

*Leave of Absence**Friday, February 24, 2006***HOUSE OF REPRESENTATIVES***Friday, February 24, 2006*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received communication from the following Members seeking leave of absence from today's sitting of the House: The hon. Winston Dookeran, Member of Parliament for St. Augustine, for the period February 22 to March 02; Hon. John Rahael, Member of Parliament for Port of Spain North/St. Ann's West for today's sitting of the House, and the hon. Leader of the Opposition, Mr. Basdeo Panday, Member of Parliament for Couva North. The leave which these hon. Members seek is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago House of Assembly for the year ended September 30, 2002. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]

To be referred to the Public Accounts Committee.

2. The Administrative Report for the Ministry of the Attorney General for the fiscal year 2003/2004. [*Hon. K. Valley*]

DEFINITE URGENT MATTER**(LEAVE)****Tax Appeal Board****(Eviction of)**

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, pursuant to Standing Order 12, I hereby seek your leave to move the adjournment of the House, today, for the purpose of discussing a definite matter of urgent public importance, namely, the eviction of the Tax Appeal Board of Trinidad and Tobago. The matter is definite in that it relates to a single specific pattern, namely, the eviction of the Tax Appeal Board. The matter is urgent because taxpayers wishing to file tax appeals may lose their right of appeal because of their inability to do so, within

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the time prescribed by law due to the closure of the said Board. The matter is of public importance because the eviction of the Tax Appeal Board without the provision of adequate accommodation, amounts to a deprivation of taxpayers entrenched right of access to the designated court of competent jurisdiction which has exclusive jurisdiction to adjudicate upon their rights and obligations with respect to tax matters. I hereby seek your leave, hon. Speaker.

Mr. Speaker: Hon. Members, I have considered the Motion moved by the hon. Member for Siparia and I deem it worthy of consideration. Is it the wish of the House to consider this Motion?

Mr. Singh: Yes.

Mr. Speaker: In that case—if you plan to move the adjournment at 4.30 p.m., I would not want to bring back Members at 6.00 p.m.

Mr. Valley: [*Inaudible*]

Mr. Speaker: So we would take this matter at the end of today's business. At 6.00 p.m.? I do not know, this is what I am asking, whether you are going to adjourn before 6.00 p.m.?

Mrs. Persad-Bissessar: Whatever time the business is.

Hon. Member: Hardly likely.

Mr. Speaker: Hardly likely. Okay, the matter is stood down till 6.00 p.m.

**SALARIES REVIEW COMMISSION
(EIGHTIETH REPORT)**

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move the following Motion standing in the name of the hon. Prime Minister and Minister of Finance:

Whereas it is provided by section 141(1) of the Constitution that the Salaries Review Commission shall, from time to time, with the approval of the President, review the salaries and other conditions of service of the President, the holders of offices referred to in section 136(12) to (15) of the Constitution, Members of Parliament, and holders of such other offices as may be prescribed;

And Whereas it is provided by section 141(2) of the Constitution that the Report of the Salaries Review Commission shall be submitted to the President who shall forward a copy thereof to the Prime Minister for presentation to the Cabinet and for laying thereafter on the table of each House;

And Whereas the Eightieth Report of the Salaries Review Commission was submitted to the President who has provided a copy of the said Report to the Prime Minister;

And Whereas a copy of the said Report was laid on the table of the House of Representatives on Friday, February 17, 2006;

Be It Resolved that this House supports the recommendations contained in the Eightieth Report of the Salaries Review Commission.

Mr. Speaker, at the appropriate time, or perhaps I should give notice at this time that the Government is moving an amendment to the Motion, by adding after the words "Salaries Review Commission" in the last line of the resolution, the words "save and except".

1. In Chapter 20: Members of Parliament

The recommendations in respect of: Constituency Allowance.

2. In Chapter 20: Members of Parliament

The recommendations for a "Committee Service Allowance" in the case of the holders of the following offices:

- Non-Cabinet Minister of Government
- Parliamentary Secretary
- President of the Senate
- Speaker of the House."

Mr. Speaker, the Salaries Review Commission, derives its authority from the Constitution as stated clearly in the Motion.

Chap. 11 of the Constitution, states:

"140(1) There shall be a Salaries Review Commission which shall consist of a Chairman and four other members all of whom shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

(2) The members of the Salaries Review Commission shall hold office in accordance with section 126.

141(1) The Salaries Review Commission shall from time to time with the approval of the President review the

salaries and other conditions of service of the President, the holders of offices referred to in section 136(12) to (15), members of Parliament, including Ministers of Government and Parliamentary Secretaries, and the holders of such other offices as may be prescribed.

- (2) The report of the Salaries Review Commission concerning any review of salaries or other conditions of service, or both, shall be submitted to the President who shall forward a copy thereof to the Prime Minister for presentation to the Cabinet and for laying, as soon as possible thereafter, on the table of each House."

The authority of the Commission derives from the Constitution. The offices covered by the report are outlined in Chapter 1. For the benefit of the public I want to name those offices today because one gets the impression from time to time, that the only offices covered by the report are the Prime Minister and perhaps Members of Parliament and the President.

Mr. Speaker, the offices which fall under the purview of the Salaries Review Commission are: the President of the Republic; the higher Judiciary; the Ombudsman; the Auditor General; the Industrial Court; the Tax Appeal Board; the Environmental Commission; top managers in the public service and statutory bodies. *[Interruption]* You are not in sufficient trouble? Senior officers in the protective services and Defence Force; senior diplomatic representatives; Members of Parliament; the Tobago House of Assembly and Local Government officials. There are about 811 offices under the purview of the commission.

The report of the Commission is clear. It outlines the conditions that they have taken into account in doing the analysis to come up with the recommendations. They have provided the background to the current review. I draw Members' attention to paragraph 5 of the report, where it states clearly: "This is the sixth comprehensive review of salaries on terms and conditions of service for offices under its purview." The last such review was undertaken in 2002, that was the sixty-seventh report. One notes also that between the comprehensive reviews, the commission does a number of special reviews to take into consideration any problems that may have occurred during the period, or perhaps, any problems which may have occurred from a particular report.

At paragraph 6 for example, the commission noted that subsequent to the submission of the last report, there were 12 reports in the intervening period 2003 to 2005. They point out at paragraph 8 also, that in undertaking their assignment on this occasion, they have found that compensation for the offices under their purview had fallen behind the level which they considered to be appropriate for broadly comparable jobs in the private sector and in state enterprises. In fact, the offices, salaries, terms and conditions of service for persons falling under their purview had fallen behind the comparable jobs in the private sector.

The President, on April 15, 2002, instructed the Commission to undertake this review.

Hon. Member: 2002?

Hon. K. Valley: I am sorry 2005, paragraph 10 of the report.

The Commission informed us at paragraph 11, that they requested and received written submission from various bodies with respect to representation for persons falling under their purview.

Paragraph 12 of the report outlines some considerations which they have taken into account in coming up with the salary levels. Again, for the benefit of the public who may not have a copy of the report, it is advisable that we enunciate the five of them.

Firstly, establishing remuneration which bears fair comparison with current levels of remuneration paid within the private sector for broadly comparable jobs taking into account differences in other conditions of employment.

Secondly, providing the appropriate levels of remuneration to attract, recruit and retain persons of suitable competence, experience, knowledge, skills and personal attributes to fill positions of very high responsibility and trust.

Thirdly, ensuring appropriate differentials in compensation which take into account significant differences in the levels of responsibility between one office and another.

Fourthly, providing the motivational and intrinsic value which compensation packages should carry generally.

Lastly, providing compensation packages for top political and managerial offices to promote the efficient delivery of public policies and public management solutions.

The Commission points out that they have done a comparable study looking at what obtains in a number of Commonwealth countries, including Australia, Canada, United Kingdom, New Zealand, India, Jamaica and Barbados. In addition to the principles listed the Commission took into consideration the state of the countries' economy. It is stated in paragraph 13.

Paragraph 15 looks at the comparable private sector jobs.

Paragraph 16 points out that:

“At the time of our last review, base salaries for the Chief Executives Officers in the private sector ranged from \$21,000 per month and \$53,000 per month, while in the State Enterprises, the range was between \$8,000 and \$46,000 per month. We are informed that current based salaries in the economy (inclusive of the State sector), range from \$36,908 to \$101,092 per month. In State Enterprises the range is from \$26,000 to \$74,000 per month. The current average based salary in the economy inclusive of the state sector is \$69,800 per month and for state enterprises, \$39,000 per month.”

In paragraph 17, this is the Commission speaking:

“We are aware that in the private sector there continues to exist an attractive mix of fringe benefits and allowances that include housing, entertainment, overseas travel allowances, company cars, medical and group health plans, mortgage subsidies, paid up club membership, as well as payment for part or all telephone/utilities, expenses and charges. Bonuses also comprise a large percentage of executives' compensation. By comparison, there are allowances that are peculiar to the Public Service such as its Duty and Service Allowances which are paid to Top Managers. The average compensation packages for CEOs in the economy including State sector, is \$105,495 per month (inclusive of bonus payments). In the State Enterprises, the average total cash compensation is \$43,305 per month (exclusive of bonus payment).”

That is what obtains in the private sector. We know what obtains in the public sector.

Lastly, at paragraph 20, the Commission said:

“As requested, we have re-examined the current relativities existing among the various offices and we are satisfied generally that such relationships are appropriate. However, we did consider it necessary to make adjustments in the compensation applicable to certain offices. We have taken into account the increasing responsibilities and demands being placed upon parliamentarians,

members of the Tobago House of Assembly and Local Government officials and accordingly, have realigned these offices and have recommended appropriate compensation.”

When one looks at paragraph 22(1) on page 232, one will note the conclusion of the Commission.

“We were mindful of the need to provide salaries and terms and conditions of service for offices under our purview which compared fairly with compensation levels in the economy. We have been mindful also of the state of the economy and economic financial indicators as outlined in Chapter 4. In this context, we are satisfied that our recommendations for revised salaries and terms and conditions of service are reasonable and equitable.”

That is the conclusion of the Commission.

In accordance with section 141(2) of the Constitution, the Prime Minister presented the report to Cabinet; the Cabinet specifically noted that the commission took certain things into consideration. The Cabinet noted that the commission generally sought to maintain the salary relationship among officers within its purview. The Cabinet noted that the relationship between the offices of President, Prime Minister and Cabinet Ministers has been maintained. However, the offices have been realigned vis-à-vis other offices within the purview of the SRC, resulting in a change in the salary differentials between the above-named offices and other offices. Cabinet noted that the offices of the higher Judiciary have been also realigned and the existing judges’ personal allowance has been incorporated into the revised salaries recommended by the SRC. Consequently, the payment of a separate judges’ allowances will cease.

Cabinet also noted that given the existing relationship between offices of the President, Vice-President and Chairman, essential services division of the Industrial Court and the Chairman, Environmental Commission and those of the higher Judiciary, the above-mentioned officers in the Industrial Court and the Environmental Commission have been similarly realigned. Also, that the salaries recommended by the commission for the offices of the Ombudsman; Auditor General; member of the Tax Appeal Board and Deputy Chairman of the Environmental Commission have been based on the same percentage increase granted to members of the higher Judiciary, prior to the incorporation of the judges’ allowance as above mentioned.

We noted also that provision has been made in the case of the Office of the President for the payment of a housing allowance, where the official residence is

unavailable and alternative accommodation is not provided. Similar provision has been made for the payment of a housing allowance to the holders of other offices who are eligible for official housing, when such housing is not available and alternative accommodation is not provided.

Most importantly, Cabinet noted that a committee service allowance has been introduced for all Members of Parliament, with the exception of Cabinet Ministers who serve on the Public Accounts Committee (PAC); Public Accounts (Enterprises) Committee (PA(E)C) or Joint Select Committees established by section 66A of the Constitution.

Mr. Speaker, this is an exception that ought to be noted, that in the case of the committee allowance, while we welcome it, Cabinet thought that this allowance should apply only to Members of Parliament and Senators who are not part of the Executive. As a Member of the Executive one is deemed to be employed full-time. In other words, 24 hours of the day really belong to the Government. Therefore, one sees it as an anomaly that one can be compensated twice for the same work.

2.00 p.m.

Mr. Speaker, as stated in the Salaries Review Commission's Report, that allowance can also apply to the President of the Senate and the Speaker of the House of Representatives. As you know, it is unlikely—well, not unlikely—it is impossible because neither the President of the Senate nor the Speaker of the House of Representatives can be a Member of the Public Accounts Committee (PAC), the Public Accounts (Enterprises) Committee (PA(E)C), or any of the joint select committees that are there, so we see that as another anomaly and that is the purpose of that exemption.

The second exemption which is the constituency allowance, one would note that with respect to that allowance as stated at pages 182, with reference to the terms and conditions for the Prime Minister; 186, with respect to the terms and conditions of Cabinet Ministers, and 192, I think for the Leader of the Opposition and so on, one knows that sometime ago—I think it was in 2003—that the Cabinet approved a constituency allowance that is much more than what is in the report and, therefore, the Cabinet considered that in view of that, we could not accept that recommendation as we see it as an anomaly in the report.

Therefore, Mr. Speaker, the Government, as I said, is seeking to amend the Motion to deal with these two matters. In general, therefore, the Government

supports the work of the Commission save and except in two instances which we view as anomalies and need to be corrected.

Mr. Speaker, it is my pleasure to recommend the adoption of the Eightieth Report of the Salaries Review Commission to the House as amended as circulated. I beg to move.

Question proposed.

Mr. Speaker: Hon. Members, I shall also now propose the question on the amendment moved by the Minister in the Ministry of Trade and Industry and Minister in the Ministry of Finance that the Motion be amended as follows:

By adding after the words “Salaries Review Commission” in the last line of the Resolution the words:

“save and except:

1. In Chapter 20: Members of Parliament

The recommendations in respect of: “Constituency Allowance”.

2. In Chapter 20: Members of Parliament

The recommendations for a “Committee Service Allowance” in the case of the holders of the following offices:

- Non-Cabinet Minister of Government
- Parliamentary Secretary
- President of the Senate
- Speaker of the House.”

May I also inform Members that you can in fact speak on the original Motion and on the amendment.

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, I think that today being carnival Friday, in a period in which it took us at least an hour to reach this Parliament from South Quay, Port of Spain, one can understand why this Government wants to bring the Eightieth Report of the Salaries Review Commission on carnival Friday. It is clear.

Having laid it only last week, why is there this haste? Is it because it feels that this country is in a drunken stupor from all the feting and that we will be anaesthetized and immunized against the increase and would not speak out

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against it, while the National Flour Mills (NFM) workers are at the picket line, NP at the picket line, and in the context where it is clear from reading this Salaries Review Commission Report that there exists an almost inherent bias against Members of the Legislature?

Mr. Speaker, we can take the recognition by the Leader of Government Business, the hon. Member for Diego Martin Central, where he seeks to eliminate the recommendations of the Salaries Review Commission with respect to constituency allowances because they are outdated, and lack traction with modern times. To use his expression—a constituency allowance that is modern—is what Cabinet passed. What is in this report is a back-in-times constituency allowance in which the recommendation would put the workers in the Members of Parliament offices below the requirement of the law in the context of acceptable wages, and that is the problem with this Salaries Review Commission when dealing with the arm of the State which is the Legislature.

Mr. Speaker, I get the distinct impression that members of the Salaries Review Commission do not understand or appreciate the role and function of a parliamentarian and the demands required in the 21st Century, 2006. When one looks at the content of the report, one realizes that the Salaries Review Commission took a view that reflects almost an appreciation of the role and function of the Executive and the Judiciary but decided in their own mind to belittle the role and function of the Legislature. I get the distinct impression that because of its lack of recognition of that role, and I will demonstrate to you, and this is not Ganga Singh, or a Member of the Opposition speaking, this is the *Sunday Guardian* editorial—

Mr. Valley: That you wrote.

Mr. G. Singh:—“Return to sender: MPs’ pay report” which I will read into the record. It says:

“The size of the numbers proposed by the Salaries Review Commission for compensating high state officials is capable both of dazzling and distracting. The Treasury is by no means strapped; doubtless, it can sustainably afford apparently handsome pay and perks for top public-sector people.

With everything else, the cost of government predictably rises. Common sense, and T&T self-respect, demand that compensation for the executive, legislative and judicial branches should keep pace with inflationary and relevant trends.

As a matter of policy and practice, the Manning administration has shown scant if any concern with keeping a rein on spending. Were the Government to single out for rare parsimonious attention those beneficiaries covered by the SRC, that would appear both curious and discriminatory.

In respect of its top functionaries, the state should not be a stingy employer. In coming to judgment on size, the SRC said it had been guided by, among other things, the state of the economy.

The money is there. And the SRC proposes a liberal-looking dishing out to the executive branch, notably the president, prime minister, Cabinet ministers, and the Tobago House of Assembly chief secretary.

The chief justice and other justices, drawn from the ranks of a recognizably high-earning profession, enjoy tax-free salaries, as an expedient toward reducing the potentially high opportunity cost of public service.

So what of the legislative branch? Caroni East MP Ganga Singh has criticized the latest SRC report. Mr. Singh pointed to the 'great disparity' between the benefits proposed for MPs and senators who are ministers and those who are not. It is a disparity that appears almost punitive.

Senators without ministerial portfolios are recommended to receive just about one third the package of their ministerial colleagues in the Upper House. This goes beyond a determination to reflect the burden of executive responsibility borne by the senator ministers.

It could even be seen as disregard bordering on contempt for the contribution of Independent and Opposition senators who are recommended to receive even less than the 'back bench' MPs.

A glance at the real world of government and politics reveals what makes such comparisons particularly odious. With few exceptions, a ruling party MP is by definition also a minister. The same applies to the 'Government' senators.

The SRC report may thus be seen to show tender loving care for the pockets of ruling party's people, while offering only token or no recognition for the position and efforts of others in the legislative branch. Such slighting of the legislature is notable in the unjustified proposal to compensate offices of the speaker and the president of the Senate at a lower level than ministers.

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‘We have taken into account the increasing responsibilities and demands being placed upon parliamentarians...and have recommended appropriate compensation,’ the SRC claims. This is the only sign that the commission gave thought to the role of the legislature as a check against and an interrogator of executive overreach.

The Joint Select Committee has been emerging as an assertive force for transparency and accountability in government. The JSC deliberations represent the legislative arm in action, in a structure designed and operated to let that arm shrivel and atrophy rather than provide muscular service in public business.

No question arises about the ability of the state to afford far better pay for ordinary (non-ministerial) senators and MPs. Indeed, a forward-thinking SRC should also recommend the provision to MPs and senators of support resources to carry out research and even maintenance of their own Web sites.

If feasible, the SRC report should be returned to sender, with instructions to take account of today’s more enlightened priorities.”

Mr. Speaker, this editorial in the *Sunday Guardian* of February 19, 2006 points to the SRC taking the approach where it separated two arms of the State: the Executive branch headed by the Prime Minister, tutelary the President; and the Judiciary headed by the Chief Justice, for tender loving care in their pockets, but focused on the legislative arm in a punitive fashion and the facts will bear that out. So today when I look at the members of the Salaries Review Commission—I happen to know Mr. Edward Collier as Chairman, a decent man who is a lawyer by profession—I came to the conclusion that clearly it does not know, it does not have the knowledge. There is a knowledge deficit as to what is the role and function of a Member of Parliament in the Parliament of Trinidad and Tobago in 2006. So part of my contribution today, in the context of returning this SRC report to the sender is to give a holistic appreciation of the role and function of a Member of Parliament.

Mr. Speaker, a Member of Parliament—

Hon. Member: We know.

Mr. G. Singh: You know, but you see those who provided the report and the recommendations for the report obviously do not know.

Mr. Speaker, many people in the larger society sometimes wonder what a Member of Parliament does on a particular day. Perhaps they recognize that you might give a speech, vote on a bill or two, or hold a press conference. Members of Parliament do these things to be sure, but that is just a fraction of what the job involves. Today, more than ever, it is critical that the citizens gain a better appreciation of what Members do, how they do it, and individually as well as collectively they contribute to a better government and a more prosperous nation. Until then, as this Eightieth Salaries Review Commission Report reveals the work of an MP will remain underrated in the wider scheme of things. It is my view that the Eightieth Salaries Review Commission Report holds the work of a parliamentarian in contemptuous disregard.

Firstly, to be an effective legislator, a Member must study and seek advice on a mind-boggling array of issues. Our society often rewards very specific expertise in medicine, law, and other professions, but Members of Parliament need to be generalists understanding something about almost everything from DNA, research in genome copyright issues, occupational health and safety, the administration of justice and so on.

Mr. Speaker, there would be no end to the criticisms which would ensue should a Member of Parliament fail to have an informed response to a question asked by a constituent, or not be able to speak on an issue raised by a journalist during an interview.

Secondly, an MP is expected to be an advocate for individuals, groups and communities in his or her district in assisting someone with his/her old age pension, for helping a community, or paving a new bridge or road. However, given the increased size and activity of the Government, service to the constituencies is much more extensive than it used to be. In fact, Members of Parliament often complain that the need to serve their constituents in their dealings with all levels and areas of government is crowding out time needed to prepare and study for legislative work.

Mr. Speaker, if one were to take a historical appreciation of the role of the parliamentarians in John Stuart Mill and Walter Backdrop in the 19th Century, they portrayed a sovereign representative, Parliament, as performing three central tasks:

1. To consider and refine legislation;
2. To hold government accountable for its administration of the laws and authorize the expenditure of the required funds; and

3. To determine the life of the Government through exercising the ability to provide how it holds support.

Mr. Speaker, in all its functions, the legitimacy of Parliament and its Members rested upon a central plane that Parliament is essentially a public service that institutionalizes political representation in a society, thus traditionally, many persons assume that politicians, in contrast to private sector managers, are socially motivated. That is true.

Mr. Manning: I feel Ramesh write that for you.

Mr. G. Singh: Mr. Speaker, that is, that politicians are wholly altruistic and do not care about monetary income from their parliamentary activity.

Some people even argue that it is vital that such important public service is carried out by people who are prepared to make a financial sacrifice. However, such an argument is dated, because adequate remuneration is necessary to encourage the most outstanding leaders of the nation to enter political life. And I get that this is the distinctive impression of the members of the SRC, maintaining that Members work is part time, meaning that they are not expected to devote at the very least, a minimum of 40 hours per week on their parliamentary assignments. As such, despite evidence to the contrary, repeated Salaries Review Commissions have recommended remuneration packages for Members of Parliament (MPs) that assume that Members of Parliament are not expected to give his/her parliamentary duties first priority. It is secondary and it is inherent in this Eightieth Report.

The reality today is that it is very unlikely for a Member of Parliament to be able to serve at two tables without cheating at one. Today, in 2006, Members are forced to sacrifice parliamentary work, and by extension, the nation's business because of the overriding need to earn adequate incomes in order to meet basic needs.

Mr. Speaker, the broadening of the franchise, population growth in constituencies, and the emergence of modern, highly pluralized societies, have redefined the task of representation. While representing the interest of relatively homogeneous groups of property holders, it is at least an intelligible task representing the interest of heterogeneous, modern, electoral constituencies, if not unintelligible, certainly more complex and all Members of Parliament from both sides of the House are fully aware of this irrefutable fact.

Mr. Speaker, in addition, the complexity of legislation and policy concerns generated by the contemporary state is as an additional change in the environment

in which Parliament must now function. Surely, the highly technical nature of much modern policy and legislation crave a challenge. So how do you define the contemporary role of an MP, Mr. Speaker?

Contemporary descriptions of the role of Members of Parliament continue to emphasize two basic types of activity reflecting long-standing traditional roles; legislative, affecting laws and policies that they reflect, and surveillance activity focusing on the scrutiny of the Government's administrative performance including the spending of money. A very important but more recent role is constituency service assistance for individual constituents.

Mr. Speaker, although the MPs schedule is chaotic, changing from minute to minute, with meetings sometimes being postponed or cancelled, it is important to briefly highlight a number of demanding features of the role of a Member, and for example, carefully consider the average week in the life of a Member of the House of Representatives.

Mr. Speaker, at sittings of the House of Representatives, Members of Parliament are generally required to attend sittings of the Senate on Tuesdays and sittings of the House of Representatives every Friday, although both Houses have been known to meet at times more than once per week. Times spent at sittings average seven hours per sitting day, however, quite frequently, sittings have been known to run for more than 10 hours. This does not include time expended on research which may utilize long hours of a Member's time.

In addition, much time may be spent by Members in preparing questions and motions as part of their scrutiny role. A good example is my colleague, Kamla Persad-Bissessar, who brought a matter of urgent public importance dealing with the question on a matter which emerged this week on the Tax Appeal Board. Further time must be devoted to the preparation of speeches, whether for debates, bills, or motions as we are doing today.

Generally, Members' caucus and parliamentary business and matters each week, and time spent at these meetings vary on the agenda. There are also committees. Apart from the Deputy Presiding Officers, we do a lot of committee work. Members on average are appointed to serve on one statutory parliamentary committee at a time, a few Ministers may also be appointed to these committees to represent the Government.

Mr. Speaker, in certain instances in these committees there are, in particular, having regard to the number of Opposition Members in the Senate, they serve on several committees. So there may be two committee meetings per week and when

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the Salaries Review Commission puts in \$1,000 per month for serving on the committee, it gives no reference whatsoever. Since 2003, Members have been serving on committees and even before that, but its last report was in 2002 and it made no reference in that report, and in this 2005 report, it only made it applicable from October last year. So it was time spent on committee service, altruism.

Mr. Speaker, now I have a recommendation to make. Members' time at committee meetings can average between three to six hours per week and it can only be assumed that an equal amount of time may be spent on research and reading. It remains unclear what really was intended by the commission on its recommendation of a committee service allowance for the compensation of Members who are appointed to statutory joint select committees. Although this was originally proposed by Members of Parliament almost two years ago, a general review should have provided the commission with the opportunity to recommend a comprehensive and legitimate remuneration arrangement for parliamentary work. So it is incorporated instead of putting it as a service allowance.

Mr. Speaker, at least one day per week is allocated by every Member of Parliament as a constituency day. Each Member has to manage the affairs of his official non-political constituency office staffed by persons paid for and equipped by the Parliament, and that is working in the interest of representative governance in this country. So when the SRC came with this back-in-times, retrogressive constituency allowance, one understands how it frames the Legislature in that context.

Some Members with larger geographic constituencies have sub-offices and require to spend more time like my friend from Nariva, Harry Partap. He has three offices having regard to the geographical space. Tell me if he can do parliamentary work part time? Members of Parliament have come to devote major portions of their time to provide assistance to individual constituents; the social worker or ombudsman function may require the direct involvement of the Member, for example, in contacting public service officials, or using time in the House to make known grievances of an individual constituent and seek remedy.

Mr. Speaker, with regard to research on Members of Parliament, perception of their roles in many countries suggests that MPs have come to see constituency service as their primary role. This role tends to occupy a great part of the Member's time

often at the expense of other roles so much so that many Members find it difficult to allocate their time among their roles in a manner they consider satisfactory.

Bearing in mind all of the above, it is accepted that Government can never pay a sufficient salary to MPs for their work and contribution to successful democratic governance. This fact becomes even more glaring if one were to make comparison with other offices of state as well as the private sector jobs that carry significant levels of accountability and responsibility.

However, it can be argued that the salary of a Member of Parliament must at the very least be adequate to ensure that a Member can live off the salary provided without necessarily having to look elsewhere for additional income to satisfy basic needs. In other words, since Parliament and its demands are today undoubtedly a Member's main career, it must be remunerated as such; only in this way will the people's business not be placed on their available burner.

Mr. Speaker, I can go through the report and give you an appreciation. The Chairman of the Elections and Boundaries Commission duties are to review constituency boundaries and supervise the conduct of all elections. This Commission may meet once per month, and its recommended salary is \$19,800 per month.

The Chairman of the Registration Recognition and Certification Board is responsible for determining all applications, petitions and matters concerning certification of recognized majority unions, recording of certification of such unions and making of agency shock borders. They do not have an established pattern of meeting and their recommended salary is \$17,100 per month.

2.30 p.m.

The chairman of the Public Service Commission exercises authority in human resource management, areas of appointment, promotions, transfers and discipline in respect of officers in the public service and relevant statutory authorities. This commission meets on average once per week—recommended salary, \$19,800 per month. The chairman of the Salaries Review Commission undertakes comprehensive reviews of remuneration arrangements applicable to the offices under its purview, taking into account remuneration arrangements provided to persons holding comparable positions in the private sector and state enterprises and other jurisdictions. From my research, I was unavailable to ascertain a fixed pattern of meetings throughout the year. However, whenever review is being undertaken, it may be twice per week—salary, \$12,500 per month. Members of the Industrial

Court hear and determine trade disputes and other matters relating to the registration of collective agreements and industrial relations offences. These members are involved in these duties on a daily basis—\$25,800 per month.

The function of a Minister is essentially twofold; political and administrative. The scope of their political function involves formulation of national policy at Cabinet level, while the administrative aspects encompasses the overall management of the ministry to which they are assigned, and accountability to Parliament with respect to activities arising out of their portfolios. These Members are involved in these duties on a daily basis—\$33,000 per month.

The President of the Senate presides over sittings of the Senate, ensuring that parliamentary practice and procedure are adhered to; provides assistance and advice to the Speaker as may be necessary on issues related to the operations of the Parliament and institutions; represents the Senate locally, regionally and internationally. The Member is involved in these duties on a daily basis—salary, \$23,800 per month.

The Speaker of the House—Mr. Speaker, I am not bringing you into the debate; I am merely stating a fact—presides over sittings of the House of Representatives, ensuring that parliamentary practice and procedure are adhered to; has significant managerial responsibilities with respect to the operation of the Parliament and its institutions; represents the House of Representatives locally, regionally and internationally. The Member is involved in these duties on a daily basis—salary, \$23,800.

The Vice-President of the Senate presides over sittings of the Senate when the President of the country is unable to do so; involved on a daily basis—salary, \$14,700. The Deputy Speaker of the House presides over sittings of the House of Representatives when the Speaker of the House is unable to do so; engaged on a daily basis—salary, \$14,700 per month.

Members of the House of Representatives, representatives of the people of their constituencies, lawmakers of our land, attend meetings as Members of parliamentary committees, serve as shadow government in order to ensure Government accountability; represent the Parliament locally, regionally and internationally; involved in these duties on a daily basis—salary, \$14,000. Members of the Senate, lawmakers of our land, attend meetings of parliamentary committees, represent the Parliament locally, regionally and internationally. On average, these Members are involved in duties no less than three days a week—salary, \$10,500 per month.

Any objective analysis of the salaries recommended for many legislative office holders would reveal that they are not sufficiently reflective of their considerable role and responsibilities. It is clear, then, that as this country prepares for developed country status, that we replace traditional expectations about what Members of Parliament should be doing with a new, or at least substantially modified, set of expectations reflective of the reality of today. This could involve a shift of emphasis from what MPs do inside the House and its committees to activities that they actually perform outside the House. The result might be a new conception of the role of the Member of Parliament, centering on the all-important provision of constituency services.

Holders of public office should not be required to place themselves upon any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties or might give the impression of so doing. In this light, it is clear, having regard to the context and what I have outlined, we agree that this 80th Salary Report of the Salaries Review Commission should be returned to the sender and let the SRC view that in the context of the reality of the Legislature of Trinidad and Tobago today.

I thank you. [*Desk thumping*]

The Prime Minister and Minister of Finance (Hon. Patrick Manning): Mr. Speaker, I had no intention of intervening in this debate. I thought the matter was fairly straightforward, but the contribution of the very distinguished Member for Caroni East prompts me on this occasion to make an intervention, however brief, but an intervention which I hope would shed a little more light on the thinking behind the recommendations of this report.

In the first instance, the Salaries Review Commission is a creature of the Constitution and acts in an advisory capacity to the Government of Trinidad and Tobago. The authority for the determination of salaries is an executive authority and rests with the Cabinet and the Cabinet only. But the whole question of salaries has had a history, and successive governments of Trinidad and Tobago have always taken the view that since the salaries of Members of Parliament are involved in this matter, they do not wish to act in a way that gives the impression that they are acting in their own cause. What governments have done, therefore, is that they have brought this report to the Parliament and they have sought to debate it. Some governments have taken that view that they would only implement it if they had unanimous agreement of both sides. That is what happened on that last occasion. Some governments have taken the view that we would implement it

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after an appropriate debate because it is the Government's responsibility to do that, and different governments have taken different positions on this matter.

It is important that we point out that the Salaries Review Commission can only recommend. It operates in an advisory capacity and nothing that the Salaries Review Commission recommends to the Government places any obligation on the Government to accept it. If the government decides to accept it, it is because the government, in its own deliberate judgment, has taken that position. The position taken by us on this matter is that if there are anomalies in the report, then we refer these anomalies back to the Salaries Review Commission. If, in the report, there are matters that are blatantly incorrect, for whatever reason, then the Cabinet, in its wisdom, can take the view that we are not accepting this and we are accepting something else. This is what has happened on this occasion.

The Salaries Review Commission, therefore, is a device that has been put in place to prevent Members of Parliament and the Cabinet acting in their own cause, and as much as the authority rests with us, the PNM governments have been very reluctant to interfere with the recommendations of the Salaries Review Commission except in a manner that can reduce rather than increase the recommendations that they have made. The hon. Member for Caroni East, in his contribution, has made a case—whatever the merits or demerits of that case might be—that Members of Parliament's back-benchers should be paid a higher salary than the one recommended in the report. For the benefit of members of the national community, Members of Parliament right now obtain a salary of \$10,000 per month and the Salaries Review Commission is recommending a salary of \$14,000 per month for Members of Parliament who are back-benchers.

The Member for Caroni East also talked about the responsibilities of MPs. I believe I am as qualified as anybody else in this House to speak on these matters, because I have held every office in this Parliament except the position of Speaker, Deputy Speaker, Chief Whip or government back-bencher. But I have been an Opposition back-bencher, Opposition Leader, non-Cabinet Minister—that includes parliamentary secretary—and I have had a chance in those circumstances to operate in all of those capacities. So when the Member for Caroni East comes and tells us what is expected of a Member of Parliament; that he has to be an expert on this and that; when you advanced yourself to the electorate you represented to them that you are capable of doing these things. In fact, you represented to them that you are more capable of doing them than the persons in opposition to you and, therefore, they should select you over them. It is no point to come now and argue

that you have to do this, that and that. We know that; we understand that very well. If you could not do those things, then, with respect, you have no place sitting as a Member of this Parliament in the first place.

Secondly, and as difficult as it is for some to accept, for us, a Member of Parliament constitutes an element of public service. I am not saying that as a result, the salaries paid to Members of Parliament should be substandard salaries. I am not saying that at all. I am saying, however, that the argument that some people use where they make comparisons to some of the highest salaries paid in the private sector, the Government, with respect, has a slightly different view. Yes, proper salaries should be paid for the job that we are doing, but there is always, and must always be, an element of public service. It is our view that politics must not be the pursuit of fame, power and fortune, but there must always be an element of public service. Politics for us is serving the society from which you have come and the people on whose behalf you sit in the Parliament of the land.

The question that was raised by the Member of Parliament for Caroni East and the way he has raised it, represents a fundamental difference between two systems of government. In the Westminster system, which is the system that we use, a Member of Parliament, a back-bencher, is not a full-time job. Back-benchers are authorized and entitled to do other jobs. When I was the Leader of the Opposition, I was authorized, if I so wished and was therefore entitled to do a job other than that. If I chose to be the Leader of the Opposition only, I adopted that position by choice and not because anything was forced on me. If I wished, as other Leaders of Opposition have done, I could have taken on another job and, therefore, be entitled to another salary over and above the salary that I was paid as Leader of the Opposition. In fact, at one time the very distinguished Member for Couva North obtained a salary as Leader of the Opposition; as well as a salary in his capacity as leader of the trade union. He obtained another salary by virtue of the fact that he ran a law office—he obtained emoluments based on that—and, therefore, his total emoluments were all three together. He was entitled to do that, and that was the reality.

In the case of a Member of Parliament who is a back-bencher, whether it be Government or Opposition, he is authorized and entitled to do more than one job. In the '70s—and I will cite one particular case and I will name the Member of Parliament; he was the Member for Pointe-a-Pierre and his name was Cedric Weekes, who worked at Texaco Trinidad Incorporated. When he was elected to Parliament, listen to what Texaco did. Texaco cut his salary. Texaco argued that:

“You are working for us; we employed you to do a certain job, but by virtue of the fact that you are now a Member of Parliament, some of the time that would be used up for that would be at the expense of time available to us for which you are now being paid.” What they were saying was this: “We pay you to do a certain job between certain hours and if it is that you now take on additional responsibilities that will encroach on the time available to do the job for which we are paying you, then we are entitled to reduce your salary to a commensurate amount.” And they cut the salary of those who worked for them. Whether it is so now with the Member for Couva South, I do not know. And if Petrotrin today were to take steps to cut the salary of the Member for Couva South, he would bawl race and discrimination, which is what they say for everything. But that was the reality.

Therefore, when we look at salaries for Members of Parliament—back-benchers—we recognize that the system of government under which we are operating is a system that allows the Member of Parliament to hold more than one job if he so wishes. Therefore, when salaries are being determined for Members of Parliament who are back-benchers, that is taken into account. Conversely, a Minister of Government or a parliament secretary or a non-Cabinet Minister, is paid to do a job on a 24/7 basis and the salary that is set in those circumstances is a salary that reflects that, taking into account that there is an element of public service in the job that we do. That is the reality of it. When they say, for example—he skirted it for a long time, but eventually he said that the job was full-time—that is how it is in the American system, it is not so. Very often in this Parliament you get recommendations from hon. Members opposite that seek to take elements of both systems and mix the systems together, not recognizing that in the American system, in particular, there are a series of checks and balances associated with that which prevents you from adopting that system in part, because if you do so, what, in fact, you are doing, is adopting elements of it without the checks and balances that make the system work and guarantee the integrity of the system.

We have said it to them before, you cannot do that. It cannot be a question of: you are neither fish nor fowl. You cannot take a piece here and a piece there and bring them together. In theory, you can say that; in practice it does not work that way, and I caution hon. Members opposite again, when you are seeking to import into the system of government that we operate here, elements of the system as it operates in Washington, they cannot mix. Therefore, it is a straightforward matter.

The salaries, therefore, recommended by the Salaries Review Commission, have taken into account the fact that the Members of Parliament can do something else. I want the hon. Member for Caroni East to tell us in this House that Parliament is the only source of salary for him. He did not tell us that. Did he? Did the hon. Member for Siparia say to us that Parliament is the only source of salary for her? Is it so?

Mrs. Persad-Bissessar: Apart from my husband, yes.

Hon. P. Manning: If it is so, it is so by choice. There is no obligation placed on the Member for Siparia to have only one salary. You could have more if you want—I mean, legitimately. The Member for Chaguanas—let me leave my friend from Chaguanas alone. The Member for Caroni Central is a doctor. Does he conduct a practice? Yes or no? And if he conducts a practice, as he is entitled to do, he gets an emolument from it. Whether he pays the requisite level of tax on it is another matter. I understand that he also owns the pharmacy. True or false?

Dr. Rafeeq: False.

Dr. Rowley: Tell Ramesh that! Ramesh “say you was tiefing drugs and carrying it there”.

Dr. Rafeeq: I thank the hon. Prime Minister for giving way. My wife owns a pharmacy.

Hon. P. Manning: Do you understand, Mr. Speaker? It is what in English we call a nuance. He does not; his wife does. And he puts it that way because he knows I cannot say that about my wife. The fact of the matter is that he gets an emolument as a result of that, which he is entitled to. It is quite legitimate. Nobody begrudges him that. But it is not justified. The Member for Nariva, well, I am sure he has only one job, because nobody else would employ him.

But you understand the point I am making. If, therefore, hon. Members opposite are in receipt of only one salary, they are in receipt of one salary by choice, and the reality is most of them, in fact, do other jobs and they get more than one salary. It is therefore improper to come and argue in the Parliament that they should be paid an emolument as a Member of Parliament as though the job were full-time. The job is not full-time, whatever they may say, however much they may wish to argue that a lot of time is spent on that. I was a back-bencher; I spent time on it too. It is not full-time and, therefore, the Salaries Review Commission acted very properly when it made a salary recommendation for back-benchers that took into account the fact that their job was not full-time and that

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they were entitled to do other jobs for which, I am sure, they would receive appropriate emoluments.

I notice that the Member for Barataria/San Juan was late this afternoon. I am sure that he has just finished surgery.

Dr. Khan: I was just in discussion with the Chief Whip. Could you repeat that?

Dr. Rowley: Where you come out?

Dr. Khan: Home by you. [*Laughter*]

Dr. Rowley: You would not be welcomed there. Ambition is made of sterner stuff.

Hon. P. Manning: Mr. Speaker, do you see what I told you? He was conducting surgery so he just got here.

We have introduced an amendment to the Motion suggesting that certain elements of the report not be adopted, in particular, constituency allowances. And there is only one reason for it. The Cabinet, in the exercise of its executive authority and in many instances after consultation with Members of Parliament, had over time been placing and taking decisions to apply special arrangements, and new and updated arrangements, to constituency allowances. Without going into the details of it, it is clear that those Cabinet decisions were not transmitted to the Salaries Review Commission. Therefore, the Salaries Review Commission made recommendations that are considerably below what already applies, and if we adopted the report of the Salaries Review Commission on those issues as it has been tabled before this honourable House, what, in fact, you would have done is to cut the emolument of those who work in the constituencies and the other terms and conditions as they now apply. We did not think that was appropriate and, therefore, we have modified the Motion that is before the House to take that into account.

The other modification that we have proposed is that committee allowances not be paid to certain categories of persons. In fact, in addition to the \$14,000 per month that is now recommended for back-benchers, it is also recommended that if you are chairman of one of three committees you get an allowance of \$2,000 per month, in addition, or if you are a member of the committee, you get a \$1,000 allowance, in addition to what you do. In other words, the time that you now spend over and above what has been spent normally to conduct the work of a Member of Parliament, the commission has now recommended that you be

compensated for that at the rate of \$1,000 per month for membership of a committee or \$2,000 per month if you are the chairman of a committee, and we accepted that.

The commission also made the recommendation—we do not know if it was in error—that those constituency allowances also apply to certain categories of Ministers. We are recommending that we not accept that, because Ministers of Government are paid on the assumption that they are employed 24/7 in the service of the Government and people of Trinidad and Tobago. If that is so, then they are already paid for the time that they would spend in committee work in the Parliament and, therefore, it would be inappropriate for such work to attract any further level of emolument. That is the reason behind it.

There are just two other matters that are important before I make a final point. The Member of Parliament for Caroni East said—he did not say it in this debate but I think he said it some time before—that they wanted the report of the Salaries Review Commission to be the subject of consideration by the House Committee. It is an approach with which the Government does not agree and we did not agree to it precisely because of what I said when I started my contribution, and that is, that the decision on the level of emoluments of Members of Parliament and other categories of workers in the State, is a matter for the Executive and the Executive only. What we do not wish is to introduce any element whatever that suggests the authority resides elsewhere. Then when you do that, you expose yourself to ignoring—if, of course, you do not agree—the recommendations of a committee of the Parliament in circumstances where the committee has no authority at all. We thought it very dangerous so we chose not to go that route.

Members of Parliament—and I talk about Government and Opposition alike—have for some time been concerned about their pension arrangements. It is a legitimate concern, but it is a concern that can only be properly addressed outside of the Salaries Review Commission. To address that matter, the Executive has to take steps to have a proper actuarial report done and use it as a basis for decision-making in this matter, and we give the assurance to this Parliament that that is a course of action on which we are about to embark.

Dr. Rafeeq: Can the Prime Minister give us the assurance that will be done before the next general election?

Hon. P. Manning: We will embark on the exercise before the next general election. How long it takes, I do not know, because it has been a contentious matter.

Mrs. Persad-Bissessar: It depends on when it is.

Hon. P. Manning: And the date is in your hands, as you know; not in mine. You all are doing quite well.

The other matter is medical attention and what medical benefits should Members of Parliament be properly entitled to. It is a matter for discussion. I know that some have criticized me when I was the Leader of the Opposition for seeking medical attention in Cuba. I just want to put into the record of this Parliament why I did that, because, you see, they would say that as a former Prime Minister and as Leader of the Opposition, I was entitled to medical attention at Mount Hope Hospital, which is the best hospital in Trinidad and Tobago set up for that purpose, and they are quite right if they say that. Caribbean Heart Care is the company contracted by the Mount Hope Medical Sciences Complex to conduct the kind of operation to which I would have been subjected. In my case, it was a valve replacement operation. It was a very technical operation and it involved the installation of two artificial valves inside of my heart; very different from by-pass surgery. By-pass surgery is on the outside of the heart; valve replacement surgery is on the inside. You go into the heart. It is very delicate.

The person who heads Caribbean Heart Care is a known UNC activist. I hasten to point out that I am not impugning the integrity of the honourable gentleman. In fact, I know him to be a gentleman of impeccable integrity. But consider this for one minute. Consider that I went for medical attention in Mount Hope Hospital to do a very delicate operation and something should go wrong, the operation being done by a team of people headed by a known UNC activist in circumstances where we were in Opposition at the time and where the political atmosphere in the country was very charged—consider that. That is what it was. The honourable gentleman involved would not have been able to convince anybody in this country that he did not do it deliberately. I would have been unable to answer it, because I would have been gone. Ask Forbes Burnham. But you consider it. Not only that. If that should happen and the hue and cry that would have emerged from that where, do not care what he said, people would not accept it, I take it you realize in the circumstances existing in this country at that time, it could have led to civil war.

3.00 p.m.

They may or may not accept the argument. I am saying what my thinking was. I thought that I should spare the honourable gentleman and the people of Trinidad

and Tobago from that kind of explosion. That is why I went to Cuba. Let me tell you what happened when I went to Cuba. I will tell you the facts. The operation which normally would have taken two and a half hours took five hours because just before the operation began, they detected that I had developed hypotension across my lungs and they had to correct that situation before they did anything else. It was entirely possible in the context of the contractual arrangements that exist at Mount Hope that such an eventuality may not have been detected and treated and it could have had a consequence that was entirely unintended. I am using this opportunity to put these things into the record. I have heard many uninformed comments.

Dr. Khan: Thanks for giving way. While I was junior minister I was trying to fix exactly what you were saying there at that point in time.

Hon. P. Manning: He is right. The hon. Member for Barataria/San Juan was a minister in the Ministry of Health at the time. He understands it. He is agreeing with the argument. That is the reality. When you hear all the uninformed comments about Manning is going there. Why did he not do it in Trinidad? Because there better than the medical system here and “cote ci cote la”. You know the uniformed comment that you can get in this country from time to time.

If Parliament or the Executive has not been fair to the Salaries Review Commission (SRC) it is in one area. Since the question of salaries is a matter for the Executive, the Executive has a responsibility to make available to the Salaries Review Commission, a policy framework within which their work must be conducted. In other words, the Salaries Review Commission can determine the salaries but cannot determine policy. Policy is a matter for the Government. *[Interruption]* You can do that and I will tell you how.

Does the Government have a policy on leave, or is the Salaries Review Commission free to say that any one of the offices coming under its jurisdiction should be entitled to three months a year as opposed to one month in the case of the Prime Minister or a member of Cabinet or Parliament? I draw to your attention the leave arrangement of judges as recommended by the Salaries Review Commission. Should it be so or should it not be so? I am not seeking to answer it. I am merely trying to draw to the attention of Parliament the need for a policy framework within which the Salaries Review Commission must conduct its business. Leave is not the only thing.

I ask another question which is a vexed one. Some say that the only office of the State that should not pay tax is that of the President. As it now stands judges

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do not pay income tax or any taxes. Should it be so or should it not be so? It has been argued on both sides. I take no position on the matter at this time. That is a matter for policy determination as a framework within which the Salaries Review Commission can conduct the exercise that is entrusted to it. I can single out so many other areas.

What about allowances? Should there be a cap in allowances or should there not be? Is it that the Salaries Review Commission is free to identify any number of allowances and pay an emolument based on that? I ask another question. Should all Members of Cabinet get the same salary? Should all Members of Cabinet or some be paid a professional allowance by virtue of the fact that they are professionals in a particular field? As it now stands the Attorney General gets a professional allowance. Should it be so or should it not be so, setting up a hierarchy in the Cabinet that may or may not be intended? Should all Cabinet Ministers get the same salary? What should it be? Because of these issues a case can and has been made, a case that has been accepted by the Cabinet accidentally, for the determination of a proper policy framework within which the Salaries Review Commission should conduct its business.

Thank you.

Miss Gillian Lucky (*Pointe-a-Pierre*): Mr. Speaker, let me begin by indicating that I listened very carefully to the contributions made by the Member for Caroni East and the hon. Prime Minister, the Member for San Fernando East. Let me state from the outset that I want to adopt in the main, the argument as put forward by the Member for Caroni East who tried his best with an argument full of merit and also supported by a detailed analysis, not only of the work of a Member of Parliament but also by comparing with other office holders, the need for the Salaries Review Commission to give a more realistic approach when determining or advising, the salaries that ought to be recommended for Members of Parliament, especially those who are not Ministers.

I listened carefully to the Member for San Fernando East in answer to the Member for Caroni East, that persons who enter politics have to recognize that they are giving public service and as a result of that, they must be prepared to sacrifice. With that I can agree, but in no way does it detract from the point raised by the Member for Caroni East who recognized that.

In 2001, I was privileged to attend a Commonwealth Parliamentary Association conference in which a member of parliament in Singapore made the point that in the Singaporean model, in trying to find some balance between those who choose to

go into public service—recognizing that a sacrifice is being made by professionals who have among other virtues, skill and integrity, the system adopted at the time—I do not know if it obtains now—is that persons in the private sector who enter politics and are ministers are given two-thirds of what they would have earned had they still been operating in private practice. That fraction of one-third is meant to represent their commitment to public service.

When the Prime Minister and Member for San Fernando East suggested that if you cannot handle it, stay out, with the greatest respect that is an unfortunate approach. The reason I say that is this; I worked in the office of the Director of Public Prosecutions (DPP) for nine years. It was clear that when one graduates and qualifies to practise as an attorney at law in Trinidad and Tobago, it is recognized that working with the State is not as lucrative as working in private practice, in terms of the money one earns at the end of the month. If the kind of approach that was adopted as suggested by the honourable Prime Minister was one that if you cannot handle it, stay out, then many highly qualified, committed and competent lawyers would not have entered the State's service. Bearing in mind that the Member for San Fernando East spent some time talking about his personal experience—I think that is very important especially when we are arguing or debating salaries—I went before the Salaries Review Commission in 1996—of course those who comprised the SRC then are not the members now—and being the lead member of that team, I was amazed how out of touch that committee was with the role of a state counsel.

When I heard the Member for Caroni East going through the role of a Member of Parliament in detail, it reminded me of what we had to do as state counsels 1996, to the extent that members of the Salaries Review Commission said that we should put it in writing and send them a voluminous document because they did not realize that state counsels in the office of the DPP represented Town and Country Planning; prosecutions in 41 magisterial districts; doing High Court matters and advisory work and advising the police and ministers from time to time. It was recognized by the SRC that they did not understand or appreciate.

I hope I have it right. The Member for Caroni East was saying that the SRC has to be realistic. Nobody is saying that you should get the same as the private sector. You must treat people with a level of respect. In the same way I will say quite openly this afternoon, that I agree that those persons holding high office ought to get salaries that recognize the importance of the office they hold. I have no objection to a President of the Republic of Trinidad and Tobago, past or present, being the beneficiary of a very lucrative salary and terms and conditions

upon retirement. Upon retirement we must recognize that this person served the land. The honourable Prime Minister, even though his wife is going to be a beneficiary because she is a minister, I can separate myself from how I may feel about the personality and deal with the office.

I have made it quite clear that I disagree vehemently with the Leader of the Opposition and Member for Couva North when he said that politics must have a morality of its own and professional integrity must come second. I still say that the office of Leader of the Opposition deserves to be treated with respect. Separate the personality from the office. If we do not, those people whom we like we would say to give them more and those whom we dislike, we would say to give them less and we will never have parity and fairness.

The Prime Minister said—I am in no way going to enter his personal domain as to the decision he made because I believe that one must never bring the medical position or status or whatever one may be suffering from into ridicule—that one of the reasons he went abroad is that the lead member of the team in Trinidad and Tobago that was conducting the operation was a UNC activist. Bearing in mind what could have happened, it was a risk, if God forbid he had passed away, persons might have said that it was a UNC activist operating on a PNM member in opposition and there would have been problems.

If we use that logic, then the Member for Baratavia/San Juan and the Member for Pointe-a-Pierre are in real trouble. If a doctor who is UNC or a doctor who is PNM is operating on me, we will always have problems. We would be in trouble on both sides. [*Desk thumping*] I hope that if anything happens to me even if it is not his area of expertise, I have to go to the Member for Baratavia/San Juan. If he has a legal problem even though it might not be my area of expertise, he might have to come to me. It must not operate so. I think I am getting support from the Member for Arouca South when I say that it ought not to be that way.

If professional integrity were allowed to reign supreme in the operations and politics also, you would not have those kinds of problems. When you walk into a disciplinary committee wherever it comes from—I know that the Member for Caroni East might know much about disciplinary proceedings. That is another thing we may have to take into account when we talk about increase in salaries; payment of salaries to cater to pay persons to appear with you before disciplinary committees. I do not know if that is something we should consider. That is just to add a lighter moment. We do have lovely steelpan music.

At the end of the day, I say openly that I will represent the Member for Caroni East if he wants. My matter before that disciplinary committee must be statute barred. It is more than six months. I know where I can get arguments that talk about certain offences that are statute barred. Let us not go there. Let us not take away the seriousness of the moment even though we are hearing the strains of beautiful pan music.

You cannot say if you do not like it stay out. When I was a state counsel the terms and conditions were ridiculous and pathetic in comparison. Do you know how happy I feel today knowing that in my little way as part of a team, I contributed to what obtains now which I think ought to have been a long time ago? In 1996, a criminal practitioner working with the office of DPP would not get the 2006 edition of Archbold. For those Members who do not know, the Archbold is like your Bible if you are a criminal practitioner. Do you know how happy I feel for my former colleagues who were able to get access to Archbold 2006, as early as January this year? Do you know how happy I would feel knowing that I am on my way out and would never be chosen by the present chairmanship of this party, if my colleagues remain here and get higher salaries when I am no longer here? It is not where you are that depends on how strong your fight should be. You must fight for principle and fairness wherever you are. [Interruption] When you feel to interrupt, feel free Member for Laventille East/Morvant. I will talk about the lack of performance sometimes but I do not want to go there right now.

One has to recognize that the Member for Caroni East was making the point and not acting on his behalf—because I do not think that he is in as much trouble as the Member for Pointe-a-Pierre and the Member for Barataria/San Juan—but putting a case forward to get what is right to be done. Are you going to say that because you have the opportunity to work in other places, you can justify a low salary to an MP who is a back-bencher? When you have to compete if you are a surgeon like the Member for Barataria/San Juan and Parliament is sitting three times a week, you have to decide which way you would go. It is not a case of cut and dry and making some kinds of surgical procedures that allow you to put so much time for Parliament and so much time for your profession. It is not that easy. Many times with my court schedule—Parliament is considered the highest court in the land—there are times when I am on my legs in cross-examination. Choices have to be made. I am not saying that back-benchers ought to get the same as ministers, but a minister would be getting \$33,000. A Member of Parliament who is a back-bencher would not be getting half. He would be getting \$14,000.

I agree with the Member for Caroni East that that cannot be justified. On what basis? I acted as Attorney General in this country for one month and I was a junior minister in the Ministry of Legal Affairs. I can safely say that the work of a junior minister and that of a Member of Parliament back-bencher are fundamentally different. As a junior minister you have more resources than when you are an MP back-bencher. I am aware that provision is given for us to have a research assistant and it is a matter of choice of how you operate. I am asking people to do serious introspection over the weekend and ask themselves where do they work harder and where is easier. Is it as a minister or junior minister or a back-bencher with a profession? When you work it ought it must be reflected in the salary.

I will make a point that buttresses what the Member for Caroni East said about the need to recognize the work of MPs and the work that was done. What about the 18/18 situation? Can it be said that the 18 of us who sat on this side did no work in our constituencies or did not perform on behalf of our constituents? I can assure you that—unless there is evidence to the contrary—my colleagues as they still are and the Chief Whip—I am not sure that qualifies—would still have represented with equal vigour the complaints and concerns of members in their constituencies. We were never paid. Deals were suggested and we agreed to certain things but that is not the way it is supposed to be. One school of thought stated that because the oath was not taken we ought not to be paid. There was another school of thought with equal legal qualifications saying that the fact that we were coming to Parliament and were still being referred to as Gillian Lucky, Member for Pointe-a-Pierre; Dr. Fuad Khan, Member for Barataria/San Juan; Ganga Singh, Member for Caroni East, we were still recognized in our MP portfolio or status. Did that deter us from doing the work that we were supposed to do?

The simple point being made is that this is not about arguing for more money and putting forward ridiculous arguments. There has to be respect for the offices. For some reason I think that we as Trinbagonians do not recognize our worth. I think that we have a problem with it. We would rather pay foreigners who are not as qualified as locals to do less work than if we gave the opportunity to locals to do it. We seem to have the perception that what is foreign is good and only when it is too late we try to run after what is ours. For example, the Government is now embarking very vigorously—I say commendably so—to get the patent for the steelpan after some people in the United States have a patent to make it in a particular way.

What is the problem? Do we not recognize that as parliamentarians we must be worth something, or is the problem because of the way some parliamentarians behave, we have such a bad reputation in the public domain that the public does not want to hear anything about anybody who is a parliamentarian in whichever office getting a raise? I looked at the comments in the newspapers from the public and private sector and the salary raise that concerned them the most, in terms of category was the parliamentarians and in terms of the specifics, the Prime Minister. The public seems to be of the view that parliamentarians—I am not agreeing with it—are a waste of time. They “kicks” and have brawls in the tearoom. Why are we paying them more money? At the end of the day, taxpayers’ money is paying them.

I am relying heavily on what was said by the Member for Caroni East. He went through comparatively and relatively the other offices. There is no complaint about those in the Judiciary, Magistracy and Industrial Court getting more money. There is a recognition and rightly so, that those persons are involved in the administration of justice are qualified, competent and deserve to be properly compensated. It is not so for the parliamentarians. That must be an indictment against us. If the other Members of Parliament do not want to accept it—I do not think that I contributed to it—they must take holistic responsibility. That is how parliamentarians in this country are perceived. Whenever the Report of the Salaries Review Commission comes, it would be a time for us to do some introspection. Where are we going with this politics?

If as a Parliament we represent a group—Mr. Speaker I exclude you; I know that by the Constitution the Speaker of the House is a Member—of 36 elected representatives and we had an image different from the one we have now, there would have been no quarrel if we had asked for three times the salary we have now. People would have said that to whom much is given much is expected and the parliamentarians are meeting that expectation. What do we have instead? We have things like a man standing for integrity being booed. It was a big issue. Should he wear a red or blue shirt? He wore a red shirt. One man said that he would sleep with the devil and that caused concern. He said that he would sleep again with the devil if he has to. That is the reality. My suggestion is, who the shoe fits wear it and where the chips lie so let them be.

In this country it is high time that people start putting professional integrity first and saying it like it is, even if it means their political demise. [*Desk thumping*] I am saying it this afternoon and not because I am in any way spirited. I am quite sober. I rather face political demise in the political cemetery with

integrity than be living in a political hell with somebody who wants to sleep with the devil. That is something you must be able to deal with. What will someone say? Stay out of the politics? The politics in Trinidad and Tobago is not the way it ought to be. Parliamentarians ought to be respected people who are recognized for leaving their professions and coming into something where there is no thanks. It is a thankless profession. I know it from experience. Being a state counsel is a thankless profession.

I am glad that the Law Commission has reminded all attorneys at law about their code of ethics. If you fight very hard as a state counsel—I extend this to all state counsels whether they are advocates or not—win a case; walk down the steps and see the photographers taking pictures of the attorneys on the other side, whether they won or lost and that is plastered in the media, sometimes there is one little line about who represented the State. Of course it affected state counsels. You have to recognize that is just the way it is. You have to depend on some greater kind of satisfaction that at the end of the day justice prevailed and you did your job. As parliamentarians, we must be able to hold on to something higher, noble and virtuous. It must be integrity. What else can it be? We should be able to walk the streets and tell anybody who says that we are getting too much money what we do; this is our record or performance. Some in the business sector have criticized us and said that there is no performance and because of that there is no justification for higher salaries.

I have been reading about the British Parliament recognizing the same problem. When it comes to payment of MPs, what formula do you use? The honourable Prime Minister and Member for San Fernando East made reference to a case in which somebody was working at Texaco and when that person went into politics there was a pay cut. That is what the British parliament is considering. You must look at somebody's age, experience and what that person has given up. Come up with a formula. It is still a grey area. Whatever formula you adopt people will criticize. You will never get unanimous support.

My suggestion is different and not a specific one with a formula to be adopted in terms of determining the quantum. It is one that goes higher than the specific but into the realm of philosophy. Parliamentarians have to start setting the example and showing all the tenets parliamentarians are supposed to have such as integrity, selflessness, accountability, transparency, service to the people, being civic-minded, honest and kind. That is the only way whether you have a large sum or small sum of money as a salary that you will get the approval of the public. This kind of game playing is going on too long.

The Member for Barataria/San Juan reminded me that a CEPEP contractor can get up to \$52,000 a month. That was put in a report last year or the year before. How does one feel when there is an allegation that these contracts are given based on political allegiance? How does a Member of Parliament feel? You feel as though you are giving service and trying to get the legislation right. We underestimate the role we play as legislators. When legislation goes wrong, whom do they blame? The draftsmen? Do not blame the draftsmen. They are there to draft. We are here to ensure that we get it right. Sometimes when it goes wrong, what do we have? In the criminal arena people are getting off on technicalities.

Sometimes we are so busy getting carried away with the confusion about who should lead; who should chair and all the nonsense, that legislation is going through and there is mistake after mistake. When you are charged in one direction focusing on power and abusing it, you cannot focus on the job at hand that is to get the legislation right. We are called the Legislature. We keep calling ourselves politicians, parliamentarians—"P" words; "P" is for power. Maybe that is why we go with "p". "L" is for Lucky but it is also for legislature. That is what we are called and we have a role.

I am in possession of an email that has indicated—I do not mean to hurt the feelings of the Member for Barataria/San Juan—that caretakers are being appointed and maybe rightly so, for Pointe-a-Pierre and Barataria/San Juan by the UNC. That must not detract the both of us for as short a time as we may be here from doing what is right and fighting for justice and integrity. We are not supposed to raise our hands and say that we would not be the beneficiaries of any pension and higher salaries, so we are not going to debate. That cannot be the approach.

3.30 p.m.

And even though the Leader of the UNC is not the Prime Minister, we must not say—and his wife does not have a salary being drawn as a minister even though there may be plans for her daughter, I do not know. The point is, we must look at the bigger picture and the high ideal, which is, to look at the office. This, to me, is what the Member for Caroni East was doing and I invite him to interrupt me if I am wrong because the rules allow me to take my seat and I do not want to be misquoting somebody or buttressing an argument that I have gotten wrong.

When I read the SRC report, more specifically page 3 (ii) in which the SRC indicated the criteria it was looking at and it says:

“providing appropriate levels of remuneration to attract, recruit and retain persons of suitable competence, experience, knowledge, skills and personal attributes to fill positions of very high responsibility and trust;”

Mr. Speaker, with the greatest respect, the Salaries Review Commission can do that with respect to many of the categories of persons it has to advise upon with respect to salaries. But when it comes to members of the Legislature and the parliamentarians it becomes more difficult and I will tell you why. When you are recruited as a State Counsel, you go before the Judicial and Legal Service Commission, so there is a commission that determines if you have the criteria to work with the State as we say; and when there are promotions there is a person in charge, either the Solicitor General for those working on the civil side; the DPP, for those working in the criminal side; you have the Chief Parliamentary Counsel (CPC), you have the head of the Law Commission, the chairman. So you have that entity, an independent body or group of persons. But who determines the recruitment of the Legislature? At the end of the day, it boils down to the political leader of the particular party and whether the salaries are high or low, the point remains that is the person who would be making the decision. The Member for La Brea may be saying it does not operate like that. I am just saying at the end of the day—the simple point I am making is this: that the SRC—I am not going into any situation with who has to beg or still begging, the point I am making is even with the nice music in the background—cannot determine, mandate or dictate who would be recruited as ministers. And that is my simple point. The criteria used by your political Leader and Prime Minister, the Member for San Fernando East—and I am glad the Member for La Bra understands that point— understand that.

The point I am making is the criteria or benchmarks used were common sense and a level head. Those were the stated criteria used. Another political leader might decide persons who have no integrity or if they have they would put it second to political morality. That is the criterion that may be used; and how is a salary whether big or small in this case, providing appropriate levels of remuneration going to attract the best? Because the people who are the best even if you give them the highest salary, if they feel they have to compromise professional integrity, they would not come and work. They would not serve the country under that if they are truly people committed to the principles articulated in the SRC and, therefore, there is something else that confuses me. I really use the place—because my fora are so limited now as to where this could be sorted out. I am talking about this whole issue of the recruitment and making sure we get the best. In an article in the *Newsday*, page 3, dated February 22, 2006, by Ria

Taitt contained therein is the following: And this is a report as to what the Chairman of the UNC, the Member for Couva North, had to say on certain points:

“On Dookeran’s statements that the party should seek reconciliation with Gillian Lucky and Fuad Khan, and should also attempt to have Gerald Yetming return to the front bench, Panday said: ‘The last one (Yetming), he went to the backbench on his own.’ Referring to Lucky and Khan, Panday added, ‘They claim to be independent UNC, but what that meant and how they could undo it, I don’t know. When people do foolishness they must decide how to get out of it for themselves.’”

Taking a stand for integrity was foolishness. Well, if what is one man’s foolish is another man’s wisdom, I prefer to be on the side of being wise. The point is: How do you change this? Money and salary is not going to change this kind of philosophy and when the SRC therefore said it and I do not want to go into their minds—maybe, they really feel because those involved in the Legislature and the Parliament are not really going before any kind of independent tribunal for recruitment well, maybe, they do not want to touch our salaries because they recognize as the politics operates now, you will never really get the best, you will never really get the brightest. You will never get those who should be the real people taking this country forward and this does not apply to the Opposition; it applies to the Government too.

So the real challenge as I conclude because I do not intend to be very long. The music in the background certainly must be reminding people that they may want to be elsewhere but not today, because we are fighting to get more money, and if not more money at least to justify why we should get increases. The simple point is this. The real challenge from the perspective of the Legislature and the proposed increases—and I want to say \$14,000 as a backbencher to \$33,000, the disparity is too great. And when you are talking about salaries and justification for it there must be parity. That is what the Member for Caroni East was saying. He did not say this one should not get and that one should not get and this one not doing enough. His argument was based on the fact that listen, these people are getting because they do X. Backbenchers should get more because we do Y which is not fundamentally different from X which, in some instances, Y is greater than X and, therefore, not to even give us half of what a minister is getting.

Mr. Speaker, in conclusion, I am saying the real challenge that we face in terms of justifying the salary increase for members of the Legislature, also known as the Parliament is this: That those with the power have to create the change and

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those with the power to create the change by correct recruitment of persons have to ensure that that power does not absolutely corrupt them, and if there can be the reassurance that the politics that is, can become the politics that ought, then we would ensure that people with integrity, selflessness and competence, accountability and transparency will, in fact, be recruited and then there would really be no need for us to be fighting to justify any increases for Members of Parliament.

I thank you, Mr. Speaker.

Dr. Khan: On a point of order. As a Member on this side and partly the minority party, I would like to invoke Standing Order 39 that the question be now put. [*Laughter*]

Mr. Speaker: Hon. Member, I can understand your anxiety and, indeed, let me apologize for the disturbance. It is the Carnival season so that it is expected. But I hear you and I sympathize with you but I cannot entertain you.

Mrs. Kamla Persad-Bissessar (Siparia): Mr. Speaker, this 80th report of the SRC is dated February 10, 2006. One week after its date it was laid in the House on February 17—this is the first time it has been so soon for a debate today, 24 February, 2006. It appears that Government is moving with indecent haste on Carnival Friday to push this report through to ensure that their salaries come through, that people would not even know. The local government report from the Elections and Boundaries Commission was dated seven months before it came to this House for debate but this, with the huge salaries for increases to Members of the Government, has come and I say “indecent haste”. Mr. Speaker, I find it very appalling that because the Government felt that in the fete of Carnival that it will be forgotten, the huge increases that would be granted to themselves and I find it very appalling that permission was given today whilst the Parliament is sitting for the music to be coming inside the Chamber in that loud way.

Mr. Speaker, I am asking you, your duty is to preserve the integrity of the Parliament. Your duty is to ensure that the business of the Parliament can take place unabated, unobstructed and here it is on Carnival Friday, in a debate that the Government wants to rush through, someone has allowed the music to come in to obstruct and interfere with the Parliament—I am very sorry, Mr. Speaker, because I really would like your input but I see you are in deep conversation.

[Mr. Speaker turns to Member]

Mr. Speaker: I am hearing.

Mrs. K. Persad-Bissessar: I am asking: Why it is permission was granted to allow the Carnival atmosphere from outside to pervade the precincts of the Parliament?

Mr. Speaker: It is Carnival. It points really to the need for a new Parliament building so perhaps, in the next Parliament building while the public must have access to the Parliament, perhaps, the Chamber can be soundproof. Please continue.

Mrs. K. Persad-Bissessar: Mr. Speaker, that may happen sooner than you think because I am sure as we all know you are going to be evicted from the Parliament building to give way to the Prime Minister's office. But it really points to the fact that Government wanted this kind of atmosphere in order to send this increase in salary through.

Let us look at the constitutional framework of the SRC. The SRC is a creature of the Constitution as the hon. Prime Minister said and, as such, it is a public body having public functions. It is therefore bound by the law of the land in the discharge of its functions and that means the SRC, as any other public authority, must act rationally and it must act with due process of law in terms of procedural fairness. But we have not seen any such adherence to the rule of law having taken place in the decision-making of the SRC, and we are asking if it is because of the method of appointment and re-appointment of the Members of the SRC. The SRC is appointed with the old formula that all the Members shall be appointed by the President after consultation with the Prime Minister and Leader of the Opposition; the old formula that appears with most of the Commissions in our Constitution.

Mr. Speaker, when I was doing my research for this I found that all the persons except one who has been appointed to the present SRC, are persons who have been appointed by the present Government. I have also found that the persons appointed by the SRC, out of those four of them, their term of office expires this year so that they are due for reappointment. One is to expire on 28 February, which is just next week, two others in April and one in September.

Mr. Manning: Which one?

Mrs. K. Persad-Bissessar: The hon. Prime Minister knows which one. Mr. Speaker, four of the five members will have their jobs terminated if they are not reappointed this year, very soon and when we look at who are the persons who

would be responsible for their reappointment, first their appointment and thereafter reappointment, those persons are the President and the Prime Minister.

Mr. Speaker, because the members are appointed on consultation with the Prime Minister—and we have talked many times on this side of the fact that consultation with the Leader of the Opposition is meaningless; that really does not take place. “Consultation” is telling you I am going to do this, that is what that consultation means and, therefore, when we see that the two highest salaries recommended by the SRC are going to the two persons who will determine whether they get back their job or they do not, the President, and the Prime Minister—

Mr. Manning: I thank the hon. Member for giving way. Mr. Speaker, the Judiciary has had a much better treatment in this Report than any other category of persons. Secondly, the President appoints after consultation with the Prime Minister. He is under no obligation to appoint anybody the Prime Minister wants or does not want, and if he would like to make an appointment, what he does is write the Prime Minister and says, I would like to appoint, do you have an objection or not. This is what he does, he liaises with the Opposition. If I have an objection as I have had in the past, I state it. If I have no objection, I say no objection and the person receives his appointment. In fact, he is under no obligation to take note of any objection of the Prime Minister either.

Mrs. K. Persad-Bissessar: I thank the Prime Minister for explaining the process of consultation. I had with me a list of all the State boards appointed, a list of all the service commissions appointed, and while I do not wish to say that the statement of the Prime Minister is not true, if I am to make any deduction from the list of persons appointed to state boards, then the question I would have to ask is: Why are so many of them, such a high percentage of them, the appointees, clear PNM persons? [*Crosstalk*] I can give you names. They sit in your party.

Mr. Speaker, I am making the point, and I do not want to get sidetracked, I am about the SRC this afternoon and I am saying that the question I am asking is whether this large increase given by the persons—that is why the whole issue of security of tenure is so important. They do not have security of tenure which is that, after they are appointed for three years, they could be appointed up to five, but they do not have security of tenure which means therefore they are at the beck and call of those who will appoint and give them a job and pay them. Of course, we know they also gave themselves a large salary increase within the report. Are they singing for their supper? Is it that this person’s term of office

will be February 28, 2006; the other two in April 2006? Four out of five will terminate office now; they want reappointments, I am asking. And is it that is why you found it necessary to sing for your supper and create these very large increases to the head of the Cabinet and to the President?

I have said this is a public authority and a public body. And the law in Trinidad and Tobago is very clear; within the fundamental rights enshrined in the Constitution every citizen is entitled to due process of law and the due process of law means that every citizen has a right to procedural fairness and procedural fairness is that they have a right to be consulted when matters are going to be determined that would affect their property rights or any other rights. It is very clear that the SRC reports affect property rights of the office holders listed in the report. I will say to you very clearly, I was never consulted with respect to anything in this report. I have asked my other Members of Parliament on this side and they have indicated that they were never consulted. Mr. Speaker, I do not know if you were consulted. You are an office holder, yet in its report the SRC says:

“As is customary, we invited written submissions on behalf of all offices on the issue of a review of salaries and other terms and conditions of service.”

Mr. Speaker, I was never communicated with and I have spoken to Members on this side. They have indicated that they have not received any communication with respect to this. And so, here it is you have a public authority acting clearly in the interest of those whom they probably consulted with and I get the impression that they did consult with the Executive; they did not consult with the Opposition, because documents from the Executive would have gone to them. It is clear some documents went, otherwise how could they have raised the issues of the pensions, about the parliamentary allowances and so on. Those were issues raised by the Executive, perhaps, on behalf of the Members of Parliament. *[Interruption]* If you give me a moment I will let both of you speak. I need an opportunity to say what I have to say, and I will allow you. Thank you so much. And so the SRC is in breach of a fundamental rule of procedure.

When my colleagues, the Members for Caroni East and Pointe-a-Pierre, raised their issues in terms of how did they arrive at the huge disparities, one could see why. Because they never consulted with the Back benches in the Parliament, they never consulted with the local government representatives. Local government, the Prime Minister has told me on more than one occasion is so important, the reform

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of the whole process of local government. Were they consulted? Because their salaries do not reflect the work they are doing. If the Member for San Fernando East and the Member for Diego Martin Central still wish to speak—

Mr. Valley: Mr. Speaker, I just want to inform the Member of two things. The Clerk of the House sent around a circular to every Member of the Parliament informing Members of the instructions of the President of the Salaries Review Commission and asking for written submissions. I am sure there would be Members here who would recall that. I am going to get a copy of that document. Secondly, the pension issue was taken up by the House Committee. There was a Cabinet Note and Cabinet referred that to the Salaries Review Commission and as reported in this report—

Mrs. K. Persad-Bissessar: It must happen. How else would the Salaries Commission know of the views of the House Committee?

So you sent the House Committee Report. I am still saying—I am sorry, Sir.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Siparia for giving way. There was a clear suggestion in her contribution that members of the Executive spoke with the Salaries Review Commission.

Mrs. K. Persad-Bissessar: They were consulted.

Mr. Manning: I do not know how you saw consultation. I can say I never spoke with the Salaries Review Commission and I do not know if anybody on our side did. I never did.

Mrs. K. Persad-Bissessar: I was making the point whether it is the House Committee sent a report or not, as a Member of Parliament, I was not consulted. I am saying [*Interruption*] I asked you to show us a letter. Get it. I was not consulted and I am asking: Were the local government representatives consulted? Were they? So if you are in breach of procedural fairness, you are obviously going to arrive at a result that does not reflect the true picture. That is what is going to happen.

The SRC in its report talked about the duties of a Member of Parliament, and it recognizes only the legislative function of the Members of Parliament. It fails to recognize the role of a Member of Parliament and that includes those who are Ministers and those who are Opposition. It fails to recognize the constitutional role of elected Members of Parliament in a representative democracy such as ours.

Mr. Speaker, that discrepancy is apparent on the face of the report itself, on the face of the document because it gives to Senators who are Ministers, it gives to Senators who are not Ministers, it gives to non-portfolio ministers, the same money as an elected Member of Parliament sitting in this House. So that Minister Camille Robinson-Regis who got the highest number of votes in this country is an elected Member to serve her constituency gets the same money as the Attorney General and the Attorney General is getting an added professional allowance because he is a lawyer—with due respect, the hon. Member is a lawyer too—when he has no constituency to service. So the discrepancy between Ministers if you were looking at workload, Ministers who are elected Members of Parliament, if we listen to what the hon. Prime Minister said—he talked about us being part-time but what about your own Ministers, yourself, good Sir, that you are an elected Member of Parliament as the Prime Minister, so you are a Minister with a constituency to service that you are given the same salary as the Attorney General with no constituency, with no role in the participatory democracy.

That is unfair, Mr. Speaker, because here it is you have not paid attention to—the SRC talks about the disparities and the differences in terms of the office holders and if we just look at the level of the Parliament, we are seeing those discrepancies very glaringly. And, therefore, the Member for Arima who will go to her constituency office because I know she does, to service her constituents, the SRC recognizes that you do hold an office, that you do have staff there and you work there. They recognize that. They say you must get the same money as the person sitting in the Senate who does not have to service a constituency at all. That is wrong. It has to be wrong.

Similarly, the Member for Caroni East made the point, the legislative function of the Member of Parliament in a participatory democracy like ours is not just to come to the Parliament to have our say on legislation. It involves the work at a constituency level. Mr. Speaker, if we fail to do the work of the constituency, then we are failing in our duty to the citizens of Trinidad and Tobago. That is our primary basis for being here. It is our primary reason for being here, that we were elected by constituents and we have a duty to serve those constituents.

I am saying the SRC is a public authority and, therefore, has the duty to do things in a certain way. I talked about procedural fairness and I am speaking about what is known; it must act rationally; it must not act irrationally. The jurisprudence is filled with the case law that bodies which act irrationally to make decisions will be overturned; the decisions would be declared null and void. I am

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saying that in addition to procedural impropriety on the part of the SRC, there is also irrationality in arriving at its decision, and I have given one example. I have said they have failed to take into account the very disparities they speak about, that is to say, the work of an elected MP versus the work of the Senate MP. The first point: that is irrational, Mr. Deputy-Speaker. And where a public body acts irrationally and it acts without procedural propriety then you are open for judicial review to have that report struck down.

Mr. Speaker, thanks to the UNC, it removed from the Constitution the provision ousting the supervisory jurisdiction of the court with respect to service commissions and, therefore, this SRC, in my respectful view, is open to judicial review on the basis of irrationality, on the basis of procedural impropriety.

[MR. DEPUTY-SPEAKER *in the Chair*]

Mr. Deputy Speaker, I serve notice that the UNC is considering filing judicial review proceedings against the SRC on the grounds that it has acted irrationally and that it has acted with procedural impropriety.

I have no difficulty with the salaries for the judges; I have no difficulty with the salaries for the legal fraternity within the State department. I have no difficulty with the salaries of the other office holders, but I ask that the Motion be amended to read:

That this House do adopt the SRC report in every regard save and except as it pertains to Members of the Parliament, save and except as it pertains to Local Government authorities, local government representatives.

In other words, with respect to the political arm of the State, at the central government level and at the local government level.

Mr. Deputy Speaker, when we look at the report, when we look at the salaries that are being given to the politicians—and my colleague from Pointe-a-Pierre has made the point about the business sector talking about performance—I am not concerned only with that, I am concerned with the fact that in this day and age in this country with money flowing like water, persons who get public assistance—Do you know who is a person who gets public assistance? They cannot help themselves, they cannot work. Their salary for the month, as a grant, is \$470. A two-member family is \$710; three-member family is \$920; four members and above in a family their public assistance grant is \$1,090. Disability grant—that is where you are disabled and cannot work, and, therefore, you have no income, the Government gives you \$800 a month. A person receiving pension, it is \$1,150. You are expected to live on that. A person who is receiving a NIS pension is \$1,050 and

here it is we are talking about a person getting in excess of \$48,000 a month in the case of the Prime Minister. In the case of ministers we are talking about \$33,000 and these are only the monetary recommendations because in addition to that you have several other allowances, several other perks, several other facilities at your beck and call. I am not saying you do not deserve it, although there are many who say you do not. That is not my point. There are many who say you do not.

The Member for Pointe-a-Pierre told you. She made reference to the newspaper articles where the public is saying do not pay you; where the business community is saying do not pay you because your performance is out of kilt with your increase in salary.

4.00 p.m.

Mr. Manning: [*Inaudible*]

Mrs. K. Persad-Bissessar: There is one from the public, which I will tell you if you doubt me.

Mr. Manning: [*Inaudible*]

Mrs. K. Persad-Bissessar: Perhaps I can share with you. You say it is an editorial, but perhaps you did not get time to look at these newspapers. There is an editorial. The *Newsday* editorial, "Question of salaries".

Mr. Manning: How many letters?

Mrs. K. Persad-Bissessar: I am not dealing with letters. I am dealing with "Businessmen on higher salaries; Pay politicians by performance". I will not let the hon. Prime Minister sidetrack me. I will pass the article for him if he wishes. [*Interruption*] I will not be sidetracked. I have many other points to make. The article is carried in the *Guardian* of February 23—"Pay politicians by performance".

There are many who believe that they should not get these large increases. I am not saying that. They think you do not deserve it. I am saying that there are people in this country who live in far worse conditions than you can ever begin to see. According to the last UNDP report, one third of the population is living below the poverty line, that is, 500,000 persons living below the poverty line. Is it that they are living on \$1 a day and here we are talking about people taking home \$100,000 a month? Is that what we are agreeing to with this SRC report?

Mr. Speaker, there are people who have been disabled and the payments under the Workmen's Compensation Act are so small. We have called time and again. The

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Member for Barataria/San Juan had brought a question about it with respect to the protective services. We have not increased those. There have been no increases for these people who have been disabled through injury on their jobs, and the rates are so low. Worse than that is the protective services compensation—the police. The police are out there in this crime-ridden country and the Government has not seen it fit to increase their compensation, yet they want them to go full charge out there.

I was reading Gail Alexander’s article today in the *Guardian*:

“Govt C2K6 security assault”

Carnival 2K6 security measures include “secret” surveillance cameras on city streets, plus helicopter and airship ‘blimp’ ...”

I think there is a song now about “blimping”.

patrols, which will transmit pictures to security forces on the ground.

And this is in addition to widespread police and army patrols at points around T&T, National Security Minister Martin Joseph also added yesterday.”

Full charge ahead by the police service; they cannot see it fit to increase moneys for them, but they expect them to perform. Here it is that they are not performing, some of the public say, but they see it fit to come, on Carnival Friday, to raise their salaries to an obscene level, not in keeping with the levels of performance.

Mr. Speaker, the SRC report is irrational. It has failed to take into account reasonable grounds. The SRC has not been reasonable in its own deliberations and I want to speak now of the principles and criteria adopted.

The hon. Prime Minister indicated that he feels that it is necessary to have a policy framework to guide the SRC in making its decisions on salaries. While it is true, under the constitutional framework that we now have, that any person can send suggestions and recommendations to the SRC, there is no way any policy document can bind the SRC. The SRC sets out its own criteria, which it says is not only taken from the policy framework here—you may give them the document, but they cannot be bound by it unless we change the constitutional provisions.

They said that they reflected on fundamental principles guiding review bodies in other jurisdictions such as Australia, Canada, United Kingdom, New Zealand, India, Jamaica and Barbados. In their conclusion, they said that the core of the

precepts that we identify in previous reports continues to be valid, and they set them out. They set out the four on page 3 of the report.

- “(i) establishing remuneration which bears fair comparison with current levels of remuneration paid within the private sector for broadly comparable jobs, taking into account differences and other conditions of employment;
- (ii) providing...levels of remuneration to attract, recruit and retain persons of suitable competence, experience, knowledge...
- (iii) ensuring appropriate differentials in compensation which take into account significant differences in the levels of responsibility between one office and another;”

That has not happened. If you say that you are guided by the significant differences in the levels of responsibility, I have already given you an example in which it is clear that no such consideration was given in the case of Senator Ministers and elected Ministers.

On page 7, they talk about the considerations underlying the review. They go on to talk about the economic and financial considerations:

“One of the factors underlying the current review is the prevailing economic and financial realities as well as projections for the future since remuneration packages of all office holders falling within our purview are met from the country's general revenues.

Since our last review, Trinidad and Tobago has continued to experience positive economic growth.”

And they talk about the growth of the GDP.

Mr. Speaker, it is clear to anybody living in Trinidad and Tobago that the cost of food has skyrocketed. Someone called me on the telephone yesterday and said: “Kamla, you know pumpkin is now Mr. Pumpkin. The smallest piece of pumpkin is \$12.” She said: “You know people in Trinidad and Tobago now are going on low-fat diets because they cannot afford to buy cheese, so there are so many more people forced to go on a low-fat diet because they cannot afford the cheese.” Food prices have gone way out into the sky, like the blimp. If we look at *Business Today* in the *Guardian* of Friday, February 24, 2006 “Repo up to 6.5 per cent”, the repossession rate from the Central Bank has gone up. The article states that

food prices, which rose by 22.8 per cent on a year-on-year basis to January 2006, continued to provide the impetus for the rise in headline inflation.

Here the SRC is saying that they have looked at inflation, so they have raised their salaries but, on the other hand, the SRC and the Government, in that very word “inflation”, do not take into account what is happening to the man in the street with respect to food prices. If we want to talk about economic and financial considerations in this country, when the repo rate is increased, what is going on? What is the Central Bank doing? We are saying that this report is based on positive growth and whatever, but when you pull the money out through the repo rate like this; when you take, in addition, the flight of capital that is taking place because of the crime situation, you are reducing the liquidity in the system and you are retarding growth. You are slowing the growth down. While you are saying you are pushing the growth and there will be so much percentage growth, what is happening in the economy is, in fact, retarding the growth rate of Trinidad and Tobago.

We can look at the whole economic picture—which I will not do this evening—but the SRC said it took that into account. We were looking as well at the erosion in energy prices. We see that taking place which, again, will impact on Trinidad and Tobago in terms of retarding the growth rate. Yes, we have a lot to rejoice about with natural gas and energy prices, but we need to see what is happening at the global level, which is that erosion of our mainstay, our main source of income.

The Central Bank governor himself remarked on the heavy reliance on the energy sector and that the other sectors are just totally not functioning. There is no growth in those sectors. We depend on the energy sector then for 90 per cent of that income or whatever it may be. Yet that very energy sector is now facing an erosion of prices on the world market. What is it going to do? Our economy will slow down. Growth rate will slow, inflation has already gone up, the liquidity in the system has dried up and, again, it is the ordinary man in the street who has to face that backlash.

Mr. Speaker, in terms of the SRC report and the formula, there were one or two points that the hon. Prime Minister made. He talked about full-time and part-time—Government versus Opposition. If we were to follow the hon. Prime Minister’s reasoning, how do we answer the question that the President of the Senate is also part-time and she, too, is a professional, yet she has received a salary increase to \$23,800? How do we answer the question, if you took into account full-time versus part-time?

I do not wish to bring your good self into the debate, Mr. Speaker, but how is it that the Office of the Speaker, which is also a part-time office—the hon. Speaker is a lawyer who engages in his private practice; so he has another job—has gotten an increase to \$23,800? You say that Back-benchers, because we are professionals and we are part time—Dr. Rafeeq is a doctor and Miss Lucky is a lawyer—because we do another job, we were given that level of salary. The argument is not logical. There are Members of your own party who were not considered in the same way when looking at differences in terms of part-time and full-time.

In the same way, the hon. Prime Minister asked: Can you tell me whether it is by choice that you do want to do another job or not? He asked further: Do you have another job? When my answer was no, he said that it was my choice. It is my choice. I am not worried about that. I have no difficulty with that, but in the same way I ask: Does the hon. Speaker of the House have another job? Does the hon. President of the Senate have another job? If so, how come they have been rewarded for having two jobs with such a high level of increase to \$23,800, leaving Back-benchers on your side and those on this side at the level of \$14,000?

I am being reminded that the Member for Caroni East did make the point that those who are part-time within the Commissions—the chairmen of all service commissions are part-time. The Member went through quite carefully all the offices, indicating that they were also part-time. The part-time versus full-time argument does not hold water. The part-time/full-time argument is really not acceptable in defending the increases that have been granted.

The hon. Prime Minister spoke about the element of public service. He said that there is an element of public service therefore they should get less salary than I should. It is only the Opposition MPs who have an element of public service. The Prime Minister, the Executive and the Cabinet—no public service, boy. I am taking home \$60,000 a month. My spouse is taking home another \$50,000 a month. I have an official residence. I am being given a fleet of cars. I am being given a transportation allowance. I am being given a duty allowance; all of that is public service. However, when it comes to Members of the Opposition, “fellas”, you see your public service; you are getting none of that. You are not getting any housing, no entertainment allowance; none of these things. On top of that—

Mrs. Robinson-Regis: Are you saying the Prime Minister should get the same salary as you?

Mrs. K. Persad-Bissessar: No, I am not saying that the Prime Minister should get the same salary. I am saying that the hon. Prime Minister made the point that there is an element of public service. Do not distort what I am saying. Please. *[Interruption]* You will have your turn, Madam. I am sure that this debate will continue into tomorrow, Saturday. We can all speak. We can stay here until Ash Wednesday. We will have Carnival in Parliament. That is what this Motion is. That is what this SRC report is about. It is “ol’ mas” in the Parliament while the music is playing for us to hear clearly. It is jump up and grab the salaries.

So, Mr. Speaker, with the greatest of respect, it is not acceptable and I think it is hypocritical to speak of a public service element, yet you are taking home a big pay package and telling the others they must have a public service element in it and they should not worry.

4.15 p.m.

The hon. Prime Minister spoke of mixed systems; our constitutional framework. The Prime Minister has indicated that we want to take things out of the American system and mix them with the Westminster system and tradition. He says that cannot work at all. Indeed, we made recommendations and I would make them for the Salaries Review Commission (SRC) too: the method of appointment and removal of the service commissions must be changed. The mixed system is not a mixed system. You take what is good from any system. You must not be bound in the past. You must not be bound within frameworks and constitutional structures that we have long outlived and say: “Yuh know, if we change that we would have trouble. This go happen and that go happen.” What we must do is take the best from anywhere in the world. That is what the world is about now. We must take the best. We are in the third millennium of mankind. We cannot stick in the past, we must go forward and we can do that by taking the best from every system that we see.

I asked the hon. Prime Minister, through the Attorney General, to provide us with a list of countries in the world where there are different structures for appointing service commissions. The hon. Attorney General said: “No, there is nothing like that in the Commonwealth world.” Right here in Dominica, in the Caribbean, the Dominican Constitution provides that their Elections and Boundaries Commission's members are to be appointed on the advice of the Prime Minister and the Leader of the Opposition. The EBC, clearly with political appointees, everybody knew who was where. You were coming from the Opposition, as an appointee, or you were coming through the government as an

appointee. The equivalent is known as the Constituency Boundaries Commission. They prepared, just like our EBC, a report laid in Parliament. In the same way the Constituency Boundaries Commission prepared the report and interfered with six constituencies in which the government of the day had no seats. The government did not interfere with any of its own seats; it interfered with the seats that were held by the Opposition Members. The two Members who were the Opposition Members on the commission did a minority report and said that they are not accepting and that they do not agree with the report. They went to court because they knew the decision-making and procedures. They took their EBC to court under the supervisory jurisdiction of the court. Of course, the Government and the EBC argued that no courthouse could come and interfere with the EBC report. The court held very clearly. First of all, the court is the guardian of the Constitution. Public bodies and public authorities must act in accordance with law. They must act rationally and with procedural propriety. Therefore, if they fail so to do—it could be the Parliament, the SRC or the EBC, whichever public body—it was susceptible to the supervisory jurisdiction of the court.

In the case of Baron and the Constituency Boundaries Commission, in Dominica it was decided by the Eastern Caribbean Court of Appeal. The judgment was in 2001 as reported here, but it was given in 2000. When the gentleman took the EBC to court, he said: “Look, you are interfering with my constituency boundaries and you are clearly biased in favour of the ruling party.” The court struck down the report and allowed it to go back to the decision-making body, the EBC, to take into account the comments and suggestions made by the court to ensure procedural propriety, rationality and legality; in other words, to ensure that the rule of law was adhered to.

Mr. Speaker, I raise this because it is in the context of the Prime Minister speaking about the Opposition always speaking about mixed systems. Having two persons in any service commission, appointed on the advice of the Leader of the Opposition and three appointed on the advice of the Prime Minister is not foreign to our system. The Dominican Constitution is in almost the same terms as the Constitution of the Republic of Trinidad and Tobago. Therefore, again, with due respect, I cannot accept the Prime Minister's argument about systems and causing chaos.

I started off my contribution by asking the question if it is that they were singing for their supper, by ensuring that the two persons who were instrumental in their reappointment got the highest increases in salary. I make that point again

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that we are considering—in like manner as Baron in Dominica—taking the SRC before the supervisory jurisdiction of the court.

It appears to me and I would like the Member in his winding up to clarify and explain why there is a discrepancy in the report. Again, I say that it is irrational that the SRC has recommended that the recommendations take effect with respect to everybody else, apart from Members of Parliament, as of April 01, 2005 and for Members of Parliament it says October 01, 2005. Why? I would like an explanation. I recall, as a Member of Parliament, in fact, I searched the *Hansard*, we sat from May all the way through. I think it was sometime in August we did not sit for a while. We sat in April, May, June, July and September. I do not understand what the rationale is. [*Interruption*] You want to answer?

Mr. Manning: Mr. Speaker, I thank the hon. Member for giving way. The Parliamentary term began on October 17, 2002 and, therefore, the Salaries Review Commission made a recommendation and they took that into account for this parliamentary term.

Mrs. K. Persad-Bissessar: Mr. Speaker, again that is irrational. If that is the reason the SRC made their decision, it is again irrational, because Members of Parliament continued to work. We did not cease to be Members of Parliament. One parliamentary term ended and another began. It continues. Parliament prorogues, we go off for a day or two, whatever the case may be, and we come back. It is not in a case where the Parliament dissolves and we go out of office. We continue to serve and we did serve in this Parliament.

It reminds me, as my friend from Caroni East was talking about the punitive approach, of the 18/18 situation. That was where the parliamentary term became an issue. You would recall that the 67th Report of the SRC was done and completed during the time of the UNC and the UNC politicians rejected it. We did not implement it with respect to politicians: Members of Parliament, the Cabinet and the Government when we were in office. We did not implement it. In this Parliament, we adopted the report and we implemented it except with respect to the politicians. When this Government came into office in 2001, there was no Parliament then. It was implemented in 2002 and that is where the issue of parliamentary term arose but it does not and, with due respect, it is irrational to say because of the term. What is the term? The House sits in sessions. If we look at the Order Paper it says—[*Interruption*]

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Singh*]

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker and Members. The Order Paper says:

“Twenty-second Sitting, (2005/2006) Session, Eighth Parliament”

When did the Eighth Parliament begin? It began somewhere in 2002 after that election. The 2002 Eighth Parliament has never ceased. What happened is that it was the session. We prorogued the session. The Parliament has a life. It continued legally to be alive. We prorogued the session and then we went back in, as I said, two days later. We sat here. All of you sat from April, May, June and July. In August there was a recess and we came back in September, October and we have been here ever since. We have not yet prorogued and we will prorogue again later this year to end this session and begin a new session. That is the law. The law states that you end the session on one day before the anniversary date of the start of the session. What is the rationale? I do not understand the rationale at all to say the parliamentary term. Parliamentary term has no relevance in dealing—when you are dealing with people's salaries you are talking about work. That is what you are getting it for. Therefore, the date of implementation is irrational and discriminatory against all Members of Parliament in this report. [*Interruption*] Sir, there are many things we will all beg to disagree on.

There is just one other issue before we take the tea break. My colleague pointed out to me the issue that has to do with the salaries of certain top officials, which he will assist me in finding. Before we go there, I read in the newspaper today and my parliamentary colleague from Pointe-a-Pierre did mention it, the Government having retained a foreign person to assist in dealing with the patent for the steel band—[*Interruption*] I recall—[*Interruption*] please, that is a different issue in terms of local and foreign business—it was under the UNC, in fact under my watch as Minister of Legal Affairs, we passed in this Parliament for the first time, nine pieces of legislation, nine statutes, dealing with intellectual property. We dealt with the issue of the steel pan. What was very clear I remember the Member for Laventille West—she is smiling because she remembers it—made an impassioned plea for the protection of the steel pan. I totally agree, with due respect to the Member for Laventille West, the PNM executive become very concerned every time it is Carnival time to make big pronouncements about intellectual property with respect to music piracy and steel pan and we hear nothing about it again.

Last year we were in this Parliament when we dealt with this issue. There was a Joint Select Committee set up to deal with the Copyright Act. It was just before Carnival. One year later, nothing has happened and it has not come back. Carnival time again and they are saying: “Music piracy. We have to amend the Copyright Act.” Similarly, we come now to the steel pan and the patent. The Member for Laventille West made a very impassioned plea. I felt with her and I knew what she was saying. We have hired a foreigner and a big announcement was made yesterday. If my memory serves me right, correct me if I am wrong, last year we were talking about having hired this person. Since last year, the previous Minister, Danny Montano, brought these foreign people to patent pan. It is Carnival time and the Government wants to tell the people what they want to hear. The Government wants to tell the people on the eve of Carnival that they should not worry. The only acoustical instrument invented in the 20th Century was the steel pan of Trinidad and Tobago and that it is taking care of the “fellas”, they do not have to worry because it is going to patent it. Over and over again there are promises on the other side, but they never materialize. The promises just do not come. With due respect, there will be legal advice on all sides of the divide, but a patent is something if it is not received, would go out into the public domain after a certain period of time.

I piloted those laws and had the advice of the World Intellectual Property Organization. I want to wish the Government good luck, speed it up, but do understand that when you go to try to get the patent done make sure you have some innovation because there has been—the spider pan. The innovations can be patented but our basic oil drum steel pan has gone in the public domain, how many years ago.

Mrs. Robinson-Regis: We know that!

Mrs. K. Persad-Bissessar: When we are saying to the public out there, let them understand, because it is the eve of Carnival, *J’Ouvert* time and the “ol’ mas” start. “Hello, we are into the ol’ mas’, we are going to see about the patent for pan. We have hired this man.” Since he was hired last year—[*Interruption*]

Mrs. Robinson-Regis: Would the hon. Member give way?

Mrs. K. Persad-Bissessar: Since he was hired last year, or how long ago he was hired, how much did the Government pay him? It is not today that it was done; not this week when it was announced in Cabinet. How much did you pay him? What work has he produced so far? We need to know these things. We need to know if it is just another empty promise. Is it a different consultant who has been hired now, or is it the same one from the last occasion?

Those are some of the issues that are facing us at this time. I will not wish to close. When we take the tea break I will continue with whatever time I have. Is it half of an hour?

Mr. Speaker: You have 30 seconds again.

Mrs. K. Persad-Bissessar: In those 30 seconds, I would repeat before going on to the next point that this SRC report is in breach of basic fundamental tenets of the rule of law. It has been arrived at in a procedurally improper manner and it is based on irrational reasoning and irrational grounds have been taken into account. I would repeat those until I come back and we shall continue.

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea and we will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Speaker: Summon Members, please.

Mrs. K. Persad-Bissessar: Thank you very much, Mr. Speaker. There was just one other item here that my colleague from Caroni East pointed out, which really is cause for great worry, because within the SRC report we have seen that the salary of the Commissioner of Police was recommended at \$25,000, which is identical to the salary recommended for the Director of the Special Anticrime Unit of Trinidad and Tobago, \$25,000. What you are saying is that your top cop, who is charged, at this time, with the responsibility to deal with the crime situation in the country, there is a parallel top cop, because you are paying this person who has been chosen, selected and handpicked, by the political directorate, to deal with the crime situation in the country. How can you then not expect the police to be demoralized? How can you not expect for the police to have the view that they are being discriminated against and that they are not being dealt with, when you have set up a parallel office, with the same salary being given to the special crime person? Who is that person?

Mr. Singh: Brigadier Joseph.

Mrs. K. Persad-Bissessar: Brigadier Joseph is heading the anticrime unit. That is totally unacceptable. When you take the duties of the head of the anticrime unit—talking about the Prime Minister's point that one of the criteria is the amount of work you have to do. I want to take the Prime Minister's point. How can you take the Commissioner of Police who has to deal with the thousands of

police officers; monitor and supervise thousands of officers, and you take one man, like a hit squad, and give him the same pay? Something has to be fundamentally wrong with that. Again, we want to make the point, is that rational on the part of the SRC? What is rationality and what is reasonable? Is that reasonable?

Mr. Speaker, you will know that in law we say what is reasonable is what the man on the Clapham bus considers to be okay, good or fair. It is what the man riding the PTSC bus says. Is that reasonable? No, of course, he would say that it is not. The Member for La Brea well knows the expression; how do you adjudge, is it subjective but yet it is objective? It is what the ordinary man on the PTSC bus or maxi-taxi—would that seem reasonable to him; that you have a commissioner of police with the mass of work and responsibility and you give the same salary to a man with a little hit squad.

As I close, I found it most interesting that the hon. Prime Minister felt it necessary to spend quite a fair amount of his time, if not almost half of an hour, regaling us with the history of his medical condition and his medical sojourn in Cuba. I really did not understand what was the purpose of that. What I would say, he is not here and I am sure he would find out, is that we are indeed very sorry for his heart condition, but it is clear that with this report and the adoption by Government of the obscene salaries they are taking, whilst leaving the poor man, the pensioner, the disability grant, the people under the poverty line with \$1 per day, them “fellas ain’t have no heart at all.” I thank you. Like it “eh”.

Dr. Adesh Nanan (*Tabaquite*): Thank you, Mr. Speaker. I am shocked this afternoon with the contribution from the Member of Parliament for San Fernando East, the hon. Prime Minister, because one would have thought, based on the Cabinet directive, that this whole concept with respect to retirement allowances that is before the SRC has now been thrown into another area. In the SRC document, there are certain areas I would make reference to. I want to start with a specific area dealing with car loans for Members of Parliament and I also want to deal with the area of medical benefits.

On page 10 of the *Eightieth Report of the Salaries Review Commission*, under “Medical Benefits” it is stated:

- “43. With respect to part-time office holders who sought to be provided with medical benefits, we note that it is not the norm for such benefits to be extended to persons who serve on a part-time basis.”

We have heard from other speakers that Members of Parliament cannot be considered as part-time office holders. If you look at the environment now for Members of Parliament, based on representation from the House Committee, recognizing the work of parliamentarians, there is now a facility for sub-offices. Members of Parliament can now be provided with sub-offices, based on the geographical size of their constituency. They can have up to three constituency sub-offices. Recently, I saw a PNM sub-office in Manahambre, Princes Town and we need to have some clarity on this particular sub-office. I thought that the sub-office would have been for a sitting Member of Parliament, an elected Member of Parliament. We are seeing sub-offices being opened up. We want clarification. Member for Arouca North, if you want to enter the debate do so, but do not sit and make those comments.

We recognize the importance of the Members of Parliament and the difficulty in large constituencies such as Nariva, Tabaquite, Toco/Manzanilla, Arima and even La Brea. These are very large constituencies. I do not know what kind of representation we have in La Brea, but if the Member is saying La Brea, well—

I would make a point for the Deputy Speaker in my contribution also, because I recognize that he needs some assistance. We are seeing, as it stands now, that there is now a facility approved by Cabinet for sub-offices to be opened up, based on the size of constituencies. We are also seeing a facility grant of \$3,000 rental allowance every month for these constituency sub-offices. There is an anomaly here. The reason that the figure of \$3,000 was given is because in certain constituencies you cannot find buildings for rent at the cost that was given before. That is why it was decided that a higher figure was necessary. When you look at the SRC report—it is true that the Government is bringing an amendment.

Mr. Valley: Then why are you talking about that?

Dr. A. Nanan: I am just showing that the SRC report should be condemned on the basis of the submissions to the SRC. That is quite clear. Member for Diego Martin Central, I know you want to go to your Carnival fete but you have to remain for 75 minutes because my contribution will be at least 75 minutes. I guarantee you that it will not be irrelevant. I am showing that with respect to the allocation, we have seen that the Salaries Review Commission has produced this particular document. I want to quote for specific reference for the Member of Parliament, because I am also speaking on the amendment. It is quite clear that I am speaking on both. On page 208 under, the heading “Constituency Allowance”, it is stated:

- “(a) \$2,500 per month, comprised of \$1,500 per month for rental accommodation, where accommodation is not provided by the State and \$1,000 per month to defray telephone and electricity costs.
- (b) \$7,000 per month for the employment of a maximum of three (3) persons to perform administrative/clerical and/or other support services in respect of official duties in his/her constituency, on the condition that such staff is actually employed.”

This is dinosaurial thinking! How can we have an SRC coming up with this kind of recommendation and we are hearing today—I am sure that the Parliament made representation to the SRC and gave them the information that the new breakdown, what we are using now, is as follows: staffing for administrative/clerical and driver duties for a maximum of four persons, \$10,000; research staff, \$5,000, a maximum of \$15,000. I am sure that is *déjà vu* by the Member for Diego Martin Central, because he knows that this is how it is. When that went to the Cabinet I do not know how they could have possibly sent this report and not have sent an amendment before that. It is only in hindsight that they brought that amendment.

Rental accommodation is rental cost associated with one main office and a maximum of two sub-offices, \$3,000. A representation was made for \$3,000 instead of \$2,000. Where the main office is a government building for the rental, maximum of two sub-offices, lease agreements must be provided; telephone and electricity, \$1,500; postage, stationery supplies and janitorial services, \$1,500; routine maintenance and contingency, that is for computer, \$300; residential telephone, \$300; cellular phone, \$500. This is the breakdown.

When you look at this report, if you are reading, the first thing—when Members of Parliament received this report they went straight to that page and to see this foolishness in this particular document. How could this document have any creditability? You read that but this is what exists now. The Prime Minister said that pensions suddenly fall outside the arrangements of the SRC. The poor SRC; hear what is happening in this report:

“We have received a remit to consider the recommendations of the House Committee of the House of Representatives...”

Of course, it must go from the Chairman to the Cabinet and then to the SRC.

“for the amendment of the Retiring Allowances (Legislative Service) Act, Chap. 2:03. We propose to treat with this matter in a subsequent Report.”

Here we have the Prime Minister saying that the pension arrangements are outside the SRC and that there must be an actuarial report. What is happening? This is Members of Parliament retirement allowances we are talking about. What is the Government doing?

This is just for the record, because it is important to know what is being proposed for Members of Parliament. This is under the heading:

“Revision of Existing Benefits—

Specified legislative offices: President of the Senate, Speaker of the House of Representatives, Leader of the Opposition, Parliamentary Secretary, Deputy Speaker, Minister, Member of the Executive Council, Member of the Legislative Council.

The proposed reform:

President of the Senate, Speaker of the House of Representatives, Leader of the Opposition, Parliamentary Secretary, Deputy Speaker, Minister, Vice-President of the Senate, Senator, Member of the House of Representatives.”

There is a breakdown for rate of payment for retirement allowances under section 6(1), recommended by the House Committee. This is what exists now.

“The retiring allowance payable to any person shall:

- (a) in the case of a person who has served as a legislator for periods amounting in aggregate to not less than eight years, be at an annual rate equal to one-quarter of one year’s salary of that person.

Proposed: the retiring allowance payable to any person shall:

- (a) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than eight years, be at an annual rate equal to 50 per cent of one year’s salary of that person.

Existing: In the case of a person who has served as a legislator for two consecutive full parliamentary terms extending over a period of not less than nine years or for periods amounting in the aggregate to not less than 10 years, be at an annual rate equal to one-third of one year’s salary of that person.

Proposed: In the case of a person who has served as a legislator for periods amounting in aggregate to more than eight years, but not less than 10 years, be at an annual rate equal to 60 per cent of one year's salary of that person.

Existing: In the case of a person who has served as a legislator for three full parliamentary terms extending over a period of not less than 13 and one-half years or for periods amounting in the aggregate of not less than 15 years, be at an annual rate equal to one-half of one year's salary of that person.

Proposed: In the case of a person who has served as a legislator for periods amounting in aggregate for more than 10 years but not less than 15 years, be at an annual rate equal to 75 per cent of one year's salary of that person.

Existing: In the case of a person who has served as a legislator existing for four full parliamentary terms, extending over a period of not less than 18 years or for periods amounting in the aggregate for not less than 20 years, be at an annual rate equal to two-thirds of one year's salary of that person.

Proposed: In the case of a person who has served as a legislator for periods amounting in aggregate to more than 15 years, be at an annual rate equal to 100 per cent of one year's salary of that person.

New benefits:

- All legislators to be entitled to a gratuity of 20 per cent of the highest salary drawn in the course of his/her service.
- Legislators who are not Ministers or parliamentary secretaries to be paid a full month's salary if dissolution occurs before the end of the month.
- A severance payment is proposed for Senators without portfolios.
- MPS who are not re-nominated after nomination day and MPs who although re-nominated are unsuccessful at the poll, this should take the form of a terminal grant, equivalent to one-quarter of the annual salary fit for Members of Parliament and Senators and should be immediately payable as the case may be, for a maximum period of six months."

The other part is similar to the Barbados legislation.

- All persons entitled to emoluments in pursuance of this Act are entitled up to and including nomination day. Only those persons referred to in paragraph B who are nominated for election to Parliament are entitled to emolument for periods from nomination day up to and including polling day.”

However, currently, as you are aware, Mr. Speaker, the Speaker of the House and President of the Senate receive their salaries up to the first sitting after a general election. Ministers and Parliamentary Secretaries continue to receive their salaries up to the date on which a Prime Minister is appointed or reappointed. The salaries of all other Members of Parliament cease upon the date of dissolution.

These are the recommendations before the SRC with respect to retirement allowances. I am shocked and surprised to hear the Prime Minister, in his contribution this afternoon, say that the pension arrangements are outside the purview of the SRC. Mr. Speaker, why should this particular retirement allowance recommendation be treated in a subsequent report? When was this sent? When was this decided upon? The date is March 12, 2004. It was not this year or last year; this was since March 12, 2004 where all Members of Parliament had an opportunity to make representation to the committee. They were all given an opportunity to participate in this particular process. This process is completed and is before the SRC. I am sure that Members on both sides of the House would be upset.

At this particular time I want to warn the Government that they should be careful of what kind of trap they are setting for agouti to run. They may very well find themselves on this side of the House. These benefits are not only for the current Opposition Members, but they may be, in the future, for Members on that side. It is upon you to recognize that these benefits are important and it is in this context, Member for La Brea, that I go to my other point.

In the SRC document you will see for Ministers and Parliamentary Secretaries that the medical benefits have excluded optical and dental. Mr. Speaker, if you are going to buy eye glasses it is not like in the olden days. I do not know if the SRC is not aware of this but when you go to buy eye glasses today, it is like you are buying a car. First, you have to select the frame, then you have to select the thickness of the lenses. If you want, you have to determine the shade and what

type of lenses you want. Everything is a step by step process. People are suffering with presbyopia—that is another situation—and astigmatism. You have to factor in all these things. These Ministers are reading on a daily basis. Documents are passing through them almost every day. They are supposed to read. Cabinet Notes are before them every week. To say that you are not going to give them the benefit for optical is totally unsatisfactory. Whom did the Government discuss that with? Did the Ministers say that they do not want optical benefits? We need to know that. I am sure they would not say that they do not want optical benefits.

What about dental? Why have they left out dental? It is not like you are going to extract a tooth in today's society. We are dealing with reconstructive and esthetics in the dental profession. We have moved away from extractions and gone to preservation of the dentition. If we are going that way, dental is very expensive. Definitely, I would recommend and strongly urge the Government to make that amendment today. Give optical and dental to the Ministers. They have already introduced that in the Government system. Public officers have some facility where they can get dental benefits, why not the Ministers? In the same vein I want to make a recommendation that the amendment go even further. I want to quote from the document with respect to medical benefits:

“Entitlement to medical attention/treatment and prescribed drugs for self, spouse and children who are unmarried and under the age of eighteen, at any health care facility under the Regional Health Authorities, including the Eric Williams Medical Sciences Complex. Where such medical attention/treatment is not available at such health care facility, the costs at any other hospital, institution or nursing home in Trinidad and Tobago to be met by the State.

(‘Medical attention/treatment’ excludes optical and dental treatment/services. ‘Prescribed drugs’ exclude drugs which are obtainable without a prescription.)”

I will get to that one after. We should have an amendment before us this afternoon saying that Members of Parliament will receive these medical benefits which include for Ministers, optical and dental treatment/services. We should also have before us “not only excluding drugs which are obtainable without a prescription”. That should be deleted. In cases, the drugs that are obtainable without a prescription are more expensive than the drugs with prescription. They are not seeking the interest of Members of Parliament. They are operating like this is an exact science.

When you look at exact science, they are dealing with what is happening in other sectors and they are comparing, but the role of Members of Parliament is completely different. To say that Members of Parliament are not full time—I presume that they are saying that Members of Parliament who are not full time do not have the same amount of stress as Ministers who are full time. That is not true. On a daily basis, especially when you are in Opposition, you are bombarded with constituents making demands. You are under more stress. At least, when you are in government and a constituent comes to you, you can call up a Minister or one of your friends or colleagues and ask for assistance. In the Opposition, you have to make representation through the channels and you can only make promises. At least a mayor or a chairman has a vote and he can make some kind of intervention within the community, but a Member of Parliament has no resources besides writing letters and making representation on behalf of constituents. It is a very stressful profession.

I find they should even include psychiatry as an aspect in this particular case, if you want to open the particular area. This is a technical field and people do not understand the role of a Member of Parliament. They must understand that. That is why when I read the report it looks like line budgeting. You come into the House, the allocation was, let us say, \$50,000 last year, they spent \$40,000 and they give you \$40,000 or \$60,000, as the case may be. That is the same kind of approach the Salaries Review Commission is taking in the House this afternoon. They are not concerned about the Members of Parliament. They cannot see the role of a Member of Parliament as outlined quite clearly by other Members in the House.

Mr. Speaker, I am not here to blow any trumpets. I have worked as a Member of Parliament within the confines of what has been given, via the parliamentary appropriation. There are Members who recognize the importance of a Member of Parliament within the setting and there are agreements with certain areas. What about the age of information technology? The SRC said nothing with respect to computers for Members of Parliament. Member for Diego Martin Central, if they did not see, let us say, of course they were not aware or if they were aware, they have made nothing in this particular document for parliamentarians. They have not provided any proper position with respect to computerization of parliamentary offices. They have left out that completely. What do they think we are operating here? What is the situation? They did not know. They are not aware that is why we said we want research officers. Research officers cannot operate in a vacuum.

The office must be computerized. The old concept was improving the parliamentary outlook to the population.

Computers were introduced in the constituency offices and the offices were being upgraded to a certain standard. Sub-offices were provided, so we have more representation and we are able to meet our constituents and interact with them. Here the SRC completely ignores that kind of interaction between the constituency and the Member of Parliament and produces a document that lacks creditability. That is a total lack of creditability in this document.

I also want to point out that I agree with the Prime Minister when he was vacillating between should we or should we not. I agreed that in certain areas Ministers should be paid more than others. For the Minister of National Security, with respect to this particular provision, I would recommend that the Minister of National Security get a reduction in salary here. How could a Minister of National Security have an increase in salary and his performance is below zero in this House? How could this report show an increase for the Minister of National Security and we have bandits roaming the country and police are not responding?

There was a situation in Tableland which developed this week, in a place called Ants Nest. The name is Corosan Village, but it is called Ants Nest Road. A poor farmer, over the years gathered money and bought a used car. On his way back from a pine field coming down a steep hill—there are bad road conditions in that area; rural neglect by the PNM in that area with a PNM MP—in his negotiating of the steep hill and bad roads, very slowly, he was unaware that two bandits would jump out of the bush. One opened the car door on the driver's side and jumped in and opened the car door, pressed the break pedal and tried to fight the poor boy. He put his foot on the brakes and the poor farmer was totally taken aback, but instead of pressing the brake pedal, of course, he pressed the accelerator and the car drifted back and forth and ended up on a slight precipice. He came out. Of course, if he did not come out of the car it might have tipped over and he might have been killed. He came out of the car and the bandits stood on the road. They were dressed with boots up to their knees, with full black clothing and black masks with two holes for their eyes and one for their nose. They were armed one with sawn-off shotgun, probably homemade, and one with a cutlass. When the farmer came out of the car and came up the hill they slapped him up and hit him a few kicks and told him why did he not stop the car, and then they made their way into the bushes and left. They could have killed him. They put the sawn-off shotgun at his chest. This is what we are reduced to.

When the farmer went to make the report in the Tableland Police Station he was told to come back later, they cannot take the report because the person to take the report was not there. What is that about? Is that a new kind of policing that is taking place in the country where specific people must take reports in police stations?

You would have read in the newspapers about bandits in broad daylight in Palmiste on the road holding up salesmen. That is what is happening. A bandit was walking along the road, went in the parlour and spent a dollar to buy salt prunes and then held up the salesman and the proprietor of the parlour. They walked down the road again and snatched a gold chain from another person. That is the kind of bravado approach by bandits in this country, under the PNM government. How could we justify an increase for the Minister of National Security?

You have seen reports in Tobago about golfers being attacked on the golf course in the Mount Irvine district. People are afraid to walk. *[Interruption]* I hear bleating from the other side, but they do not recognize that the Commissioner of Police is also responsible for Tobago. The Minister of National Security is also responsible for Tobago. There is crime in Trinidad and Tobago and there are arms and ammunition in Tobago. What is the Minister of National Security doing?

He comes on television to assure the population that everything is all set for Carnival. While they are protecting the Carnival masqueraders, the bandits will be roaming the rural areas, preying on all the people. That is what is going to happen. All the blimps that are going to be part of the high-tech approach to policing in Port of Spain—the poor people will be left as a prey for the bandits in those areas. In this report, how could we justify the Minister of National Security getting an increase?

What about the Minister of Education? A school that had a lot of controversy in this country, has now gone to the dogs, Carenage Government School. There are fleas in Carenage Government School. We came here and raised questions. The Minister of Planning and Development removed the school from the programme. When it was being constructed again, there was another problem with the contractor and another question was raised. Today we see that same school, under the PNM, has gone to the dogs. How could they justify an increase for the Minister of Education?

We have seen again in this country, in education that nothing is happening in the pre-school arena. No secondary schools are being built. These increases are not justified.

Look at the allocations for the Prime Minister, the SRC were so vague. He would have a fleet of official vehicles. How many? What is he going to have? Not one, two, or three, but 10, 15 or 20. That is the kind of recommendation that is coming. We want to know. We have to ask those questions. Is the SRC in the pockets of the PNM? We have to ask. When we see a fleet of official vehicles coming for the Prime Minister and no indication of how many, what is this about? There is still the transport allowance. What is this about?

The poor, measly parliamentarian—what hurts me is that the SRC hit the Members of Parliament a slap in the face when it comes to car loan allocation. I would read from the SRC report. On page 6 it states:

“In terms of transportation allowances, this country provides a combination of tax and duty concessions on a motor vehicle purchased as well as a loan to purchase the vehicle and a monthly transport allowance. We noted that other countries generally provide a single benefit either in the form of duty/tax concessions or a loan or a transportation allowance. In this regard, it appears that Trinidad and Tobago is unique in its provisions for transportation benefits.”

What are they saying? Yes, we are giving it to you, but you are not supposed to get that. They did not clarify that the single benefit would have been all of that, but they come to say: “We are giving it to you, but you do not deserve that. You are supposed to get either/or, not all.” That is the kind of recommendation coming from the SRC. I thought that the thinking of the parliamentarian is okay, we will give you the loan and then you have your duty. You have to say that this is a unique position and a special privilege.

Who are the members of the SRC? We have to ask the question. How many times does the SRC sit? Committee members have to go almost every week to a committee. I want to know. Did the Prime Minister remove that for his Ministers, because the Member of Parliament for Diego Martin West never attended a single meeting in one of those committees? Not one meeting did the Member for Diego Martin West attend. Is that the reason why he is moving the amendment that is coming for his Ministers? I support the Ministers coming to the committee because we get the benefit from the Government. Why is the Prime Minister spiting the Ministers? Of course, now the Ministers would not show up. In fact, that might be a sleight of hand to reduce the quorum and undermine the committee. That is what is going to happen. They will come and say: “We cannot have a quorum because nobody will attend.” Now we have to reduce the numbers

on the committee for the quorum. There would be fewer members of the committee coming and then we would have to undermine the whole process. Is that the sleight of hand action of the Government? That really upsets me with respect to the transportation allowance.

The other area in this particular report, which is another area of concern raised with respect to the Commissioner of Police and the Director of the Special Anticrime Unit of Trinidad and Tobago, where is the hierarchy of authority? You will recall in the education system, supervisors and secondary school principals were getting the same salary. Who will guard the guards? How could a secondary school supervisor tell a secondary school principal to give instructions when they are on par?

5.45 p.m.

The Member for Diego Martin Central should be aware that I am very au courant with the material before me. I spent many hours in these committees, even though I did not get pay.

Mr. Speaker, I drew a reference with respect to supervisors and principal. In fact, I have been told that, in Jamaica, the ministers get one dollar more than the permanent secretaries. They would set the permanent secretaries salaries first, and then the ministers would get one dollar more. That is the hierarchy of authority.

When you have match-to-match salaries for the Commissioner of Police who is an independent person and the Director of the Special Anti-Crime Unit of Trinidad and Tobago who reports to the Prime Minister, there is definitely political interference. One wonders if we have a political commissioner who is just a figurehead commissioner of police. Is this another way to undermine the Commissioner of Police by giving the Director of SAUTT the same salary? Why did the Salaries Review Commission not take these matters into consideration? This is nothing new.

Mr. Speaker, I am sure that nothing I said here came from the Internet. So this is not a discussion where I pulled information from the Internet.

In terms of representation, the Salaries Review Commission Report talks about New Zealand. When the discussion with respect to Members of Parliament allowances came up, all the research was done. There was a lot of background information from Singapore, New Zealand, Switzerland, the United Kingdom and the United States of America. Everything was done. The representation that was made from the House Committee to Cabinet was thorough. It was not a haphazard lackadaisical approach.

In fact, in this report, the Chairman of the Salaries Review Commission is giving himself a raise. So, he is getting a raise for very little performance. From my interpretation of this report, this is a poor report that has come to the Parliament.

A Member of Parliament is duty-bound to represent his constituency. It is in that framework that the Parliament operates; it is in that framework that Members of Parliament raise definite matters of urgent public importance which are more of a national perspective. There is a facility for a matter to be raised on the Motion for the Adjournment, and that could be more representative of the constituency. From time to time, several questions are also raised in this House pertaining to constituency matters, but that is all the Member of Parliament could do. There is no constituency fund.

I thought that this particular document would have taken into consideration—Members of Parliament have raised this matter many times in their contributions—a constituency fund for Members of Parliament. If there is this particular facility, we would be better able to satisfy the desires of the constituents, rather than just having increases in salaries and these sub-offices. Although we are having sub-offices, all that we are doing is putting offices where people can go, and they could make those same representations at our main office or sub-office. If there is an allocation for flood relief, this fund should not be controlled by the Member of Parliament, but the Parliament should control the vote just as it controls the entertainment vote. They could have that particular facility. A constituency fund for Members of Parliament is lacking in this particular report. Members would be able to perform their duties much better if there was this fund. The role of the parliamentarian must be understood with respect to representation.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Tabaquite has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. K. Valley*]

Question put and agreed to.

Dr. A. Nanan: Mr. Speaker, I thank Members on both sides of the House for extending my time. I am sure that this is because of the quality of my contribution. [*Desk thumping*] [*Laughter*] I am talking on behalf of all the Members of Parliament here. I did not only come here to talk on my own behalf. I even made a plea for the Deputy Speaker who does not have any medical benefits.

Mr. Speaker, in the report, we have local government councillors as well as mayors and chairmen getting an increase. We have nothing against that. In fact, we are happy for that. If you look at a constituency and an electoral district, a constituency has more voters than an electoral district. A councillor has an allocation with the corporation that is assigned to him. It is true that it is a small token, but it is still there. So a councillor can still offer some kind of assistance, for example, for street lighting, temporary road repairs and the building of a pavement or a box drain in certain areas. They could still provide relief for constituents, but Members of Parliament do not have that facility. A Member of Parliament has to ask a councillor for assistance in certain areas, and that vote is coming from the corporation.

In this respect, I am also making a plea for the Government to recognize the role of local government bodies. I do not want to go outside of the debate, but I want to remain within the confines of the Salaries Review Commission Report.

Mr. Speaker, to understand the linkage with the parliamentarians, the councillors and the Government, it is important to understand—the Prime Minister said that Ministers are on call 24 hours, but Members of Parliament are also on call 24 hours. Mr. Speaker, I am sure that when you were the Member of Parliament for San Fernando West, you received calls at 5 o'clock and sometimes 6 o'clock in the morning for water. There are other times when you would get calls on weekends for assistance, especially if there is a natural disaster where there is heavy rainfall and severe flooding. The first call is to the Member of Parliament. So that particular argument that the Prime Minister came up with is flawed. I wanted to make that point, because that was the basis on which the Prime Minister said that we are part-time parliamentarians, and that comes back to the report.

I am not saying that the Prime Minister had a discussion with the Salaries Review Commission. The Prime Minister said that he never met with the Salaries Review Commission. I do not know if some kind of discussion took place—not with the Prime Minister, but probably somebody else like the Member for Diego Martin Central—with the Salaries Review Commission and someone instigated that Members of the Opposition are part-time parliamentarians and they should not get any medical benefits. In hindsight, I do not think that the Member for Diego Martin Central would do that. It might be somebody else, because the Member for Diego Martin Central was very open with respect to benefits. I do not know. In this society, you always have people changing their minds.

Mr. Narine: Jack Warner.

Mr. Valley: For the avoidance of doubt, let me inform the hon. Member that I never made any submission to the Salaries Review Commission.

Dr. A. Nanan: I only brought that in, because I am not sure in my mind that all the work that was done is now being shelved. In fact, Members of Parliament are not getting remuneration under the House Committee—Members of Parliament are working toward the benefits for Members of Parliament—and now all that work is being stopped by the Salaries Review Commission. That is unfair. If that is so, then say so. You cannot undermine the work of the committee by saying, okay, it is not there and we have to bring a report. That report would never come to the Parliament, and the retirement allowance would never be dealt with. That is totally unfair and unsatisfactory. If that matter has to go for judicial review, if necessary, then so be it. This is totally unsatisfactory. That is the whole context upon which I build my argument, and that is why I asked for an amendment.

In fact, this might be the first time that we would see an amendment to the report. We do not know if it is legal for the Government to make an amendment to this particular report. I see the Member for Diego Martin Central shaking his head. The Attorney General is sitting next to him, so I am sure that he would have advised him. If this could be done, then the Government could also make an amendment to include medical benefits for parliamentarians. The Prime Minister said that the amendment would be to reduce salaries rather than increase them—justifying these kinds of amendments. We are asking for benefits for our own health.

I am also saying—you may bow and say, yes, you would give it to Members of Parliament—that Members of Parliament spouses and children should be stated here, because everybody suffers in the family when you are a Member of Parliament. That is the situation. So, it should be extended. Member of Parliament for Diego Martin Central, this is a strong recommendation.

In the Salaries Review Commission Report, I saw the interest with respect to car loans. There was a lag when the recommendation was made for interest on car loans to go from 6 per cent to 4 per cent. This was supported in certain areas by the Member for Diego Martin Central. Of course, one day you have support and then the next day we do know why there was a change of heart or change of mind.

Mr. Narine: Yesterday was yesterday and today is today.

Dr. A. Nanan: Mr. Speaker, so we have a situation now where in the report they are explaining the interest on car loans and hear the explanation.

“Under the existing arrangements, the quanta of Motor Vehicle loans vary. The maximum loans provided for office holders range from \$100,000 to \$200,000 and are repayable over a period of six (6) years at a rate of interest of 6 % per annum. Some office holders have proposed that such rates be fixed as low as 3 %.”

So, at some point in time, this recommendation was made to the Salaries Review Commission.

“We are satisfied, however, that the rate of repayment currently offered is reasonable after having compared it with commercial rates of interest for similar type loans, which may appear to be lower but, in fact, result in a higher cost to the borrower. This occurs since the interest on consumer loans is calculated on an ‘add-on’ basis over the entire period of the loan in contrast to one based on the reducing balance. We have not recommended any change in the existing interest rate or period of repayment.”

Mr. Speaker: Hon. Members, earlier on this afternoon I granted leave to the hon. Member for Siparia to raise a definite matter of urgent public importance. I now call upon the hon. Member for Siparia.

**TAX APPEAL BOARD
(EVICTION OF)**

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, under Chap. 4:50 of the laws of Trinidad and Tobago, the Tax Appeal Board was established. The court began its operations in January 1967. Its first report was an inaugural report which was really—even though it began sittings from 1967—in 2001. The board indicated that they had cases filed with the registry of the Tax Appeal Board, and up to December 2000, there were 5,689 cases filed. The latest report does not indicate what the present workload of the Tax Appeal Board is.

Under Chap. 4:50, the Tax Appeal Board is, in fact, a superior court of record. It has exclusive jurisdiction. What that means is that matters that are within the jurisdiction for adjudication by the Tax Appeal Board cannot be filed at any other or in any other place. So, taxpayers’ redress is only through the Tax Appeal Board. There is no other avenue or route for access to justice with respect to those matters.

Tax Appeal Board
[MRS. PERSAD-BISSESSAR]

Friday, February 24, 2006

Firstly, the jurisdiction of the Tax Appeal Board is to hear and determine appeals from the decision of the Board of Inland Revenue, upon objection to assessment under the Income Tax Act.

Secondly, appeals from such other decisions of the Board of Inland Revenue or any other person under the Income Tax Act as may be prescribed by or under that Act.

Thirdly, such other matters as may be prescribed by or under this Act or any other written law.

Mr. Speaker, since the Act came into force in the 1960s, there have been other matters prescribed to be determined by the Tax Appeal Board and these include matters dealing with anti-dumping and countervailing duties and so forth. So, it is basically appeals relating to revenue.

As we know, the collection of revenue from a taxpayer is a punitive measure. It cannot be undertaken without the leave of the Parliament, but it can only be done when the Parliament approves that deprivation of property because you are asking people to pay money.

Mr. Speaker, whereas you are assessed by the Inland Revenue Department and you want to appeal because you think the amount is too high then this is your avenue; this is the way in which you seek redress. As I said, that jurisdiction is exclusive.

I suppose this is Carnival week and, once more, we cannot help but take notice of that. We have seen on Tuesday in the *Guardian* newspaper the headline "Tax Appeal Board Evicted". Several other newspapers carried the same headline. It was drama at the Hall of Justice as the Tax Appeal Board was evicted from those premises.

Mr. Speaker, the problem with the Tax Appeal Board goes back for quite some time. I think the Tax Appeal Board had accommodation at the Hall of Justice for about 20 years. The court was closed in January, so the eviction really came upon the heels of that eviction. I was advised that the court closed in January, and up to when the court was evicted, there was no suitable accommodation, in terms of reports that have come from the chairman of the Tax Appeal Board. There was no accommodation that they were satisfied with to which they could be located.

I have no difficulty with the Judiciary requiring space for itself. This is not a problem for the Judiciary with respect to the Tax Appeal Board. I have no

difficulty with that. Indeed, if I may go forward, there is on our Order Paper a Bill to amend the Supreme Court of Judicature Act to bring on four more judges and so forth. So, really, the Judiciary does need that space at the Hall of Justice. I have no quarrel with that. My concern is clearly one of access to justice.

Mr. Speaker, our fundamental right, once again, was that there was no expressed provision which says that access to a court of law for redress for your grievances. There is no expressed provision in the Constitution for that. Our Constitution provides for due process of law for deprivation of property without due process of law. Within that is subsumed the whole idea of access to a court of law.

Mr. Speaker, indeed, the jurisprudence has developed very clearly and anything that obstructs the individual's access to court is highly unconstitutional. For example, we saw in the Caribbean Court of Justice Act where an ouster clause was included to oust the jurisdiction of the court to prevent persons who were aggrieved by anything done by the Regional Judicial and Legal Service Commission. They are prevented from going to the courts because of that ouster clause.

Mr. Speaker, in the past we had ouster clauses and that was all good and fine. It was existing law, so the Constitution said that it was all right, existing law could breach me, but from the time I come into effect, anything that breaches me breaches the rights contained within it. Those are breaches which are unconstitutional. I am saying that with respect to ouster clauses within the law, the jurisprudence is very clear. I shall be coming very shortly with a constitutional motion dealing with the Caribbean Court of Justice. The only reason we have taken so long to file that matter is because even though the Act was passed early last year, it was only proclaimed on December 12, 2005. So it is now in effect.

Mr. Manning: We were preoccupied.

Mrs. K. Persad-Bissessar: That is quite all right. I hope that it is not with further heart problems in Cuba, you have been busy. You missed what I said when you were out of the Chamber. I was very sorry when you gave us the story about how many heart problems you have been having. You spent quite some time dealing with the history of your heart complaint. I did express my sympathy. I could not see why you would spend so long describing your condition and all the things you had to go through and, worst of all, your fears that somebody might be trying to kill you. With due respect, I find that most interesting. So, you did gain my sympathy. I wondered if I were to fall similarly ill and had to go to the

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nation's hospitals whether I would be in the same position being an Opposition MP?

Mr. Manning: Mr. Speaker, I thank the hon. Member for giving way. In addition to being an Opposition MP, I was also leader of a political party at the time. She could rest assured that as long as I have anything to do with it, she would be given similar treatment. [*Laughter*]

Mrs. K. Persad-Bissessar: That is very kind of you. We would be most happy to see it included in the Salaries Review Commission Report that Opposition Members would be entitled to medical attention as well; maybe in Cuba.

Mr. Speaker, you know, it is Carnival so there is some levity in the air. The whole business of obstructing the individual's right of access to the court is what is happening now with the closure of the court. I have asked the Government to explain what has happened and why there is no accommodation for this court.

The reason this matter is so urgent is that the Tax Appeal Board Act prescribes a time limit within which an individual can file a Notice of Appeal. If there is no Tax Appeal Board, then these individuals are going to lose their right of appeal if they do not file within time. Therefore, it is very urgent that the Tax Appeal Board be housed in proper accommodation.

I have read all the lefts and the rights and so forth and also the chairman's comments in the newspaper. I have also read the comments that purportedly came from the Attorney General and the latest one in today's newspapers where the chairman of the Tax Appeal Board has written to the President. He is really accusing the Attorney General of all kinds of things. In this letter which was reported in the *Newsday* on February 24, 2006 the headline reads: "Coup d'etat at Hall of Justice". It says:

"Anthony Gafoor, chairman of the embattled Tax Appeal Board, has written to President George Maxwell Richards, pointing out that his board's eviction from the Hall of Justice on Monday was nothing short of a well-executed coup d'etat.

Gafoor told the President that at about 2 pm on Monday, the Chief Justice's administrative secretary Michelle Austin accompanied by a large group of the Judiciary's internal security, barged into the Board's offices where he was served with a letter with instructions from Chief Justice Sat Sharma.

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In the letter dated February 23, Gafoor told the President that he informed the administrative secretary that the action which was contemplated would be illegal as the Tax Appeal Board was not a tenant of the Judiciary...rather was placed there by the State.”

This clearly raises the issue as to where do the responsibility lies for providing accommodation for the Tax Appeal Board. If they are not a tenant of the Judiciary and they have been placed there at the beck and call of the State, then, in my respectful view, it has to be the State that must make provision for adequate accommodation. I am asking the Government to tell us why these arrangements have not been made to date and how soon such arrangements would be put in place. It is highly unacceptable to have blocked access to justice. Again, you open yourself to all kinds of constitutional motions which we do not need. You are going to have people saying that they have lost their right of appeal because of your failure.

The report continues:

“Gafoor said he asked the administrative secretary and the internal security officers to remove themselves from the board’s offices as they were occupying the premises illegally.

‘She informed me that she was not there to discuss the matter with me, merely to inform me of the Chief Justice’s decision taken on the advice of the Attorney General.’”

The Attorney General should tell us whether he advised the Chief Justice. I find this most unusual. I thought he had advised the Prime Minister against the Chief Justice, and here he is advising the Chief Justice against the Chairman of the Tax Appeal Board. So, tell us, we want clarification. Did you or did you not advise the Chief Justice to evict the Chairman of the Tax Appeal Board? He has written this to the President. This is not Kamla saying so. This has gone to the President.

In a sense, this is the problem in the country. Here we are in an embattled state—a nation in crisis and some people say a collapsed failing state—and the highest offices in the administration of justice, we are hearing of a fellow storming out a meeting and so forth. I would like the Attorney General to tell us about that. I would really like to know. [*Interruption*]

The Attorney General has a very responsible office and I respect that office. I know the Attorney General tries his best to do what is right. Perhaps he could

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explain why, in the first place, adequate accommodation was not provided. Did he advise the Chief Justice to evict the Tax Appeal Board? Did he have jurisdiction so to do? Was that good advice or was that bad advice? Was that legal advice or illegal advice? From what Mr. Gafoor is saying, it was illegal advice because he is not a tenant of the Judiciary and, therefore, the Judiciary does not own the building. The Judiciary has no power to evict him and put him out of the building. Did the Attorney General advise him?

This matter is in the public domain; it is out there—the highest level of the administration of justice; namely, the Chief Justice, the Chairman of the Tax Appeal Board and the Attorney General. All these offices are at the height of the administration of justice.

A meeting was called and this is the duty of a member of the Executive of the Government. In this case, the person so designated was the Attorney General. It was well and fitting for him to talk with the chairman and members of the Tax Appeal Board to resolve this matter in the national interest. They said what happened was like Carnival inside there—“ol’ mas” and fight was going on.

Mr. Speaker, let me read this article for you. This is in the *Newsday* dated Wednesday, February 22, 2006 on page 13. It says:

“Attorney General John Jeremie has summoned a meeting of members of the Tax Appeal Board today following Monday’s eviction of the staff from the Hall of Justice.”

So, the meeting took place and on the next day there was a headline: “Vex Gafoor walks out on Jeremie” and it says:

“Evicted chairman of the Tax Appeal Board Anthony Gafoor, yesterday walked out of a meeting called by Attorney General John Jeremie to deal with the relocation of the board which was evicted from the Hall of Justice on Monday.

The chairman alleged that Jeremie had made ‘unacceptable comments’ about him which caused him to leave the meeting. Before Gafoor’s departure, Jeremie had told him he was going to report him to the Judicial and Legal Service Commission (JLSC) for his comments about ‘Nazism’ after last Monday’s eviction. *Newsday* later learned the AG did in fact dispatch a letter of complaint to the JLSC.”

Mr. Speaker, if this is true, this is all over again with Chief Justice Sharma. The Attorney General goes and talks to people and, thereafter, he becomes a

complainant and makes up a statement, and that becomes part of a complaint to dislodge the person from office. He is doing it again and he must give us the reason why. Is it that when people talk out against this administration they are going to be victimized or penalized? Is that how it is going to be—not a dog must bark—when you take high-handed executive action that is unconstitutional? When people talk out about it, what do you do? You turn around and say: “You see your job, I am going to take that job from you. I am going to report you.”

So, you met with him in good faith. There was a meeting in good faith to resolve a dispute in the public domain that impacts upon the fundamental rights of citizens with respect to access to justice, and what comes out of that meeting was you reported the man and tell him that you are going to move him from his job. You become a complainant against him. How could anyone sit with you in good faith to negotiate and resolve a matter when every time you have a discussion that person ends up before a disciplinary committee? *[Interruption]* Mr. Speaker, we need some explanation on this matter. The report continues:

“During yesterday’s meeting, when the AG expressed concerns about Gafoor’s alleged comments to the media, Gafoor said he had no control over what was reported. The AG then pointed out to Gafoor that his comments were reported in the electronic media and, according to Gafoor, the AG then asked, ‘something wrong with your ears?’

Gafoor said he told the AG that he had no business talking to him in that manner and left the meeting.”

You see, Mr. Gafoor is probably an independent spirit. We are seeing a lot of that in recent times. He is saying—whatever took place in that meeting—you are not my boss; you are not my father; you cannot slap me up and you cannot rough me up. I came here in good faith, so let us resolve this matter.

“Although Gafoor left the meeting at about 9.30 am, half an hour after it began, the AG continued his discussion with the other two board members...”

And the story continues.

Mr. Speaker, what I find interesting is that in the same article the Attorney General talks about setting up a desk. I do not know if that is true. This is a superior court of record and you are talking about setting up a desk somewhere. The thing is so totally distasteful.

Here you have the head of the Executive, the Prime Minister, annexing the President’s grounds next door to his house and so forth. He also wants to take

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over the Parliament building, and here it is you want to give a superior court of justice a desk. That is the contempt with which you treat those responsible for the administration of justice in this country, and then you want to know why law and order have broken down. If we cannot respect the institutions responsible for the administration of justice then you better let in the law of the jungle—forget the rule of law and let the law of the jungle prevail, and this is what is happening in this country.

So, I call upon the Attorney General to understand that at this point in time there are persons who are being obstructed in obtaining justice before the competent court with respect to tax matters. At the moment there are persons who risk losing their Notice of Appeal according to Chap. 4:50 which must be filed within 28 days of the determination by the Board of Inland Revenue.

So, if the court has been shut down since January and now it has been totally evicted, when are you going to make arrangements for the registry to be functioning? Do not tell me about a desk. That is totally unacceptable. Mr. Speaker, when you talk about people setting up desk you would think of a school desk or something like that. How could you have a desk for a court? What are the arrangements to house the registry? More importantly, litigants who actually have matters before the court, these matters cannot be heard because there is no courthouse. What has happened to these files?

Mr. Speaker, income tax matters are heard in camera; unlike other courts in the land where hearings take place in an open court and anybody could go and listen. These are tax matters dealing with people's properties, financial statements and confidential statements and, therefore, those hearings are always held in camera. What has happened to all those files with people's private financial business? Are they being taken care of? Are they secured? Where are they? Again, I am asking the Attorney General to please tell us.

Mr. Speaker, with these few words, I thank you for your time and also for allowing the Motion as a definite matter. [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie): Mr. Speaker, thank you. The hon. Chief Justice first informed the chairman of the Tax Appeal Board, by letter dated December 15, 2003 that owing to the increasing need for physical space at the Hall of Justice to accommodate the expansion of the Judiciary that it had become necessary to access the space then utilized by the Tax Appeal Board.

What I need to say at this juncture, in response to the hon. Member for Siparia, is that I did not advise the Chief Justice to evict Mr. Gafoor. Mr. Gafoor

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did leave a meeting hastily which I summoned at my office in an attempt to resolve this matter, but the other members of the board stayed and we had a very productive meeting which solved the concerns raised by the hon. Member for Siparia.

Mr. Speaker, two years is a long time to give notice. I wish to give this House the assurance that despite our differences on other matters, I stand fully behind the hon. Chief Justice on this issue. [*Desk thumping*] Notice was repeated by the hon. Chief Justice to the board in September 2005 which was two years afterwards.

On behalf of the Government, I met with the members of the Tax Appeal Board and the director of the Property and Real Estate Division of the Ministry of Public Administration and Information to discuss finding alternative accommodation for the board. This was in 2005. Three possible locations were identified initially: one is the office space currently occupied by the Ministry of Tourism which is located on Frederick Street; the second building is owned by LJ Williams located on St. Vincent Street which was being offered for sale; and the third was the old library building located at the corner of Knox and Pembroke Streets in Port of Spain.

The LJ Williams building was the preferred location for the Chairman of the Tax Appeal Board. He also agreed that the location which is now occupied by the Ministry of Tourism was also suitable. The Ministry of Tourism was expected to vacate that space in four months but that did not occur. The departure of the ministry was delayed. A technical team including officials from the Ministry of the Attorney General and the Tax Appeal Board then examined the LJ Williams building, and we found it to be unsuitable due to structural and engineering challenges.

Mr. Speaker, anyone driving around Port of Spain would know that good rental property is now very scarce. The hectic construction activity around the capital is part of the Government's attempt to address this matter. Finding property suitable for the board became a challenge and that challenge became even more difficult, given the intransigence of the chairman who vetoed locations in Woodbrook and St. Clair, on the grounds of distance, while refusing to vacate the urgently needed space at the Hall of Justice.

The Ministry of the Attorney General then held discussion with respect to a property on Victoria Avenue, and we explored the possibility of relocation temporarily to the AS Bryden Building on Independence Square. Mr. Speaker, it is with respect to that building that you see an instance of what can only be described as bad faith.

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What happened was that the AS Bryden site was visited by a team of officials from the Ministry of the Attorney General and officials of the Tax Appeal Board led by its chairman. They agreed that the site was suitable. Given the need to move at short notice that site was the only option, because the Victoria Avenue property was not expected to be completed before May of this year.

Mr. Speaker, the needs of the Judiciary for additional physical space became more acute in January with the appointment of six temporary judges. The Ministry of the Attorney General then moved to make the AS Bryden building suitable for the Tax Appeal Board. Just in case the Member for Siparia is not acquainted with Port of Spain, the building is just opposite the Roman Catholic Cathedral of the Immaculate Conception, and it is adjacent to Express House which is the headquarters of CCN. [*Interruption*]

Mr. Speaker, following this agreement in principle, the Ministry of the Attorney General was informed by the Chairman of the Tax Appeal Board that the board would not be moving to the AS Bryden building—this was after he had given his word to move—until he was given the assurance by the Government that the Victoria Avenue property under construction would be secured for the exclusive use of the Tax Appeal Board on completion.

Mr. Speaker, as you yourself would know, the Ministry of the Attorney General could give no such assurance. This is why I referred to the intransigence of the Chairman of the Tax Appeal Board as hindering a solution. Although he was aware of the acute needs of the Judiciary and having initially agreed to move to Independence Square opposite the Cathedral of the Immaculate Conception, the chairman of the board suddenly decided that the AS Bryden building no longer suited his status. That was it.

Therefore, it was not surprising when I saw him on television last evening after he had been evicted by the hon. Chief Justice from the Hall of Justice, on the steps of the Hall of Justice conducting a television interview demanding, in effect, the old library building opposite the Hall of Justice. That building, despite its grand history, does not begin to approach the fittings and the present state of readiness as the accommodation opposite the Cathedral of the Immaculate Conception which is on offer.

Mr. Speaker, during all these discussions, I have been acutely aware of my role as Attorney General and the importance of ensuring that the work of the court is not disrupted for one day, as a result of this unseemly impasse brought about by the intransigence of the Chairman of the Tax Appeal Board. That is why on

learning of the decision of the Chief justice to serve 14 days' notice on the Tax Appeal Board, beginning on February 07, 2006, I instructed officials at the ministry to ensure the availability of the AS Bryden building. As the deadline approached and the hours ticked down, I wrote to the Chairman of the Tax Appeal Board begging him to avoid a confrontation with the hon. Chief Justice by honouring his initial decision to move to the Independence Square property opposite the Cathedral of the Immaculate Conception, and the chairman ignored me.

Mr. Speaker, the history would record that the chairman ignored my request. He was evicted by the hon. Chief Justice and that really was an unfortunate event. It was recorded spectacularly by the chairman in the print and electronic media. I moved quickly to resolve the matter in the public interest, and despite the continuing intransigence of the chairman of the board who hastily left the meeting—I go no further than that—an agreement was reached with other members of the Tax Appeal Board.

This nation owes a debt of gratitude to Mr. Vindar Dean-Maharaj, a decent public servant, who sat throughout that meeting and, in my view, made wonderful suggestions. As I understand, the Chairman of the Tax Appeal Board has not agreed with them. Those suggestions were communicated by me today to the Chief Justice.

What I can report is that the members of the Tax Appeal Board, Mr. Dean-Maharaj and Mr. Williams, resumed work on a temporary basis at the Hall of Justice. They have a registry there. The Chief Justice met with the both of them. The Chief Justice did not meet with the chairman. He was wiser than I was, but age brings reason. [*Laughter*] Mr. Speaker, I can report that an objection was filed at 3.12 p.m. yesterday afternoon. Thanks to the efforts of Mr. Vindar Dean-Maharaj and Mr. Williams, members of the Tax Appeal Board and the Chief Justice.

Contrary to the assumptions of the Member for Siparia, the Tax Appeal Board registry is at this time functional. In the meantime, the president of the Industrial Court has also approved the use of a courtroom at the Industrial Court building for the hearing of Tax Appeal Board matters. The premises opposite the Cathedral of the Immaculate Conception are ready for use by members of the board for the storage of documents or as office space should they require it.

In the meantime, the Ministry of the Attorney General would continue to use every effort to secure long-term accommodation suitable for the use of the board

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which meets with the approval of the members of the board, provided, as always, that we can also secure approval of the chairman of the board.

Mr. Speaker, thank you. [*Desk thumping*]

**SALARIES REVIEW COMMISSION
(EIGHTIETH REPORT)**

Dr. A. Nanan: Mr. Speaker, thank you. Before I wind up, I want to make two observations and I know they would be controversial. On page 250 of the Salaries Review Commission Report, the chairman of the Environmental Commission is getting an increase of \$10,800. His salary is moving from \$21,500 to \$32,300. In terms of the environmental landscape, we have seen the situation with the aluminium smelter in Chatham and we have seen the uprising with the people of Cedros with respect to this particular smelter plant.

Mr. Speaker, you would recall that normally an application would be made to the EMA if there is any protest action, and if the EMA does not respond within a period of 60 days, then the matter could be taken to the Environmental Commission as a class action suit. With respect to the aluminium smelter, we have heard nothing from the EMA. If there is no reply from the EMA with respect to any matter raised within that period, the group can go to the Environmental Commission.

It is my understanding that this particular matter has reached the Environmental Commission, but there is dormancy on the part of the Environmental Commission to act. I am asking the question: Are we again paying people for non-performance? This is within the Salaries Review Commission Report. [*Laughter*]

Mr. Speaker: Members are appealing that perhaps you are irrelevant. Just as I was about to rule you, I noticed you made a sharp turn.

Dr. A. Nanan: On page 251 of the report, the director of the Forensic Science Centre is earmarked for an increase from \$16,500 to \$21,700. Again, we have to look at the situation where there are so many unsolved murders in this country, because of the lack of forensic capabilities, and here we are seeing a salary increase for the director. I agree with the Prime Minister when he was vacillating whether to pay or not to pay, or whether you pay more or you pay less. We are seeing here where very high salaries are going to be recommended in these particular areas and we are not seeing any performance.

Mr. Speaker, this is how I end my brief intervention on this particular debate. [*Desk thumping*]

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, thank you very much. I was mentioning to the Chief Whip a while ago that I really do not understand the position of the Members of the Opposition. When the Chief Whip spoke—

Mr. Manning: Who is that?

Hon. K. Valley: The Member for Caroni East. He said the report should be sent back to the Salaries Review Commission. When we heard from the Member for Siparia, the Member wanted to file for judicial review, and the Member for Tabaquite was asking for a bit more, Oliver Twist.

Mr. Speaker, quite frankly, I think if the Member for Caroni East thinks he has a case, he should be making representation to the Salaries Review Commission, but we do not have to send it back.

We have noted that since the last review in 2002, the commission had 12 special reports in the intervening period. I made the point in opening that there are occasions when representation is made and the commission is convinced that they have erred in some area, they would bring one of the special reports. I would suggest to Members opposite that might be an appropriate course to take.

When the Member for Siparia talked, she mentioned that she was unaware that the commission had requested submissions. Mr. Speaker, I have in my possession—I know that I did receive a copy of this letter which I circulated to all Members on this side—the letter which was signed by the Acting Clerk of the House, Mr. Neil Jaggassar. It is dated June 21, 2005 and it is addressed to Mr. Ganga Singh, Opposition Chief Whip. I shall read the letter.

“Dear Sir,

I have been informed by the Chief Personnel Officer and Secretary to the Salaries Review Commission that a general review is to be undertaken of the salaries and other terms and conditions of service of all offices under the purview of the commission.

In this connection, the Chief Personnel Officer has invited the submission of memoranda on the matter of salaries and other terms of conditions of service for Members of the House of Representatives and the Senate, including the Presiding Officers.

A copy of the letter received from the Chief Personnel Officer is attached hereto.”

Salaries Review Commission Report
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Mr. Speaker, this is what is important:

“Please be kind enough to bring the letter to the notice of the Members of the Opposition Benches in the House of Representatives who are to communicate with me on the matter.

Mr. Speaker, this is dated June 21, 2005.”

I do not think there is a Member on this side who can say that he or she was unaware of this letter.

Mr. Hinds: At all.

Hon. K. Valley: I know of the normal efficiency of the Member for Caroni East. [*Desk thumping*] I am surprised, but you see with age one tends to forget. I do not know. That is the reality. [*Interruption*]

Mr. Speaker, I think the Member for Siparia and, to an extent, the Member for Tabaquite, attempted to cast aspersions on the members of the commission. There seems to be some type of suggestion that somehow the members of the commission favoured—it was said: Are they in the PNM pocket? I do not know these persons.

The members of the commission are appointed by the President after consultation with the Prime Minister and the Leader of the Opposition, and they ought to be treated with some level of respect—[*Desk thumping*—]—unless there is clear evidence of some type of bias.

Mr. Speaker, as a relatively young country, there is that obligation on the part of all of us to assist in building institutions whether it is the institution of the Presidency; whether it is the institution of the Salaries Review Commission and so forth.

The names of the members of the commission are attached at page 234 of the report and they are: Chairman, Edward Collier; Member, Keith Ortiz; Member, Joyce Marshall; Member, Ashton Brereton. I know that name as someone who is versed in human resource and compensation planning, as it were; Member, Varun Maharaj; and Acting Chief Personnel Officer and Secretary to the Commission, Narieman Hosein-Ahmad. [*Interruption*] You are still casting aspersions on members of the commission.

Mr. Manning: That is not necessary.

Hon. K. Valley: Mr. Speaker, the last time we were here adopting a report of the Salaries Review Commission was at the end of 1999. At that time, the

Members who are now in Opposition were in government. The view of the government at that time was that when the commission comes with a report that is it. It must be accepted and so forth without question. That was the view at that time articulated by the prime minister, and also by his now favoured son.

Mr. Manning: Who was the prime minister at the time?

Hon. K. Valley: The prime minister was Mr. Basdeo Panday. The attorney general at the time—his now once more favoured son—was Mr. Ramesh Maharaj. They articulated the position that when the report comes—I would just quote what Mr. Maharaj said.

“Mr. Deputy Speaker, that is exactly the position we have adopted. We have adopted the position that the Constitution has set up this body, the Salaries Review Commission. The Salaries Review Commission has adjudicated on this matter. It has sent the matter to the Parliament through the Cabinet.”

6.45 p.m.

As a matter of fact, the Constitution specifically says: When it goes to the President, he passes it to the Prime Minister, who takes it to the Cabinet and a copy is laid in the Parliament. It does not even have to be approved by the Parliament; that shows the importance of the Commission's findings. But, Mr. Speaker, like in so many things with those on the other side—

Mrs. Persad-Bissessar: Would the hon. Member please give way?

Hon. K. Valley: One second, let me just finish this sentence. Like so many things with those on the other side, today is "dat", tomorrow is "bat". [*Desk thumping*] We saw it only last week Sunday; there were those who were not going to Chaguanas at all. When you get up and look you see them, who not on the stage hiding in a corner. [*Laughter*]

Mrs. Persad-Bissessar: Thank you. Can you pass me the Constitution, please? Hon. Member, just for clarification, that statement was made with respect to the 1998 report. At that time that was the position in law. The position in law was that you could not question, you could not challenge the report of the Salaries Review Commission. It was only in the year 2000 that section 126 was changed to remove the ouster clause and therefore allow questions with respect to the SRC Report. At the time in 1998, you could not challenge, you could not question and that was the right procedure. If you look at section 126—

Mr. Manning: How could you say that?

Hon. Member: He changed the report.

Mrs. Persad-Bissessar: He changed the report before, okay. Section 126(3), repealed by Act 43 of 2000. That ouster clause was repealed, taken out of the Constitution.

Hon. K. Valley: Mr. Speaker, I am not a lawyer, but that does not square with my common sense. It is clear there is a government in Trinidad and Tobago with executive authority. There is a Salaries Review Commission, which has to be advisory to the Cabinet. The Cabinet must take that responsibility for the report. In other words, the question is, when the report comes, the fact that it has to come to the Cabinet; the Cabinet is obviously not opposed to office. I mean, clearly, the Member has to be wrong.

The position is, and the position has always been, that in cases where there is obvious error, we would correct the anomalies, as we are doing today. We have moved an amendment to take that into consideration. If there are other concerns, those can go back to the Commission, which ought to consider them and then opine. That is why this is merely the sixth general review, this is the Eightieth Report, because the Commission would look at special issues in the intervening period, as has been said since the last general review; there have been 12 such special reports, Mr. Speaker.

Therefore, we know they were really not serious when they spoke as though they were opposing the report. They really want a bit more and I understand that, I sympathize with them. I suggest that the best course is to take it up with the Commission.

I beg to move.

Question, on amendment, put and agreed to.

Question, on amended motion, put.

The House divided

Ayes 14

Noes 8

AYES

Valley, Hon. K.

Manning, Hon. P.

Rowley, Hon. Dr. K.

Narine, Hon. J.

Boynes, Hon. R.

Beckles, Hon. P.

Roberts, Hon. A.

Bereaux, Hon. H.

James, Hon. E.

Hart, Hon. E.

Callender, Hon. S.

Suekeran, Hon. D.

Hinds, Hon. F.

Achong, Hon. L.

NOES

Singh, G.

Persad-Bissessar, Mrs. K.

Ramsaran, M.

Rafeeq, Dr. H.

Partap, H.

Nanan, Dr. A.

Panday, S.

Baksh, N.

Question agreed to.

Resolved: That this House support the recommendations contained in the Eightieth Report of the Salaries Review Commission, as amended.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House do now adjourn to a date to be fixed. We would follow the Order Paper. The first item when we resume is the Student Revolving Loan.

Adjournment

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Mr. Speaker: Hon. Members, before we take our leave of this Chamber, I wish you a very safe and enjoyable carnival.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.52 p.m.