



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

MEDIA RELEASE

Statement on Government comments on Independent Senators

The Law Association of Trinidad and Tobago (LATT) notes the recent remarks made by the Prime Minister, again disparaging Independent Senators for voting against legislation proposed by the Government and this time, vowing not to accept any amendments proposed by those Senators in the future. The Prime Minister also made disparaging remarks against the independent bench on the last occasion that her government failed to secure their support. On both occasions, the Government refused to entertain amendments proposed by the Independent Bench which could have secured their support.

LATT also notes the reported remarks of a Government Minister/Senator to the effect that it was not the intention of the framers of the Constitution that an elected government should have to depend on the votes of members of the independent bench and that requiring the Government to do so to pass legislation would be undemocratic. The intention of the framers of the Constitution can be gleaned from the clear language of the Constitution, sections 39 and 40 of which provide as follows:

'39. There shall be a Parliament of Trinidad and Tobago which shall consist of the President, the Senate and the House of Representatives.

40. (1) The Senate shall consist of thirty-one members (in this Constitution referred to as "Senators") who shall be appointed by the President in accordance with this section.

(2) Of the thirty-one Senators—

(a) sixteen shall be appointed by the President acting in accordance with the advice of the Prime Minister;

(b) six shall be appointed by the President acting in accordance with the advice of the Leader of the Opposition and;

(c) nine shall be appointed by the President in his discretion from outstanding persons from economic or social or community organisations and other major fields of endeavour. [Our emphasis]

Of course, no member of the Senate, (Government, Opposition or Independent) is elected to the Senate via the polls. Nevertheless, the constitutional arrangements on which our democracy is founded quite clearly contemplate that the creation of legislation involves the participation of the Senate, a body which comprises in part persons who are not aligned to the elected government. That is the way the legislative process has always worked since independence, and these are the arrangements under which every elected government has been constitutionally required to operate to date.

LATT calls upon the Prime Minister to withdraw her disparaging remarks against the Independent Senators and, pending the adoption of that course of action, calls upon the President of the Senate to take the necessary action to ensure that the reputation of the Senate is preserved.

LATT also reminds the Prime Minister that our democracy depends on her government hearing and considering the views of those who do not sit at her table in government.