

HOUSE OF REPRESENTATIVES*Friday, September 28, 2001*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**CONDOLENCES****(Mrs. Ellen Agatha Gillette)**

Mr. Speaker: Hon. Members, I have been informed that the mother of Sen. The Hon. Lindsay Gillette, Mrs. Ellen Agatha Gillette, passed away Thursday, September 27, 2001. On behalf of myself and Members of the House of Representatives, I convey to him and his bereaved relatives, our sincerest and deepest expressions of sympathy on the occasion of their loss.

In this time of bereavement we pray that Almighty God grant him and his family, the faith, strength and courage needed to get through this period.

I would pause to see if any Members would like to express condolences.

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, notwithstanding the rancour that has characterized proceedings in this honourable House between Members on this side, and between Members of this side and the opposite side, there are events and moments when we must rise to all too infrequent levels of civility, humanity and decency. This is one such moment.

Mr. Speaker, Mrs. Ellen Agatha Gillette, mother of fellow parliamentarian, and Minister of Government, has passed away as you have announced to this honourable House. We may not have known her very well, but we do know, however, that she has served our nation well, if only because she gave our country a son who has been serving the society in high public office.

It has been said that the frequent requirement to be successful is to select good parents. Minister Gillette and his brothers, who now grieve with him, selected very good parents, indeed. Mr. and Mrs. John Gillette have contributed to our society in several ways. They have been good parents and, through their enterprise, have created jobs for many. Mr. and Mrs. Gillette have been known to be deeply religious people. Those who mourn the loss of Mrs. Gillette can take comfort in the knowledge that a special place awaits her in eternity.

Condolences
[HON. B. PANDAY]

Friday, September 28, 2001

Mr. Speaker, on behalf of the Government of Trinidad and Tobago I extend deep condolences to my Cabinet colleague, Minister Gillette, on the sad passing of his beloved mother. May God grant lasting repose to her soul.

Thank you, Mr. Speaker.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, it is with a deep sense of sadness and shock that I have only just learnt of the passing of Mrs. Ellen Agatha Gillette who, as you may not know, was my constituent and neighbour. Those of us on this side have had a very long relationship with the Gillette family and I, personally, have had the privilege, and opportunity of having Mrs. Gillette have me in her home and putting her excellent culinary skills at work. I have shared in the company of Mrs. Gillette, her husband and children. Today is a particularly sad day because we all mourn that loss. Whatever success is attached to the name Gillette, Mrs. Gillette has been the tower of strength, not behind, but at the side of all those members of the Gillette family with whom we are very familiar.

Mr. Speaker, when one loses a mother it is probably an occasion which each person would identify as probably the most momentous of occasions in one's life. I am sure our colleague, the Minister of Energy and Energy Industries, is in that situation today and we join him in sharing this moment of sadness.

On behalf of all Members on this side who would have interacted with Mrs. Gillette and the family, and who know them as public and business figures, as we share in this sadness, say thank you to her for the service that she has done in raising her family in the way she has done, as exemplars. May God rest her soul in peace and we look forward to some time in the future when we all can be in that place where we are sure she has gone.

Thank you, Mr. Speaker.

Mr. Speaker: I would ask the Clerk, on our behalf, to send appropriate condolences in writing to the bereaved family.

PAPER LAID

The Financial Obligations Regulations, 2001. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Mr. Fitzgerald Hinds (Laventille East/Morvant):

**Secondary Education Modernization Programme
(Cost of construction)**

45. (a) Could the Minister of Education indicate the number of schools now under construction, or yet to be constructed in the year 2001/2002, under the Secondary Education Modernization Programme?
- (b) Would the Minister outline the budgeted cost of construction in each case?
- (c) Would the Minister kindly indicate whether under the arrangements at (a), parents of such students are still required to pay each schools fees and/or other tuition costs to these Private Secondary Schools?

**Private Secondary School Places
(Purchase of)**

46. (a) Would the Minister of Education indicate the total cost to the Government of the purchase of places for students at Private Secondary Schools for the school year September, 2000—2001?
- (b) Would the Minister list the schools so paid, the number of students paid for in each school and the amount paid to each?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): May I respectfully ask that questions Nos. 45 and 46 to be answered by the Minister of Education be deferred for a period of two weeks.

Questions, by leave, deferred.

1.40 p.m.

**ELECTIONS AND BOUNDARIES COMMISSION
(PUBLIC COMMISSION OF INQUIRY)**

[Fourth Day]

Order read for resuming adjourned debate on question [May 25, 2001]:

Be it Resolved that this honourable House call on the relevant authorities to take steps to review by way of a Public Commission of Enquiry, all the actions of the EBC in the preparation of the Preliminary and Final Voters Lists which were used on December 11, 2000:

And Be It Further Resolved that this House agree that the Government provide, through supplementary allocation, all the necessary financial and other

resources to effect an immediate, comprehensive, nationwide voter registration exercise, inclusive of a new voter identification system:

And Be It Further Resolved that this exercise be completed in the shortest possible time with a view to having improved procedures and a revised Voters List available well before any other national election becomes due in Trinidad and Tobago.

Question again proposed.

Mr. Speaker: At the last sitting, the Member for Diego Martin East, who I am not seeing here, was on his feet and he spoke for 27 minutes. Whoever catches my eye. Is there anybody on the Government side who wishes to speak before the Member winds up?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, Members on this side are prepared to talk.

Minister in the Ministry of Human Development, Youth and Culture (Hon. Winston Peters): Mr. President, I ask permission this time to read from a prepared statement, because I could not really remember all the things that I have to say even though I am considered to be the “King of ex-tempo”. It is not all times I like to do that.

Mr. Speaker, I think in Trinidad and Tobago, I am most suitably qualified to speak about the Elections and Boundaries Commission, and the problems that are faced by ordinary people like myself who seek to have certain conditions met through the EBC. As a matter of fact, I believe that I stand in a very unique position.

It is my firm conviction, like that of every civic-minded citizen of Trinidad and Tobago, that an accurate and acceptable Voters List is an essential ingredient of the democratic system required for the conduct of free and fair elections. Mr. Speaker, I always believe that a duly appointed body that is transparent, systematic and diligent in its operations should manage the electoral systems of any democratic society. To my mind, and to that of the Commonwealth Observer Team that witnessed the electoral processes on December 11, the Elections and Boundaries Commission is such a body.

Mr. Speaker, yet, while I stand before my hon. colleagues on both sides of this honourable House, considerable real or perceived disquiet and anxiety remain, at least within these walls, with respect to the role of the Elections and Boundaries Commission and the state of the Voters List which was utilized during the last general election.

Mr. Speaker, this concern voiced by some Members of the Opposition has led to a call for this honourable House to engage the relevant authorities to take steps to review, by way of a Public Commission of Enquiry, all the actions of the EBC in the preparation of a preliminary and final Voters List which was used on December 11. It has also been asked by the hon. Member for Diego Martin West, that this House agree that the Government provide, through supplementary allocation, all the necessary financial and other resources to effect an immediate and comprehensive nationwide voter registration exercise, inclusive of a new voter identification system.

Mr. Speaker, this is certainly an important matter, and most certainly a massive request, but what is to say if this request is met that the Opposition would not cry collusion, conspiracy and corruption after taxpayers' dollars have gone into funding this most unnecessary undertaking? Or what is to say that when this exercise is completed and five years hence the UNC is once again made victorious by the people of Trinidad and Tobago, and by an even greater margin than in the year 2000, that the unfounded, malicious and petulant cries of sore losers will not again be heard in this honourable House.

Mr. Speaker, as it stands at present, \$10 million has already been allocated to upgrade the Voters List. I want it to be noted that I said upgrade and I did not say clean up. I said upgrade, which is an exercise that is conducted systematically every 10 years, in keeping with the expected demographic changes in the population over this time. The EBC is thus conducting a house to house survey to find those persons who have changed their addresses without informing them.

Let me again take the opportunity to clear up another misconception. This house to house survey is not a recent decision. It was on April 30, 1999, in the *Draft Estimates of the Revenue and Expenditure* that the EBC requested \$6.5 million from the Ministry of Finance to conduct its survey in the year 2000. As it stands also, an International Commonwealth Observer Team that witnessed the election machinery on December 11 last year made a clear and decisive pronouncement on the conduct of the EBC, and of the election itself on that day.

Mr. Speaker, as you would very well know, this Commonwealth Observer Team was requested by the people on that side.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Ortoire/Mayaro for giving way. I just want to advise him and other Members, that the terms of reference of the team itself, really gave it a jurisdiction on election day but it made it quite clear that they are not in a position to express a point of view, and adjudicate on the processes that led up to the election of the year 2000.

In other words, what you have just heard is not inconsistent with what we have been saying. Something is still wrong.

Hon. W. Peters: Mr. Speaker, I will seek to clarify that as I go along. I quote from the report of this team which states:

“The conduct of the poll was in many ways an object lesson in how it should be done.”

Mr. Speaker, I am not sure whether a team could just walk into Trinidad and Tobago on election day, go from poll to poll and say that is an object lesson in how it should be done. I believe that any intelligent person or persons would have to be here for a considerable amount of time—and with a certain kind of experience—in order to make such a pronouncement. The Commonwealth Observer Group chairman, Mr. Roy MacLaren, said in an interim statement issued after the close of the polls on election day:

“Voters exercised their choice freely.

You will see from this report our conclusion on the electoral process as a whole is conditions existed for a free expression by voters of Trinidad and Tobago, and the results reflected their wishes.”

In my observances I believe that everything has been done by the EBC to ensure the carrying out of free and fair elections in Trinidad and Tobago.

Mr. Speaker, I also believe unless somebody in Trinidad and Tobago turns over the responsibility of putting the electoral list together to Members of the other side there will always be dissatisfaction. Short of doing that, everything, as far as I am concerned, has been done. The report from the Commonwealth Team of Observers goes on:

“Campaigning was not allowed on polling day. Although we heard enough complaints to suggest that compliance with this rule was not universal we did not ourselves observed any breaches. Indeed, we noted that even party constituency office took down their banners and posters for the day.

As for our own ability to observe the process, the EBC had provided us in advance with badges and letters of accreditation. Presiding Officers were aware that we might visit and were both correct and helpful. On polling day, as earlier in the process, we were able to speak to whoever we wanted, go wherever we wanted to go and see whatever aspects of the process we wished to see so long as we did not infringe the security of the ballot.”

Mr. Speaker, I am quoting from the observer team.

“In some places there were too many party representatives at the perimeter of polling station; in others, they were too near to the polling station, though in only one case could this be reasonably construed as intimidating.

The officials were well-trained and helpful, (especially to the old and those with disabilities), efficient and professional.”

1.55 p.m.

“The Election Day materials were available in the right places and the right quantities and the polling stations themselves were well organised, calm and orderly.”

If there is an indictment for anything, it is an indictment for the Elections and Boundaries Commission that says that they had a well-oiled machinery ready for any elections in Trinidad and Tobago, as, indeed, they were ready in December 2000.

“Above all, in almost every respect the procedures seemed to have been followed scrupulously. As we would say later in our Interim Statement, we saw no evidence of organised irregularities.”

Mr. Speaker, I am not saying this, nor is anybody on this side. This is the Observer Team that was requested by Members of the other side. This has nothing to do with us on this side.

“We came across only one complaint from party agents (both parties complained to us in a station where the voters’ names and numbers were not being called out, a matter which was subsequently corrected) and only one suspected case of serious malpractice (a possible case of impersonation).”

The Observer Team is saying that they saw only one case of suspected impersonation. I am here to say that we would never know who that person—who was put out or arrested for impersonation—was going to vote for.

The Member for Diego Martin East said that person was going to vote for me. Mr. Speaker, I have one of the strangest records. I should be in the Guinness Book of Records. I am the only Member in here who has never voted in an election in his life. *[Interruption]* Did I tell you that I voted? *[Interruption]* I said I did not vote. That is exactly what I am saying here. *[Interruption]* Why must I say that? Because it is the truth. *[Interruption]*

Mr. Speaker: Member for Diego Martin East, I cannot follow the debate with that level of noise. I am appealing to you all to keep it down. Please proceed!

Hon. W. Peters: Mr. Speaker, it is not that I did not want to vote. I did everything that is humanly possible to exercise my franchise—and legally so. You are quite correct. There are people on the other side who would go to any length to ensure that people like me remain a certain way and who try as hard as they may to disenfranchise me from the land of my birth that I dearly love. I dare say that I have made a sterling contribution to my country, Trinidad and Tobago, during my lifetime. That contribution is not restricted to the borders of Trinidad and Tobago, but the world.

The theme of the extract of the Commonwealth Observer Team report is one of transparency, fairness, openness and freeness, in keeping with the best practice of the most developed and most democratic nations of the world. Any right thinking citizen, with at least an elementary grasp of commonsense, would see the vicious and vacuous nature of the allegations leveled against the Elections and Boundaries Commission, the Government and individuals, including myself, in relation to the conduct and outcome of the last General Election.

As Members of this House would know, and as Trinidad and Tobago would know, I am the only person in Trinidad and Tobago to face the courts for trying to transfer a vote that I never had. I was never registered to vote anywhere, but there are some people in some places who would like to ensure that people like myself do not make a contribution unless it is made for a certain party.

Mr. Speaker, I am saying to you this afternoon, and to the wider population, that I have done nothing wrong. I am synonymous with Mayaro. When you say Mayaro, you could very well say “Winston Mayaro Gypsy Peters” and it would be correct. Well then, why will I try to transfer a vote?

While I am on this, I must say that in the courts I have proven that many of the cases that are pending now would be null and void. What came out in my case is that, in the Elections and Boundaries Commission, some of them do not even know their own laws. The Elections and Boundaries Commission says that in order for someone to be eligible to be a voter in a general election, he must have lived in that electoral district for at least three months preceding the election. That means that he could have lived there 25 years ago. If he chooses to register to vote there, he can do that. In a local election, however, it says that he must have lived in the electoral district three months immediately preceding the election, which is the difference. I have learned so much that my friends say that I could be a senior

counsel. The truth is that from my case I have learned so much about elections that I can even counsel people on what they should do.

In the United States of America there are absentee ballots. This means that even though you are an American living in Brooklyn or you are from Wisconsin, you can vote in Trinidad and Tobago. You do not have to go to America to vote. So, Mr. Speaker, the drafters of our Constitution were intelligent enough to understand that even though a person is from Mayaro, because of certain circumstances, they may very well be living in Port of Spain or Chaguanas, but their heart is in Mayaro and this is where they really want to cast their vote. That is why they said “preceding” and not “immediately preceding”.

Now, everyone in Trinidad and Tobago knows that you could live one place and vote somewhere else. There is nothing wrong with that, as long as you are not casting two votes. Mr. Speaker, while it is all right for the Member on the other side, the Member for Diego Martin East, to say that it is a lot of trash, let him tell the law that or rewrite it. Until the law is rewritten, that is what it is. I say to you, Mr. Speaker, that not another soul in Trinidad and Tobago, thank God for me, will be charged with that again, or be brought to court and lose.

There were basically two categories of complaint against the Elections and Boundaries Commission. The first involved the voter registration process. The second category referred to the electoral process—attempts on Election Day itself to vote in a fraudulent way. Let me point out that since December 11, the only name that the Elections and Boundaries Commission was asked to investigate concerned the Tobago House of Assembly elections.

The very first allegation carried in the headlines of the media after the election was that a dead man voted. There are people who would walk the length and breadth of this country and tell you that dead people voted in the elections. I said a long time ago, Mr. Speaker, that “tief” does not like to see “tief” with bag. Anytime a thief sees anyone with a bag, he believes that he is going to “tief” too. So people, knowing what they have been doing or are capable of doing, believe that everybody who is involved in the same thing is about to or is doing the same thing. That is not necessarily so, Mr. Speaker.

That is a simple thing for the Elections and Boundaries Commission to check since they secure and preserve the voter records from each polling booth, which shows who voted. They said that dead people voted, but the Elections and Boundaries Commission can tell you who voted because they have all the records. What the Elections and Boundaries Commission cannot say to us is who these dead people voted for. That is what they cannot tell us.

Mr. Speaker, for the record, the Elections and Boundaries Commission assures that the deceased in question did not vote. This is the Elections and Boundaries Commission that is saying that the deceased in question did not vote. There was the claim that three persons who had migrated had also voted. This also proved to be false. Two of the three did not vote and the Elections and Boundaries Commission's field officer found the third person still living in the area for which he was registered, but four houses away from his original address.

Mr. Speaker, in my profession I know that as well. As a calypsonian, you would know that the more your songs are played, the more they are going to be loved. The more people say something that is not true, the more people believe it. Even after the relevant authority did the searches and made their pronouncements, they could still walk all over Trinidad and Tobago and propagate an idea that is false.

There is a third type of allegation about illegal voting. It concerns persons who are recorded as having voted in a particular area but who cannot be found. Now, Mr. Speaker, what really is so curious about this finding? Many of us know persons who once lived in a particular constituency, having moved out of the area without informing the Elections and Boundaries Commission, but remained registered to vote in the original constituency. I know people who are sitting right here now in this honourable House, who have done that at one point or another in time.

We do not have to go too far. Our dear President is registered to vote in Tobago and he lives in St. Ann's. There are people who live in San Fernando who are registered to vote in San Fernando, but live in St. Ann's and some of them continue to live in St. Ann's.

In a televised address to the nation on December 8, the Chairman of the Elections and Boundaries Commission said:

“In every single constituency there are individuals who have changed their places of residence as recorded in their original registrations, to addresses elsewhere in Trinidad and Tobago or abroad, without informing the Elections and Boundaries Commission, as required by the registration rules.”

It is clear that such individuals, although they have not complied with the elections rules cannot be regarded as having been fraudulently registered. These are the people who control the election laws in Trinidad and Tobago. This is a body that is independent, that controls and administers the election laws. They are saying that even though someone is registered somewhere and moves out, he cannot be considered to be fraudulently registered.

2.10 p.m.

Mr. Speaker, if I were a betting person I would bet that there are a number of persons here today who go back to areas where they do not live in order to vote. I do hope that by the time the next election comes around, I would be able to cast my vote in Trinidad and Tobago, for the very first time, without hindrance.

While I am on the EBC, Mr. Speaker, I am saying that there are people—I am not challenging the laws but I believe that something needs to be changed in it. Mr. Speaker, it is for people like myself who were born in Trinidad and Tobago and worked hard for this country. Even while I did not live in Trinidad and Tobago on a full-time basis, my contributions were made in many ways: financially, morally, physically, culturally and every other way remained intact, and for me to be deprived in that way, even though I was given dual citizenship, something has to be done.

I am of the opinion that persons who were not born in a country should have more rights than the persons who were born there. [*Desk thumping*] [*Interruption*] Well, Mr. Speaker, there are people who are born in other places and they are here now, and they have more rights than I have. They could become the Prime Minister of Trinidad and Tobago, and I am having trouble to represent my constituency.

Mr. Speaker, what is an accepted fact of Trinidad and Tobago is being put across as voter fraud. To put it simply, not being able to find a person is not proof of a misdemeanour. I repeat, not being able to find a person is not proof of a misdemeanour. Unfortunately, it seems that allegations, when repeated often and passionately enough, move from rumour and “mauvais langue” to semi-facts in the minds of people. There are people in this honourable House who are very aware of that, and they continue to repeat these false allegations even after they were clarified by the Elections and Boundaries Commission. The persons making these allegations need to be apprised of the EBC's systems and processes.

I remember the ingenious allegations about the hacking of off-line computers at the EBC, which any primary school child could tell you is impossible unless direct access to the computers is gained. Mr. Speaker, I know that there is hacking of computers. I know it could be done, but it has to be done in a certain way. Just for reference, Mr. Speaker, it is much harder for anybody to hack a computer or tamper with it—in the way it has been said it was tampered with—than it is to tamper with a voter machine. It is the same EBC which operates the election of

Trinidad and Tobago today that operated it when the voting machine was introduced.

Mr. Imbert: How do you know that?

Hon. W. Peters: How do I know Columbus was here? [*Laughter*] I was not here when Columbus was here but I know he was here. That is the same way I know that the voting machines were here. The ease with which some people seem to believe the EBC's voter registration and electoral processes can be outwitted may be because they do not understand the safeguards in the system, and the huge logistic hurdles involved in trying to evade those safeguards.

Reports from the EBC Chairman indicate that the EBC employs 300 persons on a full-time basis to carry out its three major functions:

- Determination of the number of electoral boundaries with respect to parliamentary, local and THA elections.
- Registration of persons qualified to vote.
- The conduct of the elections.

Those are the three functions, Mr. Speaker. For the December 11, 2000 elections after training and examining, an additional 10,333 persons were recruited. I do not know what other safeguards they want the EBC to put in place. The system of registration is described as permanent, ongoing, personal and, most importantly, it is voluntary. There are no sanctions for non-compliance. Once a person is registered, the registration remains in force, and it is only cancelled for a valid cause such as death or migration. Mr. Speaker, once a person is registered, he or she remains registered until he or she dies or migrates—not temporary migration, because if that were the case, many of us here would not have been able to vote anywhere. I know many people here who are even more foreign than the real foreigners.

There are 19 registration areas which, in turn, are subdivided into 1,184 polling divisions.

Dr. Rowley: Would the Member give way? Just for the purpose of clarity—because I am taking great interest in the script as prepared for you—is the Member saying that only if a person dies or a person migrates that his or her registration can be cancelled? How then do you explain the thousands of cancellations of persons that took place, who did not have their new ID cards prepared before the last election?

Hon. W. Peters: Mr. Speaker, I think that question would be better asked of the EBC.

Dr. Rowley: But you have just made the statement.

Hon. W. Peters: Mr. Speaker, I am making the statement based on the EBC's law that I have here. If the hon. Member wants to find out what other way the EBC can cancel people's registration, he would have to ask the EBC.

Dr. Rowley: Are you aware that from your script you have just said that there are two ways by which registrations can be removed: one is if one dies and the other is if one migrates? I happen to know of another one and I am asking you if that other one applies as well—which is the experience we had recently—where thousands of persons were de-registered because they did not comply with the requirements to have their new ID cards issued. They did not migrate and they did not die.

Hon. W. Peters: Mr. Speaker, the question the Member is asking, I am saying to him once again, that the EBC is in a better position than I am to answer him. I know of two ways given to me by the EBC. [*Interruption*]

Mr. Speaker: Hon. Members, the Member is having difficulty proceeding. Can you allow him to proceed, please?

Hon. W. Peters: Thank you very much, Mr. Speaker. As I was saying before, the EBC gave me two ways, and those are the two ways I mentioned. Anyone can enter one of the EBC's district offices and apply to be registered as an elector for the first time. That person has to supply proof of his age and that he or she is a citizen of Trinidad and Tobago. The EBC will then do a field investigation to ensure the individual has been living in the area for which he is registered for, at least, two months, and that they have put them in the correct polling division.

It is all well and good for people to conjure whatever they want in their minds. Like I said before, short of the EBC turning over its responsibility to some people on the other side, anything that the EBC says is relevant. He or she will be issued with a photo ID card and a permanent personal registration card will be created and entered in the appropriate binder. A duplicate record is stored in the central register in Port of Spain. Persons between the ages of 15 and 18 can be registered as a non-electors and when they turn 18, subject to residential checks, their names are added to the electoral list.

Mr. Speaker, this is not coming from me. This is not a figment of my imagination. This is not something I am composing. This is something that was

given to me by the EBC. Everything that I am saying here is from the records of the EBC.

In addition to such new registrations, EBC district officers regularly deal with persons who come in to change their places of residence and/or to update their ID cards. It has been found that close to 80 per cent of all applications to renew ID cards are associated with a change of address. That is why you would find that it takes a while for cards to be renewed, as the EBC has to field investigate the change of addresses.

Finally, the registration officers also have to check the district registers in their registration area every month to extract the names of any persons over the age of 15 years who have died. Mr. Speaker, I did not even know the EBC did all that, but it is always good for us to be vigilant. Vigilance brings out this kind of information. Once the appropriate checks are made—if these persons were registered—their registrations are cancelled, and their records removed from the commission's database.

Despite this, and even given that there will always be a lag in updating the record to reflect death and migration, we can be sure that 82—85 per cent of the persons on the electoral list can be found where they say they are. Mr. Speaker, the EBC is saying that they are sure that they can find 82—85 per cent of the people on the electoral list where they say they are.

This is a snapshot of the country's voter registration system. It is the same system that prevailed in the 1970s and the early 1980s when the PNM formed the government. It is the same system that existed when the NAR came into power, and it is the same system that subsequently returned the PNM to office and following that, the UNC; the very same system, Mr. Speaker.

The EBC's chairman also provided another hypothetical example. In a public address in February this year, he stated:

“The EBC is informed that Person X is a fictitious person. To investigate that allegation I will go—not to the computer—but to the large binder, containing the original registration card, and if I find Person X, that tells me that a real person came into the EBC, we took his particulars and his photo. An EBC field officer subsequently visited the area in which that person claimed to reside and checked to make sure that he did, in fact, live there.

Now suppose someone wanted to either create 1,000 fictitious names in say, a particular constituency or maybe transfer, illegally, 1,000 persons to that constituency—do you see how difficult it would be to conceal such a

plan? Remember, not only would the central register here in Port of Spain have to be changed, but also the unit registers at all the district offices involved.”

Mr. Speaker, what they are trying to show you here is a whole maze that people would have to go through. Let us say that somebody hacks into the computer, that person would then have to go into a hard binder in the central office in Port of Spain and also into one in the district offices, wherever the crime is. It is not just computer software, Mr. Speaker. As a layperson, I am seeing a great measure of difficulty for anyone achieving that feat, except for some people who may have had 30 years experience in doing it, and somehow or other believe that people who just came in the election business have acquired that skill in such a short time. I continue to quote:

“In addition, we would either see an abnormal jump in the number of voters in that constituency, an abnormal amount of requests for transfers, or, on investigating complaints sent to us, we would not have found a person’s name in the binder, or perhaps unauthorized changes on the registration cards. The evidence would show up.”

Mr. Speaker, that was the chairman of the EBC in a news conference explaining those things to us. A release from the EBC last December indicated that, and I quote:

“In order to preserve the integrity and validity of the electoral list, the EBC redoubled its efforts to improve its surveillance of the registration system by initiating early [last] year a monitoring exercise to oversee transactions dealing especially with applications for across-constituency transfers with particular reference to the so-called marginal constituencies.”

2.25 p.m.

Mr. Speaker, the EBC was not oblivious to the accusations that were made and so they made sure that they redoubled their efforts to ensure that any wrongdoing would either be detected or would not be able to take place. As such, the commission regularly examines the data collections from this exercise, searching for patterns or trends, which might have suggested unusual movement of individuals. Whatever irregularities appeared illegal were reported to the police and were negligible in number. There was much talk about voter fraud in Trinidad, but what of Tobago? Well, I am aware that the EBC was also asked to investigate certain names on the Tobago electoral list.

In a letter dated January 22, 2001 the PNM submitted a list of names of electors, which they said:

“...we have found to be duplicated when the Electoral Lists for individual Polling Divisions are taken together as a whole.”

Mr. Speaker, I sense a certain amount of paranoia in most of the statements of the PNM concerning the EBC. “Dey chasing shadows and everything that pass look like one to them.” The EBC letter went on to state:

“We have been reliably informed that, in most cases, these identical names were transferred from the same Polling Division in Trinidad but clearly to different Polling Divisions in Tobago.”

Mr. Speaker: The speaking time of the hon. Member has expired.

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

Question put and agreed to.

Hon. W. Peters: [*Desk thumping*] Thank you, Mr. Speaker. You see, they are accusing people of transferring votes from polling divisions in Trinidad to Tobago and the EBC is disputing that. The EBC replied to the PNM two days later. It wrote that:

“Our investigations revealed that all these individuals bearing the same name have different dates of birth and an examination of the registration records containing the photographs and other pertinent information reveal that they are all separate and distinct individuals, albeit with identical names.”

Mr. Speaker, I know somebody in Mayaro whose name is Patrick Manning. I went to school with a person named Patrick Manning.

Mr. Manning: You did not go to school with me.

Hon. W. Peters: That is exactly what I am saying. [*Laughter*] “Ah” glad that he said that I did not go to school with him. I went to school with a Patrick Manning who was from Mayaro, so what I am saying is that it is a fact that people have the same name. If you look through the phone book you will see a lot of Winston Peters. So if you see five Winston Peters voting in San Fernando East, you cannot just feel “dey going and vote for Rudy Moonilal”. You cannot say that because everybody—but this, Mr. Speaker, is what was happening here. People were just chasing rainbows and seeing ghosts and accusing the EBC and accusing the UNC, as a matter of fact, of “all kind ah” spurious things.

I will stand on the highest mountain and tell them. *[Interruption]* I have already stood in the court, just for your information, and told them. *[Interruption]* I stood. *[Interruption]* I argued my own case, Mr. Speaker, and my case was argued successfully. *[Desk thumping]* Yes, I have a house in Lange Park, Chaguanas; yes, I have a house in Mayaro, and if you want you could go and take a picture because I have one in New York too. *[Desk thumping]* *[Laughter]* You could go ahead and take a picture. It does not make a difference. “Whoever take the picture get”—but the only thing I want, Mr. Speaker, is, “when they taking it out I want a good picture ah mih place. Ah doh like dat—de photographer wasn’ good.” *[Laughter]*

These findings, at least in the case of Tobago, seem to have been accepted, as have the results of both preliminary and the parliamentary and the THA elections. I really have to wonder about the allegations that there was fraud in Trinidad while apparently, though, the voter registration and the electoral processes were the same in Tobago. I wonder. It leads one to assume that only when the results do not favour the PNM that they complain and cry corruption; *[Desk thumping]* even though, for all these many years, the PNM was winning elections under the EBC, the very EBC, there was no fraud, Mr. Speaker. When they won the local election, there was no fraud.

Mr. Assam: Tobago House of Assembly.

Hon. W. Peters: There was no fraud, Mr. Speaker, but as soon as somebody else wins the election it is fraudulent because, you see, what happened here is that the PNM has a patent on winning election in Trinidad. *[Desk thumping]*

Mr. Assam:—of stealing elections—a patent on stealing elections.

Hon. W. Peters: Any time anybody else wins an election, it seems to be an infringement of their copyright. *[Desk thumping]*

I must also stress that the massive voter padding that the public was given the impression had taken place between July and October simply did not happen. The fact of the matter is that there were only 3,044 other applications for transfer into the five marginal constituencies during that period. Mr. Speaker, I want to reiterate. The EBC is saying that there were only 3,044 other applications for transfer into the five marginal constituencies during that period. The only authority in Trinidad and Tobago on the election is the EBC and I think that it is unkind and callous for people who have benefited from the EBC for all these years to now come and call the very system, without one single change, as bogus. This means that they have been winning elections under a bogus *[Desk thumping]* organization all the time.

Having said all this, I want to stress that the Government, and I am sure the EBC, welcome the vigilance and participation of all parties and all citizens in ensuring that the electoral list is accurate. That, after all, is why the electoral list is updated and published every year on July 1, and copies displayed in every district office. It is also why, before an election, the list is displayed at two places in each of the 1,184 polling divisions. Now, if voting irregularities were as rampant as alleged, one question I have to ask is: what were the party polling agents doing?

Mr. Speaker, if it was that rampant, what were the party polling agents doing? How were these rampant irregularities perpetuated under the vigilant eyes of the party polling agents, the candidates themselves and the experienced eyes of the Commonwealth Observer Group, which the PNM had insisted be present and the EBC office staff? Remember, all eyes were on the five marginal seats. However, you see, Mr. Speaker, what some people fail to understand is that the only thing in life that is consistent is change, and people want change. That is why they voted the way they voted, not because of voter padding or any irregularity on the EBC's part.

As with any other country in the world, the Trinidad and Tobago electoral list is not 100 per cent accurate. Anybody could agree with that, not 100 per cent accurate. We only have to look to Miami, Florida and we would see. That is one of the world's or the world's largest democracies.

Dr. Rowley: Nonsense!

Mr. W. Peters: I do not know what—what is the nonsense?

Mr. Assam: He is nonsense.

Mr. W. Peters: “Where you went to school?” [*Interruption*] Mr. Speaker— [*Interruption*] Mr. Speaker— [*Interruption*] Mr. Speaker, the safeguard [*Interruption*] in our electoral system would have prevented any widespread impersonation of persons who had died or migrated, as had been alleged. All the systems that were in place would have taken care of those problems.

Mr. Speaker, allow me to end my contribution this afternoon by reiterating that a parliamentary election is the single, largest, civic, logistical exercise undertaken by a nation in peacetime. The other EBC commissioners and the Government of the Republic of Trinidad and Tobago are committed to fearlessly protecting the independent and excellent reputation that this nation has enjoyed over the years. We are also committed to improving our effectiveness, our systems and the accuracy of our records. In this regard, we welcome all constructive and serious suggestions and feedback.

I rest my case by saying that the Motion to engage the relevant authorities to take steps to review, by way of a public commission of enquiry, all the actions of the EBC in the preparation of the preliminary and final voting lists, which were used in December 2000, is unwarranted and a waste of taxpayers' money. Mr. Speaker, I believe that the moneys that some people would like us to spend could go a long way in doing a lot of things for the poor and helpless people in Trinidad and Tobago. [*Desk thumping*] Mr. Speaker—[*Interruption*] Mr. Speaker—[*Interruption*] I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): [*Desk thumping*] Thank you very kindly, Mr. Speaker and hon. Members. The Motion before the Parliament for debate today, filed by the Member for Diego Martin West, is a very lengthy one. It was read earlier today and I do not consider it necessary to reread the text of the very Motion. However, it is quite clear to me that the Member for Ortoire/Mayaro, making his second intervention in the Parliament since he has been with us, must not escape unscathed.

On the occasion of the first contribution he made during the recent budget debate, when we were pointing out certain things to him, I was reminded by one of our hon. Members that in one's maiden contribution the speaker should not be taken to task; he should be left to be at liberty as he speaks. I listened to the Member for Ortoire/Mayaro today and it is quite clear that he has not done as well at reading the prepared text with which he came to the Parliament as he may have done had he chosen to extempo. [*Laughter*] I am clear that he did not even prepare—he did not practise the speech before coming, and this makes it a case of double jeopardy.

I want to ask the hon. Member as I begin—because he said it, you know—out of the mouth of babes and sucklings—and he is a babe and a suckling in this Parliament—out of the mouth of babes and sucklings cometh wisdom, truth. He said, while he was on his legs a moment ago, that all that he was reading here came from the EBC, and this is a very frightening prospect. This is the most frightening—[*Interruption*] [*Mr. Peters rose*] No, I am not giving way. You had your time. [*Interruption*] This is the most frightening—[*Interruption*]—frightening development in this debate—[*Interruption*] take your time—[*Interruption*] because, you know, Mr. Speaker, I would like to know: what of the independence of that institution?

What is important and what is interesting—[*Interruption*] What is interesting, Mr. Speaker, is it appears as though, in fact, they wrote the speech for him. I

remember a commissioner of the EBC speaking at some function sometime ago—
[*Interruption*]

Mr. Peters: Would the Member please give way?

Hon. Members: No.

Hon. Member: “Oh God, yuh have no decency?” [*Interruption*]

Mr. F. Hinds: He did not want to “extempo” all the time, “he want to extempo now.” [*Interruption*] I remember Raoul John, a commissioner of the EBC, speaking at some function sometime ago, and this is reported in the *Newsday* of Thursday, February 22, 2001. He used the exact words that the Member used a while ago. [*Desk thumping*] It simply did not happen—exact words. [*Interruption*]

2.45 p.m.

In fact, the Member went on to say that there were only 3,044 cases of transfers—exact words, perfect! It is clear to me that somebody in the EBC prepared and gave the Member that speech. It is clear.

Mr. Peters: Give me way, let me clear it.

Mr. F. Hinds: Hon. Member, please! Sit down. Mr. Speaker, I heard the Member—[*Interruption*]

Mr. Speaker: We cannot carry on like this. We just cannot carry on like this. I am appealing to Members once more that they have to remain silent when a Member is on his feet making his presentation. Continue Member.

Mr. F. Hinds: I thank you warmly and so kindly, Mr. Speaker, and I crave your continued protection. Truth hurts! [*Laughter*] Mr. Speaker, as a matter of fact, I am told that someone looking just like the Member was seen emerging from the EBC office this morning. [*Laughter*] [*Desk thumping*]

One does not want to personalize issues. One does not want to remind the Member that he was before the court on a criminal charge. One does not want to remind the Member that had it not been for the secrecy laws of the Immigration unit and the United States, he may have been before the court on another criminal charge, having signed a false declaration. I do not want to speak about those things, but it is the Member for Ortoire/Mayaro in his contribution who personalized the issue and spoke about the case that he faced in the Magistrates’ Court as he was charged for voter padding. Having come out of that experience, before he bowed down humbly before the Almighty God, Allah, Jah, Rastafari,

whomever he holds in such esteem, and be thankful, he stands here today unashamedly to say that he won his case.

I practise in the criminal courts on a daily basis, and I will recall to this Parliament and for the benefit of the record, the facts surrounding how he won his case, but they always win. Whether they lose they win, whether they win they win. Everything is a win with the UNC. In fact, when the case for the State was presented at the Magistrates' Court in the matter of the police against Winston Peters—the hon. Member—his attorney-at-law made a no-case submission, which he was entitled to do.

In a no-case submission, an attorney seeks to inform or demonstrate to the court that it is, one, some ingredient of the offence that was necessary that was missing or, two, the standard of the evidence did not meet the required prima facie standard at that point and, therefore, the defendant has no case to answer. If the magistrate upholds such a proposition, then the defendant is free to go, but what happened, in the Member's case, was that his attorney faltered. The magistrate did not uphold the no-case submission. That is to say, the magistrate found that there was a case to answer. [*Desk thumping*] A prima facie case.

Mr. Assam: And what happened?

Mr. F. Hinds: Wait. Take your time. You only managed to come in here too. You were rejected in St. Joseph, you know! [*Laughter*] You were rejected by the constituents. Somebody from CL Financial insisted on a certain person going to St. Joseph and you were sidelined. Today you are closest to the Member for Couva North.

Mr. Assam: I thought you said that CL Financial paid me to go! You said so last week.

Mr. F. Hinds: They paid you like a second thought.

Mr. Assam: I like that! It just shows how you would lie!

Dr. Rowley: Who said that?

Mr. Assam: Last week you said how they paid me to go! Now you say that they rejected me. Dangerous people!

Mr. F. Hinds: I crave your protection.

Mr. Speaker: The Member is asking for protection. He is entitled to get it. I am appealing once again, please allow the Member to make his contribution. Okay?

Mr. F. Hinds: Thank you, Mr. Speaker. Let me try and sound like the Member for Tunapuna since he likes to hear himself. Thank you very kindly, Member for Tunapuna, but I am no voter padder.

Mr. Assam: You do not know who you are.

Mr. F. Hinds: I am not a voter padder. I won my seat quite fairly and properly in Laventille East/Morvant with 11,000 votes. I did not get the help of PASU or the Member for San Fernando East! [*Laughter*] San Fernando West, I am sorry. I got the help of the Member for San Fernando East. [*Laughter*] A proper screening process chaired by the Member for San Fernando East; and according to the Attorney General and Member for Couva South, if the UNC had a proper screening process, the Member for Ortoire/Mayaro and the Member for Point Fortin would not have been imposed on the party and bring them to the trouble they are in today. I was saying, Mr. Speaker, before I was disturbed by the Member, when the no-case submission was rejected, the attorney chose not to allow his defendant client to go into the witness box.

Dr. Rowley: I wonder why.

Mr. F. Hinds: I do not know why. He probably feared that anything the Member had to say would have incriminated him further and the conviction would have been secured. So what did he do? He decided, without allowing his client to go into the witness box, to make a closing address. But how does the law operate? If a prima facie case is established and you are not giving evidence in your own defence, then that ought to stand. A case is made, but strangely—and I cast no aspersions on the court—the newspapers picked it up; commentators picked it up.

Quite strangely, in the light of those facts, the magistrate, listening to the closing address of the attorney, decided there was no case to answer after the fact, having already decided that there was a case to answer. So, that case is an anomaly in the books of the laws of Trinidad and Tobago. Something is wrong about it. So, all the Member for Ortoire/Mayaro could do is consider himself to be quite lucky, and he should, if I may be permitted a colloquialism, “Eat your biscuit and shut your mouth!”

There are many people who have won cases in this country and you do not have to look far. There are many persons who have come out of the courts in this country free to go, but that does not mean that they were innocent. In some cases, witnesses disappeared and files disappeared. In some cases, magistrates waited for a long time until after the elections to come up with results that they kept quietly

until after. Remember Member, we went to this country and a Prime Minister was elected in this country with the possibility of a criminal conviction for five serious sexual charges hovering over him.

Mr. Manning: Who is the magistrate?

Mr. F. Hinds: The magistrate is one called Anthony Mohip who, as a senior magistrate very shortly after giving that judgment, packed up his bags, resigned from the magistracy and now lives, I understand, in a very comfortable way in London. Maybe Campden Court, too. Or maybe he may not be as lucky as the daughters of the Prime Minister. He may be seated in a basement. Of course, I am told in that basement the rent is about TT \$25,000 a month; about £3,000.

Mr. Speaker, I want to say further that the Member for Ortoire/Mayaro must remember that after the very quirky and strange circumstances that led to his walking out of the Magistrates' Court, the Director of Public Prosecutions was contemplating reopening the case. I understand that—

Mr. Assam: Did you stop him?

Mr. F. Hinds: I do not want to say further on the matter, but at any rate, fortunately for the Member, he did not. All I can say is that he did not. I remember the Member for La Brea speaking in a debate here recently and he told us as we were amending the laws regarding the Mutual Assistance Agreement with the United States and Canada and other Commonwealth jurisdictions—he pointed out to us that while we are here amending legislation, preparing our laws so that we could be of assistance to the United States and Canada, he was expressing abhorrence at the fact that they were not assisting us.

I am advised, Mr. Speaker, that the police in Trinidad and Tobago sought to get information from the US and the Canadian embassies in respect of the Members for Ortoire/Mayaro and Pointe-a-Pierre, Winston Peters and Bill Chaitan, and have not had the benefit of assistance from those governments to prove that, in fact, they hold citizenships abroad. Who knows—under a different Government they may become a little more cooperative, so their time has not yet passed.

The Member for Ortoire/Mayaro said in his very feeble analysis of the law—poor fellow, he is not an attorney-at-law, so I excuse him.

Mr. Assam: Are you?

Mr. F. Hinds: I spent six and a half years in London acquiring my post.

Dr. Rowley: Stop being distracted. Ignore him.

Mr. F. Hinds: You spent your time performing like a court jester in Westminster with top hat and tails, making a comic of yourself and embarrassing Trinidad and Tobago.

Dr. Rowley: A jackass of himself!

Mr. F. Hinds: Mr. Speaker, I will not be detained. [*Interruption*] Mr. Speaker, I need your protection.

Mr. Assam: We have the report! I have it, in fact.

Mr. F. Hinds: Mr. Speaker, oh, how the truth hurts.

Mr. Manning: Who is the buffoon with the top hat? [*Laughter*]

Mr. Speaker: This House is suspended for 10 minutes.

2.57 p.m.: *Sitting suspended.*

3.05 p.m.: *Sitting resumed.*

Mr. F. Hinds: Mr. Speaker, the Member for Ortoire/Mayaro in his contribution said, at one stage, effectively, that it did not matter where you live, you could vote some place or in a polling station other than in the electoral district or the constituency even, in which you live; he said so. Then a short while later he sounded himself quite gratified and expressed gratification, if it pleases you, on the part of the EBC, when he went on to say that the EBC almost boasted that 82 to 85 per cent of the electorate could be found where they were registered or where they live.

So it should not matter, according to his analysis, which he said he got straight from the EBC—and now we know from whom—whether you could find them there or not, but somehow or the other, they are boasting that they could find 82 per cent.

Section 11(2) of the Representation of the People Act, Chap. 2:01, is quite clear. I forgive the Member; he may not have been capable of analyzing this as simply as he should. Section 11(2) states:

“Where an elector for an electoral district has ceased to reside in that electoral district he shall not on that account cease to be qualified to be an elector for that electoral district until he has become qualified under section 12(c) to be an elector for another electoral district.”

That is simply saying, if the man is registered in one electoral district, if he ceases to reside there he does not automatically cease being an elector in that electoral district, unless and until he becomes qualified or is registered as an elector in another electoral district.

What does section 12 say?

“Subject to this Act, a person is qualified to be an elector for an electoral district at a Parliamentary election, a County Council election or the Tobago House of Assembly election, who on the qualifying date—

- (a) is a citizen of Trinidad and Tobago of the age of eighteen years or upwards; or
- (b) is a Commonwealth citizen, other than a citizen of Trinidad and Tobago, of the age of eighteen years or upwards who has resided in Trinidad and Tobago for a period of at least one year immediately preceding such date, and who is and for a period of one year immediately preceding such date has been, a resident of Trinidad and Tobago within the meaning of section 5(1) of the Immigration Act.”

So a Commonwealth citizen, but I was dealing with (c) specifically, which states:

“(c) has resided in that electoral district for a period of at least two months preceding the qualifying date.”

The Member said three months, but the correct thing in the law is two months. He was correct, however—yes, the note he got was correct—when it said “preceding”. It does not mean immediately preceding, it means at some stage preceding the qualifying date.

Mr. Speaker, the difference between such a person and your typical voter padder, of whom there are many, is that the voter padders would never have lived in the area where they are now claiming they want to register in to vote, or they would never have lived for the two-month period preceding the qualifying date. So for the Member for Ortoire/Mayaro to analyze the law, as he did, is absolute nonsense; it is absurd.

It was the house in Mayaro that the police went to in their investigations regarding the Member for Ortoire/Mayaro because everybody knew, it was common knowledge that he lived at Lange Park in Chaguanas. But he may have owned a piece of land and a little house there, because when they went to the house, according to the police, no furniture, cobweb, bush growing around the

place; it was clear no one was living there. He was not living there, but yet he found himself registered to vote there. So he was in breach of the law because he did not live there—it was obvious from the evidence—for two months preceding the qualifying date and that is why he was locked up. [*Desk thumping*]

Mr. Peters: Mr. Speaker, that man is making a false—excuse me, the Member for Laventille East/Morvant is making a false allegation. I was never locked up.

Dr. Rowley: You should have been!

Mr. Peters: Mr. Speaker, he did not say “should have been”. I was never—

Dr. Rowley: I say you should have been.

Mr. Peters: You should have been locked up too.

Dr. Rowley: What for?

Mr. Speaker: Is this really necessary? Is it really necessary? Sit down please, Member for Laventille East/Morvant. Okay, please proceed.

Mr. F. Hinds: Thank you, Mr. Speaker, I am most grateful.

When you make the application to vote in the new electoral district, you must prove to the EBC, satisfactorily, that you no longer live in the previous address in the previous electoral district and that is where the voter padders fell short on the law. You must first, in other words, have been registered somewhere else and you must prove that you no longer live there and prove that you have lived in the new area where you want to now vote for, at least, two months prior to the qualifying date. That is all that the law requires. So I think the Member for Ortoire/Mayaro—if it was he who was seen outside the office this morning—needs to revisit that place, get the facts, carry back the speech for it to be corrected and come again.

I heard the Member say that the EBC was insisting that no dead person voted. Well, I want to tell the Member, I want to tell this honourable House and I want to tell the EBC—if they take time to listen—I have information that in San Juan/Barataria someone who was dead voted. If the EBC comes to me tomorrow morning, I can provide it to them in a flash; that is one. [*Desk thumping*] Even one who would disprove the untruth that has been so stated.

I heard the Member for Ortoire/Mayaro also say that hacking is impossible unless you get direct access. Well, direct access is not hard to get when you have friends inside of the EBC. I said when you have internal support—let me tell you:

at least three employees of that Hall of Justice across the street from here were charged for voter padding; it is a fact.

In the Licensing Office of Trinidad and Tobago it is not unusual to get a certified copy of a vehicle that does not exist, because they get internal support. Richard Young of the banking fraternity told this country that it was impossible or near impossible to hack into the banking system to run fraud on the banks. It was not long after that Ronald Harford, the President of the Bankers Association, told this country that, in fact, it happens. In my practice as an attorney, I have come across a multiplicity of cases where people who are employed in the banks were charged along with those not so employed in fraudulent acts such as these.

Just to give you a simple example, some bank teller might just quite easily put on the system that a particular account has \$250,000, so somebody comes tomorrow to withdraw cash from the bank. When the next teller puts in the figure, he or she sees a balance of \$250,000, so she wants to withdraw \$5,000, it may be within her competence and limit and she dispatches it. If it is outside her competence and limit, she goes to the supervisor who must authorize a larger withdrawal, for example. The supervisor goes on the same computer, sees \$250,000 and issues a manager's cheque; that has happened.

The crooks are so sophisticated that they have people working inside the Telecommunications Services of Trinidad and Tobago—this is a fact, it is in the records—who pinch the lines, if I may use that language, and when the caller who is presented with the cheque thinks he is speaking to the manager at the bank, he is speaking to some crook inside of TSTT who confirms that the account has the money. That happens regularly in this country.

So when Mr. Harford told us that bank employees are involved in running massive fraud on the banks, that tells me. So it is not impossible to consider that there are people inside the EBC, perhaps, unbeknownst to the commissioners—I am not casting aspersions on the commissioners, I find some of them talk too much. Some of them get too involved in political activities of the country and some of them are not sufficiently dignified or astute to remain out of the cut and thrust of politics, and all of them for those reasons should resign. So I am not casting aspersions on them. I am simply saying that it may be unknown to them that there are employees in the EBC who may very well be susceptible to petty and major bribes to go on the computer and do the things that bank employees do. That is not beyond your thoughts; you know of it.

When the EBC presented the police before the last election with 53 names of persons who were found by the EBC to have attempted to illegally transfer, as I

[MR. HINDS]

have described a while ago, that did not come from the PNM, that came from the bowels of the very UNC—EBC; that was a Freudian slip. That came from the bowels of the very EBC, maybe EBC/UNC and I say so without apology, because these persons were identified to the police by the EBC.

If the Member wants to be naïve enough to think that each of these 53 persons acted independently and on their own accord, he could do that, but we have very good reason to believe that they acted as part of a concerted effort on the part of those who sought to destroy the integrity of the electoral system for cheap short-term political benefit to come to office. So he is not fooling anybody in this country.

We understand that and the police were aware of that and this is the reason the police went to the Rienzi Complex, the UNC headquarters, to put questions and wanted answers from one Fazal Karim, head honcho in the UNC's office down there. I think he was the general secretary of the UNC. Our police officers did that; the PNM did not go. The police were terribly obstructed; they complained *ad nauseam*. They were obstructed in the performance of their duty.

I remember when the police were getting on with their voter padding investigations and closing in on the former Member for Pointe-a-Pierre, who is now a constituent of my friend in Arouca, Golden Grove to be precise, it was the very Member for Couva North, the Prime Minister of this country, who said that there were rogue elements in the police service, because they were cashing in on the facts. He did not like the police that time. The police were obstructed: The squad was disbanded; the vehicles that they had were taken from them; the officer in charge was sent back to his regular routine and the squad that was put in place was dismantled to bring the investigations to an end prematurely.

I do not forget. I will never forget.

[Member displays newspaper photographs]

The Member for San Fernando West; Suzanne Seepersad, the sister of Caroline Seepersad Bachan, the Chairman of NP, she too was the subject of police attention; Rodney Charles, a big spokesman for the UNC; the Chairman of the National Gas Company, Steve Ferguson—and you know what I am saying is the truth—the Chairman of the Regional Health Authority.

Do you know what happened, Mr. Speaker? They all complained and said that it was police harassment, that it was politically motivated. So we are in Opposition, but we were in charge of the police. According to my friend, the Member for Diego Martin West: Who is the Minister of police?

The Member for Couva South knew of all this, so while today he says things that we were saying for the last five and six years and we cannot help—because we do not shift like they do—but agree with him, because he is now saying things that we always said. He knew of this and did nothing about it and if he wants to tell this House that he did not know about it, let him get up here in the name of God and say so; he knew!

Mr. Maharaj: Mr. Speaker, I want to put on the record that I do not and I was not aware of any evidence of voter padding. That was a matter for the police and the Director of Public Prosecutions (DPP). Whatever matter came to my knowledge, I passed it on to the DPP.

Mr. Hinds: Mr. Speaker, for about two or three years in the run up to the last election, the PNM was in constant contact with the EBC [*Interruption*] making objections, as we are entitled to do as a political party; a formal approach; an appointment was fixed; went there to express our concerns about what we knew to be happening. [*Interruption*]

As the Attorney General told us last week in the budget debate, it is not enough to tell the Opposition or members of the public to bring the evidence. We do not have access to the evidence in most cases; it is up to you, if you are decent, dignified and honourable men and women. It is up to the Government to deal with those issues, particularly as it relates to the EBC because, as hon. Members will well know, when you interfere with the electoral process you set the country on a certain path of disaster, because you create an environment of discontent and dissatisfaction with the results when they do come. Justice must not only be done, justice must always appear to be done.

We had legitimate concerns; enhanced by the fact that the EBC told us 53 people were found to have been trying to vote—to pad, as it were, and the PNM continued its objections. Articles were in the newspaper. There was one in particular in the *Guardian* of Wednesday, November 29, 2000, under the rubric “PNM objections”:

“A release from the constituency said...”
that was the constituency of San Fernando West.

“‘investigations have revealed that a number of people are not bona fide residents in this constituency.’

The PNM said it has requested the EBC to give their ‘urgent attention’ to these objections prior to the date of the election so that those voters who are ineligible to vote in this constituency would be debarred from so doing.”

Elections and Boundaries Commission
[MR. HINDS]

Friday, September 28, 2001

So we were objecting all along. The political leader, the general secretary and the other PNM representatives in those meetings complained, *ad nauseam*, about the frustration they met and the nonchalant approach and response coming from the EBC. We could understand why, because it was not long after that that Howard Cayenne insisted to the national community in the *Guardian*.

3.25 p.m.

You see I do not have access to EBC documents as my friend on the other side, so I have to rely on what was printed on Wednesday, August 09, 2000 assuring the national community under the heading: “10,000 votes coming from Guyanese” but he went beyond that. He went beyond that as he says:

“One of the requirements for Commonwealth citizens to be eligible to vote, is he/she must be residing in this country for at least one year before the electoral period of registration is due to commence...

While conceding there is no perfect list of electors, Cayenne said there was no need for undue concern about the list.”

So from start—according to the “roots” talk on the block—from jump start the EBC’s operatives, commissioners and employees were assuring the country that everything was all right at every opportunity they had. Voter padding simply did not happen according to Raoul John. Again in the *Guardian* of December 08, 2000 Raoul John said all could vote as long as your name is on the list.

I remember the Chairman of the Board, Mr. Wilson, telling this country that as long as your name is on the list you can vote. When I heard that, I got scared because I knew the law had said you had to be living for at least two months preceding the qualifying day. I know the law had said you had to be resident in Trinidad and Tobago for at least a year before, if you were a Commonwealth citizen and had to vote here. He put no qualifications whatever on it, he just said as long as your name is on the list you could vote. Whether you had ID card, or you did not have ID card, as long as your name was on the list he said you could vote.

So he gave the signal to EBC employees and those responsible on polling day that there was a *carte blanche* once your name was on the list. I heard the Member for Couva South in a political meeting—he jumped into the fray very late, because he had decided since before the last elections that he would not participate. Apparently his troubles were troubling him long ago, and he jumped in at the last minute. I could see him now on the television telling the country as

long as their names are on the list they can vote: we have a team of lawyers we will protect you. That Attorney General.

Mr. Speaker, I have in my possession an Inter-office memorandum from PASU, the same unit that sat in some air-conditioned room somewhere and worked the “manema” on the electoral list. I have an internal memorandum which I want to bring to the attention of this House. It is dated August 16th 2000 to Suzanne Seepersad from one Suresh Maharaj and the subject is: “Getting the Job Done”.

Hon. Member: You read that yesterday.

Mr. F. Hinds: I am reading it again and I will read it for a long time to come because there are a number of paragraphs in this article, but paragraphs 7 and 9 are very instructive for my purposes, and I want to quote them.

“7 Assistance in the convening of an urgent meeting between myself and Mr. Ganga Singh since he has expressed to you his willingness to help in the Voter Registration Exercise.”

Well, you know that is what they will call it, the voter registration.

Mr. Singh: Read the whole memo.

Mr. F. Hinds: And he insists that I read the whole memorandum. The last sentence in that paragraph says:

“Attempts by myself to convene such a meeting have met with no success.”

Maybe he got cold feet, but he was completely aware because the discussions had taken place.

Mr. Speaker, paragraph 9 really struck me, when I linked that to the fact that the members of the PNM West San Fernando constituency had particular concern. I want to quote paragraph 9 of this internal memorandum that has come to my possession along with a pile of other documents, which, when the EBC comes, I am prepared to share with them. Paragraph 9 says:

“Listing of the twenty persons from yourself who expressed an interest to be transferred from Diamond to San Fernando West.”

Yes, this was their strategy office: Rodney Charles, Sadiq Baksh, Suzanne Seepersad, Fazal Karim, Steve Ferguson and others so that when the history of this country is written, the one thing along with massive corruption that the UNC would be known for is the fact that it was the UNC who threatened, thwarted and

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corrupted the election process and set this country on a path of disaster. [*Desk thumping*]

Now the EBC tells us that there are 219,000 persons who were not found to be living where they were registered. Of course, we are aware that the last such survey was conducted in 1985, but what is now being done, we were urging the EBC to have done before the last election. They did not take heed, the Prime Minister did not provide them with \$10 million then and that brings me to the point.

The Member for Ortoire/Mayaro's entire contribution dealt with Election Day and the Commonwealth Observer Team. The Commonwealth Observer Team with their collective experience and their world experience, they would have been accustomed to going to far out places in this world where it would have had an election, and on election day, gangs are blocking people from coming to the particular polling stations, killing people before they reach, blocking them, redirecting them, taking away ballot boxes. Those are the kinds of things that you would look for on Election Day. You would not see who were padding six months, or a year and a half before the election. On election day by then the nasty deed would already have been done.

So the Member for San Fernando West sits and he looks up in the heavens and he reminds me of *Macbeth*. Lady Macbeth's soliloquy and I am sure he dreams and he says:

“Is this a dagger which I see before me,

The handle toward my hand? Come, let me clutch thee:

I have thee not, and yet I see thee still.”

Bloody hands—

Mr. Speaker: The speaking time of the hon. Member has expired.

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

Question put and agreed to.

Mr. F. Hinds: I am most grateful, hon. Members and Mr. Speaker. And concerning those 219,000 persons, the EBC told us that they will go again and try to tidy things up and if they do not find these people where they are registered to vote, then their names would be taken off the list. We have good reasons to have lost confidence in the EBC you know, and we have. Very, very good reasons!

Recently a commissioner was purportedly dismissed. It turns out in my personal view rather unfortunate that the correct procedure was not adopted, but in any event as the Attorney General and lawyers would know, the intention is as good as the act itself. If the President, who appointed you, demonstrated a clear intention to see the back of you, what reason do you have for hanging on? You are not a man of little means, the stipend you get as a commissioner does not, I am sure enhance the quality of your life in any significant way. Why are you holding on so desperately? Do you have a secret agenda? If I were in the commissioner's position, I would have taken leave voluntarily. I got reports today that the Attorney General is considering taking leave voluntarily, but we must wait and see. Honourable men are honourable men.

Mr. Speaker, fortunately in Trinidad and Tobago, unlike our neighbour, Jamaica, we have not gotten to the point where there are elections upheavals, violence, murder and mayhem. I sat before my television in 1981 and I saw a death toll of 942 persons or thereabouts in the island of Jamaica for general elections. We would never want to see that kind of thing in Trinidad and Tobago, but I want to tell this Government, I want to tell those who have given birth to the corrupt idea, the abnormalcy, the wickedness of tampering with the process and causing us to have lost confidence in it, that you have put this country on a possible path of disaster. That is your legacy. Because as I said, when you do that it yields discontent and dissatisfaction, and discontent and dissatisfaction yields non-acceptance, and non-acceptance means social upheaval, and I am not predicting it. I can hear the Member for Couva North in his usual tricky, untruthful way coming to say the Member for Laventille East/Morvant says there must be violence in the country, but every person present in the public gallery, the media and Members in this House will know that I said no such thing.

In fact, I preface my comments and insist again that we will hate to see that in Trinidad and Tobago, but it is bloody hands with the dagger that set that in train. We saw the UNC's internal elections recently and we in the PNM learnt two major lessons from watching them. We saw non-acceptance of the results; that is the reason for a lot of your troubles here today. You do not want to accept the outcome of the process, but maybe you have good reason, because I saw the Member for Siparia called the police for hoodlums in the UNC's internal elections in Siparia recently. I saw reports in the newspaper, I saw the Member for San Fernando West expressing publicly that he had concerns about false ballot papers in the internal elections in the UNC. It was a microcosm of the larger deviousness and wickedness that you may have perpetrated on this nation. And yet when the

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Prime Minister came to this honourable House to announce that he was giving \$10 million *ex post facto*, after the fact, to the UNC—to the EBC, again a Freudian slip. When he said he was going to give \$10 million for them to conduct an exercise in the EBC, he did not just do it, you know. He came here, got on a high and deceiving horse and he says, talking about the PNM and I quote:

“...spawned in a culture of corrupt electoral practices it is, perhaps, inevitable that hon. Members opposite should be fixated on electoral fraud, as they remain entombed in their denial of the reality that theirs is, indeed...”

And he continues talking about us being spawned in a culture of corruption with the elections.

Mr. Speaker: From where are you quoting?

Mr. F. Hinds: I am quoting from the Prime Minister’s address to this Parliament when he announced that the—a statement by the Prime Minister, in this very House. I forgot the date he said it, and I am not telling a lie.

I heard the Member for Ortoire/Mayaro talk about the voting machine. Yes, there was an attempt to introduce voting machines for elections in this country and there was uproar in the society about it. What did the late Prime Minister, the honourable, dignified, esteemed, founding father of this country have to say? He said, well if you have a problem with that, whether it is soap box, macaroni box, shoe box, ballot box, bring it and I will still whip you fair and square. [*Desk thumping*] And he did. Fair and square.

Mr. Speaker, as I wind to a conclusion in this, my very short contribution in this extremely important debate, I want to say categorically on behalf of every Member on this side; on behalf of the larger PNM; on behalf of all the decent, right-minded Trinidad and Tobago loving citizens of this country; on behalf of every democratic-minded person in the region and in the world that there must be a proper revision of the voters’ list in this country before any general elections. [*Desk thumping*] The EBC promised such an exercise by October and we demand that they keep that timetable, we demand that they keep schedule and we look forward to the new list. For we are confident that once given a truly equal opportunity, PNM and UNC, we are going to beat you as we have beaten you in your various manifestations in the past, but on this occasion you corrupted the process and set us on a path of disaster, but God is great, we shall recover from this. God is great.

Mr. Speaker, a story in the *Trinidad Guardian* of Friday, December 29, 2000—[*Interruption*] Yes, the Member for Ortoire/Mayaro was in fact quoting from the Commissioner's report and telling us that everything was alright and that the Commonwealth observers had found everything was alright.

Rory Rostant, writing in the *Trinidad Guardian* of Friday, December 29, 2000 under the heading: "Voter padding not for us say Election Watchers". They said that they could not possibly be dealing with voter padding. So when the Member for Ortoire/Mayaro attempts to demonstrate that everything is alright he was misleading the country. They were on a mandate of seeing irregularities on elections day and Rory Rostant writes:

"Asked how the Commonwealth team was going to deal with allegations of voter padding, one of them, Mr. MacLaren said, this was not within the team's purview but was the responsibility of the Government and the Election and Boundaries Commission of Trinidad and Tobago." [*Desk thumping*]

I have been advised by my learned friends to read it again. So important, so enlightening, so elucidating is this. The head of the team, Mr. MacLaren says when asked by Rory Rostant, how will they deal with the allegations of voter padding? He said: "This was not within the team's purview, but was the responsibility of the Government and the Elections and Boundaries Commission.

The Member comes here to tell us that everything is alright and we should not worry about a thing. We do worry, we cry, because you are living a lie. Your presence in this House, some of you, your presence in Government—look this is why I have said and I mean this: The UNC was born in sin and shapen in iniquity, that is what I meant and all that can come from you is vileness and corruption aplenty and I say so without apology. May the words of my mouth and the meditation of my heart be acceptable in Jah's sight. I say so without apology. [*Interruption*]

The Speaker warned you during the break hon. Member, in fact, he sent a warning to us. Just calm down!

Mr. Speaker, as I conclude my contribution, I want to read the full text of a short letter directed to Mr. Oswald Wilson, the Chairman of the EBC, written by a former parliamentarian, a former government minister, one of our political opponents in the NAR, Mr. Lincoln Myers.

3.45 p.m.

I saw Mr. Myers a few days after the last elections on St. Vincent Street, as I was going my way. He got my attention and he was obviously distressed. He too

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carried the burden and pain of decent citizens of this country when he realized that we were duped, taken for a ride by those on the other side. The letter is as follows:

“Dear Mr. Wilson,

The results of the General Elections held on December 11, 2000, have plunged the nation into a political/constitutional crisis. Democracy itself has suffered a fatal blow.

Whatever the deeper roots of this crisis, there is no doubt that the Election and Boundaries Commission (EBC) has a major responsibility in precipitating this unprecedented state of affairs. This is so because the electoral list, which is the very soul of the electoral process, has been corrupted. And, notwithstanding the Commonwealth Observers Mission's pronouncement that the election was free and fair, there is a view, too widespread to be ignored, that there was extensive fraud and other irregularities in the election for your Commission to draw any comfort from that pronouncement.

I am quite certain, Mr. Chairman, that your Commission is familiar with recent events pertaining to dubious elections results in Peru, Yugoslavia, Zimbabwe, the Ivory Coast to name a few countries in which the people were forced to directly intervene to protect their fledgling democracy against those who would deliberately destroy the integrity of the voting process. Such a spectre impels me to call upon the EBC to immediately undertake an open, independent and transparent forensic exercise to cleanse the electoral list of all defects it may now have. Such an exercise is indispensable to the restoration of trust and confidence in the EBC as an agency of unimpeachable and incorruptible character.

Given the distinguished legacy of the EBC, I feel justified in holding the belief that you and your fellow Commissioners understand the vital urgency and importance of this task, since it would be foolhardy to attempt to hold any election (in Trinidad), without first ensuring the integrity of the electoral list and such other measures necessary to ensuring that the true will of the people is expressed in a genuinely democratic process.”

Mr. Speaker, when I read that letter on that occasion, it brought pain and it increased my burden. But it brought a measure of joy because outside of the PNM, from an opponent in the world of politics, there was another voice crying out for justice and for the well-being of Trinidad and Tobago.

The Motion before the House today calls for, in part, a public commission of enquiry, nothing else would suffice. If the circumstances do not warrant it, a transparent, open, free, acceptable to both sides, resolution of our concerns should be immediately engaged.

Mr. Speaker, I thank you.

The Minister of Housing and Settlements (Hon. Sadiq Baksh): Mr. Speaker, as this debate continues, even though with gaps of several weeks, it is clear that the Elections and Boundaries Commission has performed its work and fulfilled its purpose as the backbone of the electoral system in Trinidad and Tobago. It has done so without fear or favour.

Our electoral system is based on our adherence to the principle of free and fair elections; and elections free from fear. It is the heart of our democracy in Trinidad and Tobago. Our adherence to the rule of law and to the rules of established procedures and practices has endured over the years and would continue to prevail.

In spite of the many temptations and situations that have prompted other countries to deviate or depart from strict adherence to the straight and narrow path, we in Trinidad and Tobago cling to that path. Respect for our democratic institutions, respect for the rule of law, respect for the systems, procedures and norms of democracy are the hallmark of this administration. We cannot be faulted in our efforts to ensure that here in Trinidad and Tobago every creed and race find an equal place; we cannot be faulted for our efforts to ensure that we keep a responsible distance from the institutions that must carry out their functions impartially; institutions that are instruments of the state and not of a particular party or government.

These are the links in the chain of continuity and sustainable development of our people and our country. They are the glue that bind our people together. They must be cherished and protected; instead of attacked and brought into disrepute. This concept of respectable distance is at the heart of our dealings with the Elections and Boundaries Commission. That is why today I am reluctant to participate in a debate that might seem to be closing that very necessary gap between the Government and the EBC, or narrowing the distance that our Constitution has seen necessary to create.

Those who framed the Constitution of this country surely must have had valid reasons for creating that distance in the first place and for ensuring the constitutional safeguards that protect the EBC from political interference. The

EBC is like a house set on a hill, above and far from the maddening crowd; a house of the people and for the people, but inoculated against and immune to the meddling of politicians of any party or political persuasion.

In my view, the EBC is such an institution; an institution that the late chairman, Sir Isaac Hyatali, fought to preserve and protect. The present chairman continues to go to great lengths to ensure that he defends the integrity of the Elections and Boundaries Commission, even when it came under unwarranted attacks.

It would be a sad day for democracy in Trinidad and Tobago, if the Opposition prevail in their condemnation of an institution that has helped us to achieve an international reputation for our adherence to democracy. In fact, the Elections and Boundaries Commission of Trinidad and Tobago was invited to many countries around the world to share their expertise and experience in providing a platform for free and fair elections. In South Africa, the changing of the apartheid system, the Elections and Boundaries Commission went to South Africa to ensure free and fair elections to the dismantling of that system in South Africa.

3.55 p.m.

Mr. Speaker, I do not think it is necessary to engage further in the defence of the EBC. Their record is extremely clear. Over the years they have ensured that they manage the elections in a way that we would like to see it.

We cannot enjoy the right of freedom or democracy if we are not prepared to discharge fairly, fully and firmly the duties that derive from those rights and the equivalent of those rights. Our duty as a Government is to ensure that we maintain a responsible distance from the EBC, while at the same time ensuring that it receives all the tools and all its needs to perform its duties as set out in the Constitution, efficiently, effectively and impartially.

We did not win the last election because of the EBC; we won because of our achievements. [*Desk thumping*] In five years we attempted more, achieved more and accomplished more than the Opposition did in all its years in office. [*Desk thumping*] While the Opposition took 10 years to build one bridge, we built 10 bridges in one year and over 50 bridges in five years. [*Desk thumping*] But the real bridges are those that link our people together: the infrastructure, the utilities, the equity, and a case of access to necessities that were previously denied.

The real bridges are inclusion and equitable distribution of the resources of Trinidad and Tobago for the benefit of all our people. The real bridges are respect for diversity and the rule of law. The bridges are built on our philosophy that the resources of our country are owned by the people. They belong to the people of Trinidad and Tobago. We have worked in their best interest and we will continue to manage the resources.

These are what won us the election. [*Desk thumping*] We won because the people of this country wanted us back to continue the great work that we started. [*Desk thumping*] The Opposition will continue day after day, week after week, to find reasons why it lost; it has not found them yet. [*Desk thumping*] We delivered and we said—and we say again—that performance beat “ole’ talk” every time. [*Desk thumping*]

What our friends on the other side do not realize is that the people prefer to change their governments than change their lifestyles. We have sought, as a Government, to improve the lifestyles of our people, to improve the quality of their lives and standard of living. We did not float the dollar and leave it at the mercy of the international currencies; we stabilized our currency; we revived the energy sector. It was revived and placed in fast-forward when it was, in fact, in reverse. We created over 60,000 jobs and will continue to create more. [*Desk thumping*]

We went into the election with a track record of success. As the Prime Minister said, within the last year of our first term in office, people were demanding every facility, amenity and improvement they could think of. They wanted it while we were there. They could not run the risk of us not being there because they knew without us, they would not get anything. [*Desk thumping*]

Even from the so-called heartland of the PNM—and I say “so-called” because the heartland has lost heart, faith and confidence in their party. Even in those areas people came to us for help, saying that they knew if we did not do it, nobody else could do it. [*Desk thumping*] Blind faith and obedience will not last forever. We won because we delivered; we won because of our track record of achievements and accomplishments. [*Desk thumping*] We won because we had put down the infrastructure, the foundation for peace, prosperity and progress, well into this new century. [*Desk thumping*]

We won because we did not ask people to sacrifice and then wasted all the resources that were accumulated by their sacrifice. [*Desk thumping*] That is what our opponents did. That is why they lost two consecutive elections, one after the

other, and they will lose again. [*Desk thumping*] We put the people of this country on a path to a brilliant future, and a future that they could see, touch and feel. This is why they voted overwhelmingly for us and would come out in their larger numbers in the next election.

In my own case, I knew of the neglect of San Fernando West by the PNM, and I knew that was my biggest asset. Together with my own track record and the Government's track record, we went to every voter in the constituency. We went to them presenting a track record of performance. Our platform was positive. We did the groundwork; we identified our supporters, and on election day we ensured that we got the voters out and took them to ensure that they vote solidly for the United National Congress.

What helped us in San Fernando West, a seat that went to the UNC for the first time in the political history of Trinidad and Tobago, was how we mobilized, how we organized, how we presented our record of achievements over the last five years and how we provided a vision for the future to ensure that we allowed San Fernando to become the energy, industrial and services capital of Trinidad and Tobago.

I know that the Opposition will continue to search day after day for the reasons for its loss in the constituencies of San Fernando West and Tunapuna, but they could look from now until "Thy Kingdom come"; it is because of the provision of the amenities and services; because of the improvement to the quality of life of the citizens in those constituencies.

I know—and we do have confidence in the Elections and Boundaries Commission. I move an amendment to the Motion:

- (a) In the third recital, delete the words, "there is considerable disquiet and anxiety in the country" and substitute the words, "concern has been raised by the losing Opposition."
- (b) Delete the first paragraph of the resolution.
- (c) Delete the second paragraph of the resolution and substitute the following:

"Be it resolved That this House agree that the Government has provided all the necessary financial and other resources to effect a comprehensive and nationwide voter registration exercise."
- (d) Delete the third paragraph of the resolution.

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

Mr. Speaker: I shall propose the amendment to the Motion. Hon. Members, the Motion moved by the Minister of Housing needs a seconder.

Secoded by Hon. B. Panday.

Mr. B. Panday: Mr. Speaker, I will speak if you grant me permission now.

Mr. Speaker: You reserve the right to speak later—

Mr. B. Panday: I do not wish to reserve it, Sir.

Mr. Speaker: Okay, but I will propose the Motion and then I will allow you to speak.

Question proposed.

Mr. Speaker: From here on, Members who have already spoken can speak specifically only on the amendment, and those who have not spoken yet can speak on both.

[Mrs. C. Robinson-Regis stands]

The Prime Minister and Minister of National Security (Hon. Basdeo Panday): Mr. Speaker, I do not—

Mr. Imbert: Mr. Speaker, could I just say something? A Member of the Government has just spoken and in the normal tradition a Member of the Opposition was getting up to speak.

Mr. Speaker: Who first catches my eye is who I shall call to speak—

Dr. Rowley: But she was standing. She sat down—

Mr. Speaker: Are you arguing with me, Member for Diego Martin West? I am merely saying that who first catches my eye in this House, I will allow to speak. In terms of the tradition, yes, it is, but if you look at the recent days that passed, we had three Members, two Members and it varied. On this occasion, who first catches my eyes will speak. Therefore I am asking the Member for Couva North and Prime Minister to speak. *[Desk thumping]*

4.05 p.m.

Hon. B. Panday: Mr. Speaker, I do not intend to get involved in the bacchanal and spurious allegations against the Elections and Boundaries Commission. I do not intend to get into all that at all. I leave that to those whose forte that is. I want to look at the Motion clinically and to look at the law as it applies to this Motion.

The first question is: What does this Motion seek? Leave off the first part, that is, the “Whereas” and so forth. It is seeking:

“that this Honourable House call on the relevant authorities to take steps to review by way of Public Commission of Enquiry, all the actions of the EBC...”

and so on.

The first point is, to ask for a commission of enquiry into the conduct of the EBC is, first of all, to cast aspersions on them. That is the first thing, because if there are no aspersions being cast upon the Elections and Boundaries Commission what is the use of the enquiry? What are the aspersions being cast here upon the Elections and Boundaries Commission? There has been no evidence. Not one single shred of evidence has been put forward before this honourable House to give foundation for instituting a Commission of Enquiry into the Elections and Boundaries Commission. You cannot institute a commission of enquiry because of any foolish allegations made by any fools. You cannot do that. First of all, you must say, “I impugn the integrity of these people and therefore, I want a commission of enquiry.” That is the first thing.

What is the law that relates to commissions of enquiry? It is stated in the Constitution itself and I propose to read it, Mr. Speaker. Section 71 states:

- “(1) There shall be an Elections and Boundaries Commission for Trinidad and Tobago (in this Part referred to as ‘the Commission’).
- (2) The members of the Commission shall be a Chairman and not less than two nor more than four other members.
- (3) The Chairman and other members of the Commission shall be appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition.”

I believe that the present members of the Commission were so appointed in accordance with the law.

- “(4) A person shall not be qualified to hold office as a member of the commission who is a Minister, a Parliamentary Secretary...”

And so on.

- “(5) Subject to the provisions of this section, a member of the Commission shall vacate his office—”

What is the purpose of a commission of enquiry? To make them vacate office? Is that what you are saying? If that is the case then you can only make them vacate office in accordance with the law. Parliament must not intervene in order to break the Constitution. A lot of people are doing that these days.

“(5) Subject to the provisions of this section, a member of the Commission shall vacate his office—

(a) at the expiration of five years from the date of his appointment, but is eligible for re-appointment;”

So, he vacates office by the effluxion of time.

“(b) where any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.”

Those are the only conditions under which he can be removed. Not by a commission of enquiry.

“(6) Three members of the Commission shall constitute a quorum.”

I will not read that, it is not relevant.

Mr. Speaker, subsection (8) reads:

“The Commission may regulate its own procedure.”

What, you want a commission of enquiry to inquire into the procedure of the EBC? The law says they may regulate their own procedure. Is Parliament intervening to break the law to tell them how to run their business? The law says they must run their business; Parliament must not run their business for them!

“(9) The Commission shall be provided with a staff...”

and so on to effect its duties. Fine.

“(10) The salaries and allowances of the staff of the Commission shall be a charge on the Consolidated Fund.”

Do you know why, Sir? So that they may be independent, like judges; so that we do not have to come to Parliament and argue whether or not they should get money.

“(10) The salaries and allowances of the staff...”

I read it again for those who cannot understand; for those who have ears and will not hear and those who have eyes but cannot see.

Mr. Speaker, but most important, subsection (11) states:

“The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Commission.”

Not the Parliament, the Commission.

“(12) In the exercise of its functions under this section the Commission shall not be subject to the direction or control of any other person or authority.”

May I read that again? This is the Constitution of Trinidad and Tobago! I wish they would read it!

“(12) In the exercise of its functions under this section the Commission shall not be subject to the direction or control of any other person or authority.

72(1) The Commission shall, in accordance with the provisions of this section, review the number and boundaries...”

It goes on to say what its functions are. Everybody knows what their functions consist of.

These are the laws that govern the Elections and Boundaries Commission. Parliament and parliamentarians have a duty to obey the law. Parliament cannot override the law; it has to be subject to the Constitution itself. So that, to ask the Parliament what they are asking:

“...that this Honourable House call on the relevant authorities...”

What are the relevant authorities we are calling upon. It says here in the Constitution that they should be subject to no other authority. What authorities are you calling on?

“...call on the relevant authorities...”

The relevant authority must be the PNM. Which authority, when it says here that:

“...In the exercise of its functions under this section the Commission shall not be subject to...any...authority.”

But, call upon the authorities to do what?

“...to take steps to review by way of a Public Commission of Enquiry...”

That is going to be my next legal point.

“...to review by way of a Public Commission of Enquiry, all the actions...”

But the Constitution says:

“In the exercise of its functions under this section...”

which is the list, the boundaries and so forth.

“...the Commission shall not be subject to the direction or control of any other person or authority.”

What are they telling us in this Motion? To call upon the relevant authorities to set up a commission of enquiry to investigate all the actions of the EBC. In doing what? In the preparation of the preliminary and final voters lists which were used in December 2000. It is illegal! You cannot do that! When it says “In the exercise of its functions”—[*Interruption*] It says that “The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Commission.” It is their function, they regulate their own procedure. Who framed the Constitution must have had a point. They must have known why they have done that. They did that so politicians will not interfere with the Elections and Boundaries Commission, which is exactly what you are asking this House to do. You are asking politicians to interfere with the Elections and Boundaries Commission. That is what you are asking us to do. That is wrong. You cannot do that.

4.15 p.m.

I wish somebody would have advised you, you would not have made a fool of yourself by piloting this Motion.[*Desk thumping*] I hold myself available although we are on opposite sides. I am a very generous person. I hold myself available to give you advice whenever the occasion arises, and you may need it. And if you cannot read, I would read for you as well.

The preamble talks about “considerable disquiet and anxiety.” There is no considerable “disquiet and anxiety” except among the losing Opposition. They are the only ones who have anxiety. Three hundred and seventy thousand persons voted for this Government. Three hundred and seventy thousand padded? They put this Government here. The Elections and Boundaries Commission, you mean they guilty?

Dr. Rowley: And why are you in your present predicament?

Mr. Assam: Why Manning had to fire the Speaker and lock her up, with your connivance as a Cabinet Minister?

Hon. B. Panday: I have never locked up a Speaker. I have never declared a state of emergency. I will never declare a state of emergency to lock up a Speaker. So that, Mr. Speaker, even the preamble lacks foundation. But what do they want us to do with respect to the role of the EBC? They are talking about the role of the EBC. The role of the EBC is already defined. What you are going to do, un-define it? And that is what your motion speaks of. Are you going to re-write the Constitution by sitting down in this House and passing some foolish motion about a Commission of Enquiry? Mr. Speaker, in any case, what do we have? What are they asking for? They are asking for a Commission of Enquiry, so I go to the Commissions of Enquiries Act. There is an Act: there is a law in case you do not know that speaks of a Commission of Enquiry. And I refer to Chap. 19.01 which says:

- “1. This Act may be cited as the Commissions of Enquiry Act.
2. The President may whenever he deems it advisable, issue a commission appointing one or more commissioners, and authorizing such commissioners, or any quorum of them therein mentioned, to enquire into the conduct of any officer in the public service in Trinidad and Tobago, the conduct or management of any department of the public service or of any public or local institution, or into any matter in which an enquiry would, in the opinion of the President, be for the public welfare. Each such commission shall specify the subject of enquiry, and may, in the discretion of the President if there is more than one commissioner, direct which commissioner shall be chairman, and direct where and when such enquiry shall be made and the report thereof rendered, and prescribe how such commission shall be executed, and may direct whether or not the enquiry shall be held in public.”

Do you know what is the purport of that? The purport of that is you are asking for a Commission of Enquiry and here is an Act that defines what a Commission of Enquiry is. And a Commission of Enquiry may be appointed by the President. You are in the wrong place. Why did you not go to the President? Go to the President and ask him to exercise this power. Shall I read it for you?

“The President may whenever he deems...”

—necessary. That is what this Act says.

You have to read the Act. That is what the tragedy of this is. You file a motion because you lose an election. [*Crosstalk*]

Mr. Speaker: Order please!

Hon. B. Panday: You should have gone to the President according to this, and you should have asked the President, if, in his opinion, he feels that there should be an enquiry. “The President, may whenever he deems it advisable issue a commission appointing one or more commissioners,..” There is an Act, which is so clear that you come here to tell us to break the law by enquiring into the Elections and Boundaries Commission. The Elections and Boundaries Commission is one of the foundation pillars of our democracy. The framers of the Constitution intended that that pillar should not be shaken by any politician particularly those who lose elections. The Commission was always good until you lost the elections.[*Desk thumping*] The day you “lose” elections the Commission “turn bad.” And suddenly the chairman bad, this one bad, everybody in the Commission has suddenly become bad because you lost an election. But if that is the case, every time anybody lose an election they can ask for a commission of enquiry into the Elections and Boundaries Commission. Mr. Speaker, you cannot have that.

Be it further resolved that this House agree that the Government provide through supplementary allocation all the necessary financial and other resources to effect an immediate, comprehensive, nationwide voter registration...

They are telling the Commission how to do its job. If the Commission needs money the Commission knows how to get money. This House has voted money for the Commission to do its job. It was mentioned that \$10 million in fact, was voted. [*Crosstalk*] They did ask for a vote and they did get their money. You now want to tell them how to run their functions?

Mr. Speaker, this motion is ill-conceived, it is presented by people who just suffering from pique, people who suffering from “tabanca,” they cannot accept loss. You have lost. In fact, the records will show that this Government has given more funds to the Elections and Boundaries Commission than any previous Government has done. And what it will not do, is participate in breaking this Constitution. It will not be a party to breaking the Constitution. So that Mr. Speaker, I support the amendment to this motion which has been circulated and it indicates—Mr. Speaker, in the third Recital it says:

“Delete the words, ‘there is considerable disquiet and anxiety’ and substitute the words, ‘concerns have been raised by the losing opposition,’”

which is exactly correct.

The 370,000 persons who voted for the UNC are not complaining. I have not heard any complaint from them. What is the public disquiet then? Where is the public disquiet. The 307,000 people who voted for the UNC, where is the public disquiet? They are very happy with the elections. They are very happy with the results. Your function in this House is to see if you could make us as incompetent as you are. That is to say, if you say corruption on everything, we do nothing and at the end of five years, you go to the public and say they are as bad as we are. That is what you want. Every single thing that we try to do, you try to prevent us from doing. You tried to prevent us from raising old-age pensions. You voted against that in the last budget. And there is one other thing I want to say before I close.

At any given time there is in existence an electoral list. That is the law. You want to stop an election. There must be no election until there is a new list, so you want to determine now when election should be held and when election should be called. I know you are afraid of it. It is a function during a term of office, it is a function of the Prime Minister to advise the President to dissolve Parliament and to call elections. And if that is done, then the list which is existing will be the list by which they will operate. That list is published when the President issues the writ of election. So that you may look at it; you may examine it; you may go to the Elections and Boundaries Commission and say there are people on this who should not be there. Look they do not have people who ought to be here. You want a commission of enquiry to do the work you cannot do? You have lost all your supporters. So you want a commission of enquiry to do the work you should do. When that provisional list is published, why do you not go and look at it and why do you not go under the law, and tell the Elections and Boundaries Commission, look they left out somebody, or look somebody is on the list that should not be there? That is the purpose of publishing the list and a revised list follows that, based upon your observations. You said here padding was going on all the time, and you knew about padding going on by the UNC. If you knew about padding going by the UNC, why did you not raise that when the provisional list was published before the last elections? Why did you not go to the Elections and Boundaries Commission and talk about that?

Mr. Speaker: Members, the noise level has gotten too high. I am appealing to you once again, to keep it down. Prime Minister continue.

Hon. B. Panday: Mr. Speaker, they thought they were going to win and when they realized that they had lost, then they began to raise questions about voter padding and cry foul. They had all this thing about the list; they have all these

supporters; they have all this strength, they knew everything about the list, how the list wrong and the list was padded and so forth, provisional list was published, final list was published, they did not raise a single word.

Mr. Speaker: Order please! Order! Continue, Prime Minister.

Hon. B. Panday: Thank you, Mr. Speaker. It is because they could not perform. Everything we try to do is corruption. Everything. Give old age pensioners an increased pension—that is corruption. [*Interruption*]

Delete the first paragraph of the resolution, that is the one where they call for the Commission of Enquiry, and substitute as the penultimate paragraph:

“Be it resolved that this House agree that the Government has provided all the necessary financial and other resources to effect a comprehensive and nationwide voter registration exercise.”

The Elections and Boundaries Commission had publicly said that by October they would have the provisional list. The reason for this Motion is that you are afraid of elections and you do not want elections. So, put a halt to everything. Put a halt to all elections.

Mr. Speaker: We must break for tea now. It is 4.30 p.m.

Hon. B. Panday: Mr. Speaker, that has been my contribution. Thank you very much.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Friday, October 5, 2001 at 1.30 p.m.

On that date, Bills Nos. 3, 4, 5, 6 and 7 would be taken.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.33 p.m.