



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

MEDIA RELEASE

The Law Association of Trinidad and Tobago (*“the Association”*) notes with deep concern what appear to be unwarranted attacks on the independence and integrity of the independent bench in the Senate, during and following the recent Parliamentary debate on the bill to amend provisions governing qualification for a Prime Minister’s pension. Those attacks were directed at members of the independent bench who did not support the bill.

The Association appreciates that debates in Parliament can often be fractious, contentious and partisan, particularly among members of the political parties who sit on opposite sides of the aisle. The exchange of diverse and differing perspectives is vital to good law-making. Indeed, critical analysis of proposed legislation should be part of the law-making process. It is for that reason that the right to express one’s views freely in the Parliament is one of the safeguards of our parliamentary law-making process.

The contributions of the independent bench in the Senate, particularly when a special majority is required, for instance, where the proposed legislation impacts the fundamental rights of citizens, is critical, precisely because, as has already been observed, the positions of members of the major political parties sitting on opposite sides of the aisle, can be fractious, contentious and partisan.

Members of the independent bench in the Senate are selected by the President to represent various interest groups. They are not nominated by the leaders of the respective political parties. The purpose of this constitutional arrangement is to afford

the Parliament the benefit of views and perspectives which may not align with, or be shared by, those members who have a political affiliation.

As regards the bill to amend the provisions governing qualification for a Prime Minister's pension, while some Independent Senators did not support the bill, others did, and accordingly, the bill was passed. It is not clear what rational basis there is for suggesting that the Independent Senators who supported the bill were independent and free of Opposition influence, but that those who did not support the bill were not.

We live in a democratic society in which we are likely to encounter differences of views and perspectives on almost every topic. The health of our democracy can be gauged by the manner in which such differences are navigated. Our democracy needs strong and independent thinkers. Sadly, however, particularly where our public institutions and public figures are concerned, their independence and integrity are often called into question whenever they hold or express views or perspectives which differ from those of our politicians. This is a trend which must be reined in.

It is not in our nation's interest, for the citizenry, many of whom are likely to have some political affiliation, to be encouraged to believe, that every time views and perspectives are expressed which differ from their own, the persons expressing them are unprincipled or are lacking in independence and integrity.

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