House of Representatives, and I would like to address it by saying that there are legitimate circumstances where a court in its discretion may, upon invitation of anyone of the parties involved in the proceedings, choose to seal a record. It may be for witness protection, it may be because of the type of crime that is dealt with, et cetera, but a sealed record does not mean that it does not have judicial inspection or that it cannot be unsealed through the judicial processes of scrutiny and consideration.

We have allowed for the Minister, by order, subject to negative resolution, to amend the Schedule; to allow for flexibility in movement of the forms, et cetera;



Criminal Procedure (Plea Discussion  
And Plea Agreement) Bill, 2017 (cont'd)  
Hon. F. Al-Rawi (cont'd)

and we have provided, by recommendation of the Opposition, for the Minister to be able to provide regulations. Regulations are not immediately contemplated but one may find an opportunity to actually improve the operation of the law. In the issuance of regulations. My own personal preference is for framework-type legislation and with the use of regulations, because it allows for easier adaptability.

Hon. Senators, I know that this delivery has been very—how should I say—dry, because it really is focused upon the logic and approach as to how this Bill is intended to operate. It has been in gestation for a very long time. It is the work product of successive administrations. It is the work product of many technocrats, many members of the legal fraternity, many governmental agencies and international entities, in particular when one considers the international judicial input and agency input coming from other jurisdictions. But in Trinidad and Tobago, our judicial system is really crying out for systemic improvement.

This Bill is squarely anchored in the intention, which should now be evident to the population of a very deliberate, associated, connected approach to each of the elements of the system. We will be, in July of this year, operationalising a whole new division of the Children and Family Court. You will recall we dealt with that law. We as a Senate dealt with that law, we as a House. This will be a record for this country to have debated the passage of law and open courts within a two-year period with all protocols, all staff, all furnishings, all symmetrical inputs which are required, which include UN inputs and other factors. This is a record for Trinidad and Tobago. [*Desk thumping*]

I am not taking the record for anything else other than the country, but what I am trying to say, when I heard Sen. Edward spoke a little while ago, not going into the Motion, Trinidad and Tobago's leaders have got to do better. Our system

Criminal Procedure (Plea Discussion  
And Plea Agreement) Bill, 2017 (cont'd)  
Hon. F. Al-Rawi (cont'd)

has got to look at improving itself a lot better. For my own little part in this play that I am allowed to participate in for another 39 months, as I count the tenure down, the focus is on operationalization; square, hard revelation of who and what we are, what it cost to continue engaging in the definition of “insanity”, which is to continue to do the same thing the same way and expect a different result, but demonstrating that we are approaching this thing in a very logical fashion with arms open, with perspectives given, with credit given where it is due, with cooperative assistance welcomed because—

I would like to say this as I come to an end. I accept that it is a feature of our democracy, in the antagonism that we have in our parliamentary structure, for an Opposition to enjoy and practise the privilege of holding a Government to account. I take no offence to that and I encourage it. It keeps you on your toes. But I really do also compliment the loyal Opposition, or the loyal Independent Bench, or the loyal Parliament for agreeing where we can agree and I really do think that this is a work product deserving of support and I ask hon. Senators to consider it in that vein, and I so beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Vice-President:** Before I acknowledge the next speaker, I would just take this opportunity now to suspend for a very short period. This House will now stand suspended until 9.17 p.m.

**9.07 p.m.:** *Sitting suspended.*

**9.17 p.m.:** *Sitting resumed.*

**Sen. Sean Sobers:** Thank you, Mr. Vice-President. Well, I know that we have all been here for quite some time today, so that I will try and make my contribution as meaningful, as informative, and not too short as possible.

I would like to start off by saying, or at least presenting to this honourable House a caveat, as to what my contribution today, or tonight rather, would be. I think from time to time, especially when legislation such as this particular one comes to this honourable House, sometimes persons lose their sense of play, in terms of the general debate and contributions being made, and I think I speak for all the Members of the Opposition Bench when I say that we never come here and let our emotions get the better of us, that we always have an intention and our actions prove that intention to be true, that we do not attack any one Member or person of this House. We try our best to attack policy, and that is what I think we all try to do when we come here, at least especially on the part of the Opposition, and my contribution tonight is not to attack any one Member of the Government. It would be to attack policy; the failure of the Government to implement particular policy as it pertains to this Bill and it not achieving its legitimate objective.

I have looked at the Bill in-depth. I have looked at the previous piece of legislation that is the current law. I have listened to the hon. Attorney General, in terms of the statistics and its use, and I have looked at what the Government hopes to achieve with this piece of legislation, in terms of diffusing, to an extent, the possible backlog and delay that is plaguing the criminal justice system. Myself, amongst other practitioners who sit in this honourable House, we know what those delays are because there is a saying, “he who feels it knows it”, and we are there on a daily basis experiencing these delays, feeling these delays. And as much as I have stated, in terms of my caveat, I do think that this is a particular piece of legislation that can in fact assist, in terms of debunking that delay, but I say that insofar as saying that it cannot be done alone.

We have heard statements from the Government time and time again, talking

about a suite of legislation, a suite of efforts, a tapestry of efforts, architecture—  
[*Interruption*]

**Hon. Senator:** Operationalization.

**Sen. S. Sobers:**—operationalization. The difficulty with saying all these fanciful things is that having just been in the Magistrates' Court up until yesterday, I am not feeling these things coming together. I do not expect them to come together overnight, but the Government has been the Government for the past 20 months. So that if nothing really and truly tangible has been done in the past 20 months, I cannot see that this Bill coming to this honourable House, standing alone, because that is what it is right now. It is not working in tandem with anything else. There is nothing that has come before this Bill that I have felt in the Magistrates' Court, or in the High Court, that I can say: "Yes, this is a proper suite of legislation, a proper suite of efforts aimed at debunking that delay and backlog in the criminal justice system."

And so, I do not want to say that this Bill—because it is not—or the fact that it has come to the House—and these other efforts have not been implemented in a real tangible way, that putting legislation in this honourable House without having the working effect of other articles at play in the criminal justice system can honestly be termed as public gimmickry, [*Desk thumping*] that there is a real possibility that at the end of this five-year period, Mr. Vice-President, what is going to happen is that persons are going to mount political pulpits to say that they have passed legislation, that they came to the House for 12 and 13 hours and they debated this, and they debated that. And do you know what is going to happen? I am still going to be in the same position I was five years ago, "fighting up" with a criminal justice system, with no rudder whatsoever propelling it to any type of

fruition. [*Desk thumping*]

I must commend the Government, in terms of taking certain steps too. Because I think sometimes we accuse them of getting certain things wrong. And I think in this instance they have made a real attempt to get it right, but it is to get what right. They have attempted to mimic actions that were put before them by the previous administration and they have almost gotten that right. They have almost gotten it right to take a proper cue from the United National Congress and the People's Partnership, [*Desk thumping*] with respect to the work that they had done whilst they were in Government, under the auspicious leadership, in terms of the role of the titular head of the Bar that the hon. Senior Counsel Attorney General Anand Ramlogan played. [*Desk thumping*] He was the one to set up many of these said Bills that we are dealing with today, and the reason why some of those very said Bills have not come to the august House is due to the fact that he always believed in consultation, that he never advanced anything without proper consultation.

In this particular Bill, there was a symposium, as the hon. Attorney General said in his contribution, that was held at the Radisson Hotel in 2014, that the then Attorney General knew that he had to consult with leaders in this particular field, and others, to put forth some type of palatable suggestion as to how to treat with the immense problem plaguing the criminal justice system. And this particular Government has taken a proper cue from the most distinguished Attorney General that we had in some time, under the People's Partnership administration. [*Desk thumping*] Yes, I repeat it in case my colleague at the other end did not hear; the most distinguished Attorney General that we had for some time. [*Desk thumping*]

So that I commend the Government for taking that cue and adopting the

recommendations made within a report that was commissioned through that symposium.

But my question, as I touched on it tacitly before, is whether or not—and I will get to the Bill because there are parts of the Bill that I would say that they took good review of, and good recommendations of, but then there are several parts that I have a serious issue with, that I guess when we come to the committee stage we can deal with it as well too there. But I do not think that this Bill standing alone, as I mentioned before, is sufficient. We do in fact have a real issue of crime and criminality that totally debunks the criminal justice system, that the situation is so bad that, I in particular, I have colleagues on both sides of the House. I have colleagues who are staunch members of the PNM, one in particular who is an attorney-at-law residing abroad for some time now with his family and I will use a quotable quote as the—*[Interruption]*

**Sen. Coppin:** A good man.

**Sen. S. Sobers:**—Sen. the Hon. Franklin—Yeah, he is an excellent guy, ,excellent guy—Khan said, a quotable quote, from the hon. Attorney General, and I say he is a great horse but unfortunately he is in the wrong stable. Right? That he had to leave, to add salt to the wound, this country under a PNM administration, the same PNM that he supports and loves because he does not think that the Government has the political will to do anything about the criminal justice system and crime and criminality plaguing this country. *[Desk thumping]* He had to leave. He had to pick up his children and go.

**Sen. Sturge:** You sure he is a PNM? He too sensible.

**Sen. S. Sobers:** “Nah, he not fictitious.” You know him very well too. So that these issues that should have been dealt with firstly, or conjointly in tandem with

this piece of legislation and the others that have come to this House, are more than well-known to the members of the public. Up to recently, we had the Director of Public Prosecutions—as a matter of fact, Mr. Vice-President, if you would allow me to quote from the *Trinidad Express*, the Tuesday, June 13 edition, the headline is:

“Gaspard okays ‘less than ideal’ DPP office at South mall”.

**Mr. Vice-President:** Did you indicate the year?

**Sen. S. Sobers:** It is actually this year, 2017.

“Gaspard okays ‘less than ideal’ DPP office at South mall”.

**Sen. Ameen:** What?

**Sen. S. Sobers:** Imagine that, an office as serious, dealing with serious issues, sensitive information as the Director of Public Prosecutions, now has to rent from the Gulf City Mall. From the Gulf City Mall. Indictments are going through that office, documentation relative to serious criminal matters are going through that office, and they have to find themselves renting from the Gulf City Mall. This is a problem. This is something that should have been dealt with by the administration, and it does not require legislation. It just requires finding money. [*Desk thumping*] The DPP has said on several occasions that he is understaffed, and we have said on time and time again that the Government should hire or give the DPP more resources to hire more prosecutors.

Dr. Alexandrov from the Forensic Science Centre has always been complaining, always complaining about the Forensic Science Centre. Up until recently as well too, within the *Guardian*, Tuesday, August 16, 2016, he has complained, and in terms of his complaints, OJTs were hired to help him at the Forensic Science Centre. OJTs. He has walked off the job on several occasions

complaining about the inefficiencies of the Forensic Science Centre, and we have said it time and time again, apart from just bringing legislation to this House, you need to fix the Forensic Science Centre. [*Desk thumping*]

I have heard from the hon. Attorney General that there are plans afoot to liaise with the Chinese Government in possibly commissioning and building a forensic science centre here, but that is the first time that I am hearing of this. It is the first time. We have said in this honourable House, on this side, that more courts should have been built as well too, more magistrates hired, more judges hired. This is what would alleviate the plight of the criminal justice system.

I still practise in San Fernando, a city in this country, and the San Fernando Magistrates' Court is without air condition. [*Desk thumping*] We do not have audio recording systems in the court. The note taker still has to write what we say when we are cross-examining. That is deplorable. So that to bring legislation without fixing these issues—and these are some of these issues—that are affecting the criminal justice system is insufficient. It must either come after these things are sorted out, or work in tandem whilst these things are being sorted out and, as I said before, I was there on Monday and nothing is being done. It is the same thing.

As it pertains to this particular piece of legislation, there have been some commentators on it, and I would like to lead off, with respect to a comment made by the DPP in 2014. It is a *Guardian* article, Sunday, June 15, 2014, where the DPP had some choice words, as it pertains to this piece of legislation, and I quote:

“Common sense ought to suggest to you that the reason why plea bargaining has found such a fecund soil in the jurisdiction of the United States is because the inclination of persons charged with criminal offenses to plead guilty or cop a plea as the Americans like to say...has a direct



relationship with the strength of the evidence,' he said. 'How can we in this jurisdiction shout about the benefits of plea bargaining out of one side of our mouths and out of the other we talk about low detection rates,' ..."

He went on to say:

The—"...meanderings' and 'theoretical postures,' they were not there for that. 'The problems that beset the criminal justice system fall outside the four corners of procedural limitations. Obviously, there are many substantive issues that need to be addressed...' He reminded the gathering"—that is at the symposium—"that the symposium was supposed to address and tackle procedural stumbling blocks in the criminal justice system.

Gaspard said criminals knew the system was blocked and he questioned why then would any criminal seek a plea bargain. He called for more conversation on whether it was advisable to use police officers as prosecutors and made the link between the sluggish detection rate and police officers being made to act as prosecutors."

Now, I know that the hon. Attorney General addressed the issue of police prosecutors being allowed to engage in plea bargaining and that in these amendments they would no longer be allowed to engage in plea bargaining. But the difficulty, with respect to the statement, or the promise with respect to the statement being made by the learned DPP, is that it would be extremely difficult, be it police prosecutor or otherwise, to convince an accused person or a suspect, to engage in plea bargaining when that accused person or suspect may never even become an accused person or suspect because he may never even be arrested because of the low crime detection rate. [*Desk thumping*]

**9.30 p.m.**

And if it is that individual is arrested, in some instances, he may be a career criminal, he may very well know, based upon his past nefarious activities, that these people are jokers, that they do not have any evidence to charge me. So when “dey coming to talk to me about cop ah plea or take ah plea, I doh have any time with dem, because I know, at the end ah de day, ah go hire de biggest and baddest lawyer”—[*Interruption*]

**Sen. Sturge:** Me.

**Sen. S. Sobers:**—in the criminal courts, Wayne Sturge [*Laughter*] or Senior Counsel Sophia Chote and I will go to court and I will put “ah cut tail on dem so I not going and engage in this thing”. You have to be real, and that is how these people think. We deal with them on a daily basis. So that, again, unless the tangible inefficiencies of the criminal justice system are met head on and are dealt with by the Government, this Bill and others that are coming to this House will make absolutely no sense, because they will not dent the problems bunkering the criminal justice system.

Now, apart from the learned DPP, there are many others who have said certain things about plea bargaining and, Mr. Vice-President, if you would allow me, I would like to quote from an article entitled: “The Unnecessary Evil of Plea Bargaining: an Unconstitutional Conditions Problem and a Not-So-Least Restrictive Alternative” by Tina Wan. Ms. Wan stated:

“The most important criticism of plea bargaining is that plea bargaining can coerce innocent defendants into pleading guilty. The prosecutor’s unlimited discretion to pick and choose which charges to bring against defendants and ability to create significant sentencing differentials between similar

defendants can lead to the practice of overcharging and the use of threats to seek the harshest sentence to keep defendants from going to trial. Innocent, risk-averse defendants may not be willing to risk going to trial to receive an exceedingly severe sentence, and instead, will choose to plead guilty to ensure a more lenient sentence.

Critics also argue that plea bargaining ‘undermines the integrity of the criminal justice system’. They contend that plea bargaining allows the government to evade the ‘rigorous standards of due process and proof imposed during trials’. Instead of establishing a defendant’s guilt or sentence through an impartial process with a complete investigation and an opportunity for the defense to present its case, prosecutors take on the role of judge and jury, making all determinations based on the probability of whether they will win or lose at trial. The end result is a decision that has little to do with the primary objectives of the criminal justice system.

Another criticism of plea bargaining is that it allows defendants to escape full punishment by providing them with more lenient sentences. This sends a message to other offenders that justice can be bought and sold and that they can easily ‘beat the system,’ leading critics to believe that plea bargaining can weaken the deterrent effect of punishment. Critics further contend that the lenient sentences given to those defendants who plea bargain, and the harsh sentences doled out to similar defendants who refuse and are convicted at trial, lead to large sentencing disparities among those convicted for similar offenses which ‘undermine the entire criminal system’.”

And my last quotation, Mr. Vice-President, if you would allow me, is from

“The Plea Bargaining Controversy” by Douglas A. Smith. It is a bit shorter.

“Some critics argue that a system of negotiated justice undermines the deterrent effectiveness of punishment and can be used by influential defendants to evade legal sanctions. Others maintain that defendants with prior criminal records, and hence more firsthand experience with the justice system, are able to negotiate more favorable sentences. Proponents of these views see plea bargaining as undesirable because it weakens the deterrent and incapacitative effectiveness of the law by allowing some defendants to minimize their punishment.”

Now, I think it is important to remember that in everything one does, there are going to be some level of detractors. And again, I must say that this piece of legislation, albeit that these things have been said in a negative light about it, once working—and I do not think I could say it enough—once working or co-operating with other efforts, could, in fact, dent the backlog in the criminal justice system, but it cannot stand alone. People are saying that. That is the common thread that is coming out of these detractors and the statements that they are making.

Now, as it pertains to the particular Bill itself, as I mentioned earlier on in my contribution, there were a couple of things that I would have liked to see or at least change. Clause 7 of the Bill deals with improper inducements. It states:

Clause 7 prohibits the use of improper inducements to encourage an accused person to participate in plea discussion.

Some of us here, at least the criminal attorneys here, could appreciate the fact that there exist many overzealous prosecutors, both working in the DPP’s Office and both who are police prosecutors. But because the legislation has struck out police prosecutors, we will deal with those working in the DPP’s Office.

I have been told by a very senior seasoned criminal practitioner that he was involved in a matter wherein upon cross-examination of the police complainant in the matter, that he got the police complainant to admit in evidence, through cross-examination, whilst the man is on the stand, that he never had any evidence to charge the accused, that even after he charged the accused, he never had any evidence to carry this matter to the High Court, and that he would have explained on several occasions that the prosecutor in the matter from the DPP's Office knew that. But yet that accused stood in—was in court for that time, that he had to bear the brunt of the criminal justice system for many years. And “yuh” want to talk about improper inducements not coming from overzealous prosecutors? That is clear that a prosecutor who should have known better, did not do better.

And I took umbrage with the fact that in the current legislation, which is what is intended to repeal at section 5, it dealt with sanctions or consequences wherein improper inducement was engaged by the prosecutor, and I heard the hon. Attorney General saying that pursuant to consultation, it was removed, so that it would not act as a deterrent for the prosecutor. This is someone's life, the accused life “yuh playing with” and if there are no sanctions to balance this situation for the very said overzealous prosecutors, then these people will run wild. [*Desk thumping*] They have done it in the past and they will do it again. [*Desk thumping*]

So, in terms of improper inducements, I would like to see these sanctions put back in the law. [*Desk thumping*] I want to see them there so that it would keep those who wield power whilst the hon. Sen. Franklin Khan like to say, “hold ah particular office, yuh keep them in line, have some type ah check on balance on their activities”, because, again, “yuh engaging an individual and yuh gambling

and playing with their lives”.

In terms of clause 8, I note that clause 8 deals with prohibition against plea discussions in certain circumstances. And in terms of reading, I do not have the material here with me. But in terms of reading, I could recall that in certain jurisdictions, there are certain offences that plea bargaining does not encapsulate such as blood crimes and serious offences such as murder and whatnot.

And I think, in terms of plea bargaining discussions and agreements, those particular offences should be here, prohibiting prosecutors from engaging accused persons who have committed these offences, because, at the same time, we want to pass good legislation. I do not want the public to think “dat dis man get off easy”, unscathed. “Yuh could end up” creating a certain degree of jadedness with the public, as it pertains to how they see the administration of justice being meted out. They will lose trust and confidence in an already shaky, unfortunately, judicial system. [*Desk thumping*] In my humble submission, by not including certain of these offences within that particular clause, it will further affect the manner in which the public views the administration of justice being meted out.

In terms of clause 10 of the Bill, clause 10 of the Bill deals with conditions for entering into a plea discussion with an unrepresented accused person. I mean, I do not know how else to say it but I think that entire clause should be struck out. To engage in plea discussions to reach a plea agreement, an individual must and should always have the benefit of counsel. [*Desk thumping*] Have the Legal Aid Authority, the lawyers “does complain that they do not want to work because they not getting money”, well pay them more money. Incentivize the Criminal Bar [*Desk thumping*] so that you have lawyers actually wanting to go out there and assist persons. “Yuh cyah” expect lawyers to work for free, we have families to

take care of too. Right, and to engage in any type of discussion, as it pertains to one's life and liberty, they must always have legal advice. [*Desk thumping*]

The hon. Attorney General mentioned safeguards, and while I laud his efforts, in terms of trying to put in some safeguards, unfortunately it is insufficient and I can speak from experience as it pertains to that. I do work in a particular scheme or area of the Legal Aid Authority called the Duty Counsel Scheme wherein accused persons, usually minors but in some cases, adults who have been accused of murder, once they have been arrested and detained at a police station, the police are under a mandate, by law, to pick up the phone and call the Legal Aid Authority, and the Legal Aid Authority will despatch an attorney to visit the suspect, to give him advice relative to his detention, to enquire about his well-being whilst in custody, to compile a report and appear at the first appearance for the individual at court. And I have found myself, in several positions, where you are talking about a third party, I have met adults who “doh have ah third party to call on. When yuh ask them, yuh in this position: who ah should call to bring some clothes or food for yuh or to come and check on yuh? Boss, I eh ha nobody yuh know, is me and me alone.” So what third party is coming to check on these people?

Another safeguard that was attempted to be created, in terms of clause 10, is the presence of a Justice of the Peace. Unfortunately, in this society, being another, in terms of my experience as a practicing criminal attorney, there are many Justices of the Peace who do not operate in the manner in which they are supposed to, that unfortunately, the police and the state know which Justice of the Peace “tuh go by, tuh get yuh tuh sign warrant, tuh bring yuh in after dey done question an accused person, question and put some strokes on the man and the

Justice of the Peace just coming to rubber stamp the statement”. So I cannot fathom leaving this clause in with those allegedly safeguards when I know that they will not do anything to protect the accused or the suspect. They would not, because in some instances, they will just be bereft of any assistance by these people. So, in my humble submission, that clause 10 needs to go. [*Desk thumping*]

As it pertains to clause 34, clause 34 deals with the sealing of these plea agreements and honestly, my issue with respect to the sealing of plea agreements, it is quite dangerous and I will tell you why. In England and Wales, when someone has been arrested, they have been charged, they are before the courts, you do not need to give evidence on your behalf. You could remain silent, save and except for the fact that you may very well incriminate yourself if you come to give evidence. But directions can, in fact, be given, subject to correction, that adverse inferences could be drawn from the person’s silence. And I think, in terms of sealing an agreement, I mean, if it I was cross-examining someone like that, I would want to know “what deal yuh get tuh come here”. [*Desk thumping*] “What deal yuh get tuh come here and squeal because yuh squealing for ah deal.” And if it is that I am told by a directive of the court that I “cyah go there, no problem yuh know. It already” out in the open. The jurors will know that you made a deal. The contents of the deal, they may not know in its entirety, but they know that “yuh squealed fuh ah deal” and I think that is insufficient.

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

**Sen. S. Sobers:** Thank you, Mr. Vice-President. I think it is insufficient and I think that that particular system of itself will be abused by persons. Because how can one actually test the veracity of this deal if you are not allowed to delve within



it? Because you will find persons from all holes in society coming out and making deals, turning on people, lying in some circumstances, just to save their hide. It is real, it has happened in the past. It was said in the House, in the other place and I am certain it will be repeated by Members within this House. It is going to happen and we need to have a system in place to examine that deal, examine what is being said, who is saying it, how it is going to affect other persons; the record of these persons who “cop into ah plea” and “cop into ah deal” all the time. [*Interruption*] Right? It is a very dangerous particular part of this Bill and I think more needs to be done.

I also considered the recommendations and again, that is why I am saying that they did not take the cue and the hint totally from the UNC and they should have. Because in one of the recommendations made by the learned senior Pamela Elder, in terms of the report, she spoke to sentencing and in terms of one of the articles that I read, it dealt with sentencing. And as it pertains to sentencing in this jurisdiction, I think that many of the laws and the consequences and sanctions connected to those laws are very much outdated. So that you could have persons “cop into ah plea” and “taking ah deal” and then “they end up” getting stiff sentences that the DPP’s Office has no control over because, at the end of the day, that is the legislation. So those things need to be looked at as well. Right?

So, in closing, I think that it is a good attempt. It must be dealt with conjunctively or else it will fail, unfortunately, like some of the other pieces of legislation, that if we constantly pull at this tapestry that is being presented by the Government, it will unravel and we will end up in the same monkey pants that we are currently in right now. [*Desk thumping*]

I commend both sides of the Bench for the work that has been done, in terms

of the assistance being meted out by Sen. Ramdeen to the Government, in terms of getting their stuff, “yuh know”, getting everything together and we are working together, and I think this is another piece of legislation that we can work together to fix. But I do not want us to forget that it must be done in conjunction or in tandem with other areas, other actions, other tangible actions, so that I do not come here or none of us come here who work in the criminal justice system and have to be repeating the same thing. When I go back to court, it is the same scenario; spinning top in mud, hearing the same persons within the society complaining about the same issues that have not changed, that do not require legislation and just require political will.

Mr. Vice-President, I thank you. [*Desk thumping*]

### ADJOURNMENT

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday, 20<sup>th</sup> June, 2017 at 1.30 p.m. in the afternoon when we will resume the debate on a Bill to establish a system of plea discussions and plea agreements and for matters incidental thereto. We intend to take this through all of its stages and time permitting, we would then move on to introduce a Bill to amend the Bail Act, Chap. 4:60.

**Sen. Mark:** Mr. Vice-President, I do not know if the hon. Member recalls that there is a select committee that has been established and they are supposed to report on that Tuesday as well. So I think we are supposed to go into committee as well for that.

**Sen. The Hon. P. Gopee-Scoon:** I am sorry that I cannot go along because I have no idea of what you are talking about. [*Laughter*] You gave no specifics, you just

said it is a select committee. Give me a few more details.

**Sen. Mark:** You were not here today?

**Sen. The Hon. P. Gopee-Scoon:** No, but tell me exactly what you want to say. You cannot just say select committee. [*Crosstalk and laughter*]

**Mr. Vice-President:** Hon. Members, just if I could interject for a second. Acting Leader of Government Business, I think what he is referring to is the report is supposed to be laid on Tuesday and then we go back to the select committee on Thursday. If I remember correctly at the committee stage this morning, that is the undertaking that was taken. Okay. [*Interruption*] No, I was just saying that that is what the undertaking was this morning. So, for your information. I believe, Sen. Mark, that is what you are referring to? Yes? The report is laid on Tuesday and then select committee convenes on Thursday.

**Sen. Mark:** Yes. Appreciated.

**Sen. The Hon. P. Gopee-Scoon:** So we have it clear now, Sen Mark? That it is on Thursday. [*Crosstalk and laughter*] I never knew that there was anything going on on Tuesday. So we know what we are coming back to, the plea bargaining Bill and time permitting, we will go to the Bail (Amdt.) Bill. Thank you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 9.59 p.m.*