

*Leave of Absence**Wednesday, April 27, 2005***HOUSE OF REPRESENTATIVES**

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*The House met at 1.30 p.m.***PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members requesting leave of absence from sittings of the House: The hon. Member for St. Joseph (Mr. Gerald Yetming) for the period April 23 to 30, 2005; the hon. Member for Laventille West (Hon. Eulalie James) from today's sitting of the House; the hon. Member for Oropouche (Dr. Roodal Moonilal) for the period April 27 to 29, 2005. The leave which the Members seek is granted.

**FIRST REPORT OF THE COMMITTEE OF PRIVILEGES  
(RULING ON)**

**Mr. Speaker:** Hon. Members, at the sitting of the House held on Wednesday last, I indicated that I had received correspondence from the hon. Member for Fyzabad, Mr. Chandresh Sharma, and the hon. Member for Caroni East, Mr. Ganga Singh, on the matter of the Motion relating to the First Report of the Committee of Privileges of the House of Representatives and that I needed time to consider the submissions of both Members.

This issue, which is of the utmost importance and of vital concern to all Members of this House, has been occasioned by a series of unprecedented events beginning with an altercation in the Members' Lounge of this Parliament on September 15, 2004.

As all hon. Members are aware, at the request of two Members, namely, Mr. Chandresh Sharma and Dr. Keith Rowley, who raised Motions in this House concerning the September 15, 2004 incident, I, acting as provided for in Standing Order 27(4), referred this entire incident to the Committee of Privileges for full investigation and report. On April 01, 2005, the committee reported its findings to this House, as ordered, and now proposes to request the concurrence of the House in accordance with established practice.

By letters to the Speaker dated April 18, 2005 and April 19, 2005, Members, Mr. Chandresh Sharma and Mr. Ganga Singh, respectively, informed me that at present there are both criminal and civil proceedings awaiting adjudication with

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respect to the matters which occurred in the tea room on September 15, 2004 and requested me to apply the sub judice rule and postpone debate on the Motion before this honourable House until the final determination of the matters before the courts.

The origin of the sub judice rule (or convention) is expressed in a recent report of a House of Commons Select Committee on Procedure entitled: "Matters Sub Judice" as "the desire of Parliament to prevent comment and debate from exerting an influence on juries and prejudicing the positions of parties and witnesses in court proceedings".

The sub judice convention then is a restriction on debate which the House imposes upon itself, whereby debate is avoided which could involve a substantial danger of prejudice to proceedings before a court, unless the Chair considers that there is an overriding requirement for the House to discuss a matter of public interest. The convention is contained in Standing Order 36(2) of this House, which states:

"Reference shall not be made to any matter on which a judicial decision is pending, in such a way as might, in the opinion of the Chair, prejudice the interests of parties thereto."

The rule is indeed similar in the United Kingdom (U.K.) House of Commons, the latest decision by that House on this matter being as late as November 15, 2001.

The sub judice rule is all about striking a balance. It is striking a balance between, on the one hand, the right and obligations of Members of Parliament to freely discuss anything they choose and, on the other hand, one has to take into account the proper discharge by the Judiciary of their constitutional functions as the judicial arm of the State.

I am satisfied that all hon. Members accept that the justice system must not only ensure a fair trial but it must also be apparent to onlookers that a trial has been fair. In this way, public confidence in the administration of justice is maintained. A function of the sub judice rule is to preserve confidence in the judicial system by protecting against the appearance of decisions being influenced by published material, rather than being impartial and based on the evidence presented in court.

The concept of prejudice to legal proceedings involves a hypothesis that a debate on a matter before Parliament could influence the court and cause it to make a decision other than on the evidence and submissions before the court. As

all Members are well aware, what is said in Parliament has potentially a particularly powerful impact because it is well publicized, likely to be picked up and reported in many places and because what is said in Parliament by the people's elected representatives has a particular authority.

The application of the sub judice convention on occasion provides a challenge for any Presiding Officer. However, the sub judice rule is not absolute. The application of the sub judice convention in Trinidad and Tobago and other jurisdictions depends on the discretion and judgment of the Presiding Officer. In exercising my discretion in this matter I have concerned my mind with three considerations: firstly, whether debate is likely to prejudice the interest of the parties in the court matters referred to and likely to affect any judgment; secondly, whether the matter involves sufficient public interest to weigh the scales in favour of not invoking the rule. This exception recognizes that there is sometimes a greater interest that justifies a publication despite the fact that that publication could otherwise attract sub judice liability on account of its possibility to prejudice proceedings; and thirdly, whether debate should be constrained under the sub judice convention in relation to a matter of privilege raised by the two Members concerned which touches on the dignity, rights and privileges of the House and its Members over which I have the duty to preside.

The first question I must consider then is whether parliamentary debate on this matter is likely to give rise to any real and substantial danger of prejudice to proceedings before the courts. In theory, the sub judice rule is as much concerned with preventing prejudice not only to criminal proceedings but also in certain circumstances to civil matters as well. The House should not allow its willingness to curtail debate so as to avoid prejudice to be convoluted into a curtailment of debate by the issue of a 'stop writ', namely, a writ, the purpose of which is not to bring the matter to trial, but to limit discussion of the issue. The proceedings, both of which have been instituted by the Member for Fyzabad and directed to my attention are:

- (1) an appeal before the Appeal Court of the decision of Justice Charmaine Pemberton in H.C.A. No. S-109 of 2005 between CHANDRESH SHARMA - Applicant/Appellant  
And  
DIRECTOR OF PUBLIC PROSECUTIONS – Respondent; and
- (2) a criminal complaint made in the Magistrate's court by Mr. Chandresh Sharma against Dr. Keith Rowley on March 14, 2005.

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Hon. Members, I have carefully considered this first question and I am satisfied that the sub judice convention in the parliamentary context has less practical significance in matters before a judicial officer or officers only, although each case must be considered on its own merit. The main reason for this is that a publication will not usually be considered to have a tendency to prejudice legal proceedings in cases heard by a judicial officer alone in either criminal or civil proceedings if the only basis for possible prejudice is the potential for influencing the judicial officer.

This is because judicial officers will not be unfavourably influenced or affected by publicity about a case as their experience and training cause them to make decisions based on the evidence presented in court and the law in relation thereto. The courts and judges of the courts do not regard themselves as such delicate flowers that they are likely to be prejudiced in their decision by the debate that goes on in this House. I am quite sure that this is true, especially in the case of a Court of Appeal, or if the matter were to go beyond that.

The second concern is whether this matter involves sufficient public interest to weigh the scales in favour of not invoking the rule. All hon. Members would agree that reports concerning this incident which is now regarded as the “infamous tea room brawl” were widely published in both the print and electronic media. It became the theme of comedy, theatre productions, media talk shows and school room satire. It was repeatedly referred to in taxis, waiting rooms, offices and bars.

Members of Parliament make laws; they make speeches and they make news, and the media are free to report and comment accordingly. This august House is the peoples’ Parliament, not ours. It is from within these walls and corridors that the media inform the public about the words and deeds of their elected representatives. Democracy demands this and legislatures should not expect anything different. The media, a feedback mechanism of democratic system management, is therefore a quasi institution of the parliamentary process.

Publications about this incident, therefore, formed part of a general ongoing public discussion and debate, which began long before any particular legal proceedings had commenced. The extensive publication of this matter was prompted by Members themselves and was fueled by genuine public interest. Versions of the story have been presented at media briefings and on radio talk shows. The principles which form the basis of the sub judice rule have already been flouted, indeed, since the day of the unfortunate event. I am of the view,

therefore, that any potential prejudice which the publication of proceedings of this House might cause to particular proceedings of a court would at this stage be an incidental and unintended by-product of the general public discussion of a matter which is well within the public domain and of high public interest and not likely to have any greater effect than it already has, if any at all, on a court of law.

Hon. Members, I now turn to the final and, arguably, the most important consideration upon which I deliberated in arriving at this ruling today. In all questions of sub judice, the Chair has to balance the absolute privilege of Parliament as a means of avoiding conflict with the courts as, indeed, the courts have been very careful to exclude matters which might amount to an infringement of parliamentary privilege. It is a contest between the two. In this particular instance, I have considered the fact that the incident occurred within the precincts of this House, that it was raised in this House by Members of Parliament as a matter involving parliamentary privilege, and that there was an investigation by the competent parliamentary committee.

I hold firm to the view that debate should not be constrained under the sub judice convention in relation to a matter which touches on the dignity and the rights and privileges of this House and its Members. The whole of the law and custom of Parliament has its origin from one maxim: that whatever matter arises concerning either House of Parliament ought to be examined, discussed and adjudicated in that House to which it relates and not elsewhere. Parliament is the master of the application of its own procedures to the business before it. The fullest recognition is accorded by the courts to the right of both Houses to exclusive parliamentary cognizance of their proceedings. Parliament has to be left in unfettered control of its own procedure. Indeed, this has been recently recognized by our courts. In the case of *Sharma v DPP* the learned judge stated:

“I am sufficiently persuaded that the incident at bar can constitute a privilege and therefore can fall within the purview of a matter properly before the Parliament through the House Committee for its deliberations.”

I am also deeply conscious of my responsibility and obligation as your Speaker and as the custodian of the history, rights and privileges of this House and its Members. These rights and privileges are considered to be essential to the proper performance of the functions and duties of this House as they constitute the collective inheritance of Parliament empowered by the law of the State. I am also fortified in this conclusion by consideration of the practice in England, Australia, India, Canada and New Zealand.

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Hon. Members, Mr. Sharma and Mr. Singh are concerned that the debate in this House and its publication, if any, will influence Appeal Court Judges in the civil appeal and also a Magistrate sitting alone to hear the criminal complaint. After reasoning on this matter, I am not satisfied that their concerns are valid in this instance. The three considerations to which I have had to address my mind, taken collectively, do not point to any real and substantial danger of prejudice.

Accordingly, I have decided to exercise my discretion to allow debate to commence on the Motion for the adoption of the First Report of the Committee of Privileges of the House of Representatives (2004/2005 Session) on allegations of breach of privilege arising out of an incident that occurred in the Members Lounge on Wednesday, September 15, 2004. [*Desk thumping*] [*Crossalk*] Order!

#### PAPERS LAID

1. Report of the Auditor General on the public accounts of the Republic of Trinidad and Tobago for the financial year 2004 (October 01, 2003 to September 30, 2004) and on other selected audit activities. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]  
*To be referred to the Public Accounts Committee.*<sup>7</sup>
2. The Freedom of Information (Exemption) Order, 2005. [*Hon. K. Valley*]

#### ORAL ANSWERS TO QUESTIONS

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I have to ask for a deferral of the questions on today's Order Paper for one week.

**Mr. Singh:** Why?

**Hon. K. Valley:** Because the answers are not ready.

**Mr. Speaker:** You would recall, hon. Member for Diego Martin Central, on the last occasion I did indicate to Members that you had promised to have these answers ready. I am appealing again to you—you have asked for a one-week extension—please, on the next occasion make sure that these questions are answered. [*Crosstalk*]

*The following questions stood on the Order Paper:*

**Scarborough Hospital  
(Cost overruns)**

7. Could the hon. Minister of Health state whether there have been any cost overruns so far on the new Scarborough Hospital? [*Dr. F. Khan*]

**United Nations Observance Days  
(Steps for Implementation and Support of)**

14. Would the hon. Prime Minister state what steps are being undertaken and programmes implemented or supported by his administration to observe and highlight:
- (i) The United Nations Observance of International Women's Day March 08, 2005; and
  - (ii) The United Nations Observance of International Day for the Elimination of Racial Discrimination March 21, 2005. [*Dr. R. Moonilal*]

**List of Criminal and Civil Cases  
(Details of)**

16. Could the hon. Attorney General provide this House with a list of all the cases both criminal and civil, in which parliamentarians have been retained as counsel, as well as the amount of moneys paid for their services since January 2002 to the present time? [*Dr. A. Nanan*]

**List of Projects and Programmes  
(Details of)**

17. Could the hon. Attorney General provide this House with a list of all projects and programmes involving state enterprises, statutory authorities and other state institutions in which parliamentarians have been engaged by the State, as well as the amount of moneys paid for their services since January 2002 to the present time? [*Dr. A. Nanan*]

**Procurement of Goods and Services  
(Government's Intention)**

27. Could the hon. Minister of Finance indicate whether the Government intends to create new state agencies for the procurement of goods and services in Trinidad and Tobago? [*Dr. F. Khan*]

**Munroe Road Hindu School  
(Status of)**

- 30.** Would the hon. Minister of Education state when will commencement of the construction of the Munroe Road Hindu School begin, and what is the expected completion date? [*Mr. M. Ramsaran*]

*Questions, by leave, deferred*

**EDUCATION (LOCAL SCHOOL BOARDS) (AMDT.) REGULATIONS**

[Second Day]

*Order read for resuming adjourned debate on question [April 15, 2005]:*

*Be it resolved:*

That the Education (Local School Boards) (Amendment) Regulations, 2005 be now affirmed. [*Sen. The Hon. H. Manning*]

*Question again proposed.*

**Sen. The Hon. H. Manning:** Mr. Speaker, I thank the Member for Tabaquite for the contribution that he made in this debate on the enhancement of the Local School Boards (Amdt.) Regulations, 2005, and for pointing out a section of the Bill that was deleted in error.

In his contribution, he drew attention to clause 3 of the Regulations. I am proposing an amendment by adding the following words at the end of the Resolution:

Subject to the following amendment to the Regulations—

In proposed regulation 3 in regulation 3, insert after sub-regulation (2) the following new sub-regulation:

- “(3) The Board shall appoint from its membership, persons other than the Principal, staff or student representative to be the Chairman and the Vice Chairman.”

The second issue raised by the Member for Tabaquite to which I would respond is the role of the principal in the site-based management school system. I want to reiterate that when this Bill was drafted by the Members on the other side, they did not have a vision to guide the process. [*Crosstalk*] You see, our Vision 2020 speaks to developed country status through the development of human resources and through the process of decentralization, deconcentration and devolution. [*Crosstalk*]

**Mr. Speaker:** Order! Hon. Members, please.



**Mr. Ramnath:** She is the worst Minister of Education.

**Mr. Speaker:** Order, please! Member for Couva South—

**Mr. Ramnath:** Totally uneducated and incompetent.

**Mr. Speaker:** Hon. Members, I am not prepared to tolerate this afternoon any disorderly behaviour in this House. [*Crosstalk*] I am warning you! Please, continue, hon. Minister.

**Sen. The Hon. H. Manning:** Mr. Speaker, for the benefit of those on the other side let me define decentralization, deconcentration and devolution and place in context the principal issue. According to the *Labour Law Talk Encyclopaedia*, decentralization means:

“Distributing decision-making to bring it closer to the point of service or action. It refers to mass decision-making by groups too large to consult with each other very directly.”

This is exactly what we are doing, moving to the point of service to the point of action; moving to the schools.

The *World Reference Dictionary* puts it succinctly:

“Decentralization is the spread of power away from the centre to local branches or governments.”

So we are moving away from the Ministry of Education where much of the authority is centred, to the school itself. We are talking about site-based management.

It speaks to moving the control of an organization from a single place to several smaller ones, moving from the Ministry of Education to over 700 schools in this system. This is what this Government advocates as we move from an operation that is centralized at St. Clair to one that is located in every school in this country, and that is over 700 schools. As I always say, we cannot stay in St. Clair and manage schools in Toco, Cedros or Mayaro. We cannot even manage Q.R.C. which is just outside the fence so that the school principal and team would have to do that.

Instead, we have to depend on site-based management by a team of dedicated persons, which includes representatives of the local school boards, which would include the Parent Teacher Association and a student; it would also include the principal, heads of departments and deans of discipline.

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You see, we believe in teamwork and strategic planning and listening to our stakeholders. We do not believe in pitting one person against the other; in this case, the principal against the chairman of the board, against the supervisor. We have spent long sessions building teams. A training session is being conducted at present as we support all our stakeholders to work together to get the job done.

Listen to the confusion that was going to exist if the previous government were in power. The former Minister of Education said, and I quote:

“If the Principal is there the Board will collapse...You cannot put a Principal on a Board and then he controls everything.”

When we speak of decentralization, we are speaking of the redefinition of what is happening. We are realigning what is happening, and the aim, as I said before, is team. We are relocating and distributing the powers of the central body to one of teamwork. The roles between the head office of the Ministry of Education and the schools in the education system have now moved from a central point to one of a team operating to manage the schools.

This results in the transfer of power and operational responsibility. It results in the granting of autonomy and discretionary power, the creation and establishment of new structures and operating practices. Understanding that the approach to decentralize is new and challenging, the decision was made to manage the process of change by handing over some administrative power or responsibility by delegating specific functions to the local school boards.

Mr. Speaker, the Members on the other side do not believe in unity; they believe in divide and rule. Listen to what the former Minister of Education had to say about school supervisors. He said:

“Under the Education Act, the supervisor is responsible for a local committee.”

I do not know what that means. It continues:

“We had to go around that in terms of how to get out that particular public servant.”

That is what he is saying, “how to get out that particular public servant”, the supervisor. It continues:

“This is going back to the supervisor who is a member of the public service.”

So he was going to get rid of the supervisor in the public service in one fell swoop:

“This is not Vision 2020! This is vision 1010.”

I want to say, this sounds like Vision 0, Mr. Speaker. It continues:

“You will have hiccups but you cannot go back to a situation where you will stifle it. If it is your intention to stifle the boards, you have done a tremendous job.”

That is what the Member on the other side said.

Mr. Speaker, there would have been total chaos! Who was going to supervise the deliberations of the boards? What if you had a runaway board and there was no principal, no supervisor and no principal accountable for the activities in the school system? I believe that the former Minister of Education was attempting to put in place an education system that had a governance system on the other end of the continuum. I think he was talking about devolution. I do not even think he was too sure of what he was speaking about, but I did an assessment and I am assuming that he was talking about devolution.

According to Francis Lubanga, writing in his dissertation on “*The Concept of Decentralization*”, he said:

“When we speak of devolution, we speak of the transfer of political, economic and administrative power to another body, which then enjoys a high degree of autonomy in the exercise of its power.”

So he was giving total power to the schools.

Devolution entails political decentralization—which the schools do not have at this point in time—financial and intergovernmental fiscal decentralization, personnel decentralization, legislative decentralization, planning decentralization, just to name a few. In other words, devolution means giving up power and responsibility to satellite entities that would exercise that power without control by higher authorities. So that schools were going to be on their own outside there; complete power given to the schools. That is what he had in mind.

Is that what we want in the education system at this point in time, especially as we are new at this, moving from a centralized to a decentralized state and especially since we do not have laws to support this action and since we are not providing the financial freedom to support that move? We have no legislative freedom to do what he is asking, no financial freedom, so I do not understand where he was coming from.

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At the Ministry, we debated long and hard on this issue as to how do we move from centralized governance to one of autonomy and devolution. We worked out that the process must be done in steps that would accommodate and support this fundamental change with care and nurturing to ensure sustainability. You just do not throw them out like that. Decentralization is a process stretching from one end of the continuum to the other, and as we move along the continuum, we have to pay attention to the scope—

**Dr. Nanan:** I thank the hon. Minister for giving way. I just wanted to point out that I have no quarrel with the Minister with respect to the approach, but she must recognize that when you have decentralization, you have a unit that is set up there that would be dealing with the local school board materials. The Minister said nothing so far about all this material going to the permanent secretary. And I never attacked public servants. In fact, in my contribution, I praised the public servants for the 100 years of experience in that Ministry that you are not utilizing. [*Desk thumping*]

**Sen. The Hon. H. Manning:** Thank you very much. Mr. Speaker, let me finish with the principal and then I would move on to the permanent secretary—

**Mr. Ramnath:** Just read what they write for you.

**Mr. Speaker:** Order!

**Sen. The Hon. H. Manning:** That is okay. We are still not talking nonsense, I will tell you that. [*Desk thumping*]

**Mr. Ramnath:** Why you “doh” read what they write for you?

**Sen. The Hon. H. Manning:** We just cannot get up one morning and devolve a whole system where there is no former experience, and that is what they were going to do there. Because of the approach that was advocated by this former minister, the pilot programme was fraught with problems. We spent two years looking at the 10 schools that were supposed to be devolved—endless problems. That is why we are back here now. [*Crosstalk*]

I have just given the Member a lesson in governance, to show why we took the decision to make the principal a member of the board—[*Desk thumping*] with voting rights, along with the other 10 members of the board. We are not going to throw the principal out with a runaway board. We are on a journey to create a high degree of autonomy in our schools. It is all part of Vision 2020. They had no vision!

**Mr. Ramnath:** Why do you not circulate that?

**Sen. The Hon. H. Manning:** But to get there, we must ensure that there is financial decentralization, full fiscal transfer to the management committee of the school. This is yet to be put in place.

I now come to the permanent secretary, who is the accounting officer of the Ministry of Education and she must account at every instance. How can the chairman of the board be the accounting officer? There must always be integrity and transparency, therefore, the permanent secretary has to account. Until the law is changed, we cannot give the chairman of the board the full responsibility to spend sums of money that are allocated annually by the Government for the operations of the board.

Thirdly, staff responsibility is still in the hands of the Teaching Service Commission and Public Service Commission. I do not know if the hon. Member knows that. It is not yet in the hands of the Ministry of Education. The Ministry of Education cannot hire, discipline and/or fire teachers. That is it. How could the permanent secretary, the accounting officer, hand over all her rights, in this instance, to the school board? That is madness! A right that she does not have! Not only must the law be changed, but constitutional reform must take place. This is what devolution calls for.

**Mr. Singh:** The Member for Tabaquite never said that.

**Sen. The Hon. H. Manning:** I think the Member does not understand that the reason she has to have the reports is because she has to be accountable; she has to make sure that what is being done is approved by her.

**Mr. Singh:** She must have her “breakfastes” too.

**Sen. The Hon. H. Manning:** Yes, she must also.

Finally, the Education Act governing the legislative operation of the school does not accommodate the extensive governance of the school by local school boards. [*Crosstalk*] You will still get it, do not worry, and it will be well done. I do not care what you say across there.

The law would have to be changed extensively. We are now about to engage a firm to overhaul the Education Act to guide the modernization and reform of the education system. Until that extensive overhauling of the Education Act is carried out, the principal has to be held accountable for the day-to-day operations of the school and, therefore, has to be part of the local school board. The principal has to

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report to the school supervisor who will be in charge of the field operations of the education district as laid down by the Education Act and the supervisor has to respond to the permanent secretary who is the accounting officer. Thank God the Members on the other side were not implementing this programme on local school boards, because the schools would have been in total chaos, as you jump straight from a centralized governance system to one of devolution.

In concluding, I take this opportunity to thank the staff of the Ministry of Education for their technical expertise, integrity, commitment and dedication, in assisting in putting this programme forward. I thank Permanent Secretaries Jack and Rutherford and also Dr. Stanley Marcano for their experience in human resource matters, decentralization and devolution. [*Desk thumping*] I thank them for their integrity. I thank Mrs. Nirmala Maharaj for her diligence and hard work. For a long time she was the only legal advisor there and she worked unflinchingly. I thank Jennifer Andall for heading the unit that is operationalizing the establishment of the local school boards sector, [*Desk thumping*] for visiting all the schools from Toco to Cedros, over and over again to ensure that the rules and regulations are understood and well implemented.

I want to thank very much, Mr. Maurice Chin Aleong—[*Desk thumping*] for his perspicacity, who, after two years of working with the team to ensure that the pilot project was implemented properly, requested that we make the principal the secretary of the local school board. That is what he said when he saw the confusion and nonsense taking place.

**Mrs. Persad-Bissessar:** Did you do that?

**Sen. The Hon. H. Manning:** No, we did not do it.

**Mrs. Persad-Bissessar:** Exactly.

**Sen. The Hon. H. Manning:** And that is what the hon. gentleman on the other side was saying. The Ministry is very much on the move—

**Mr. Ramnath:** The Prime Minister “doh” agree with you.

**Mr. Singh:** The Prime Minister said he is satisfied.

**Sen. The Hon. H. Manning:** Yes, because it is on the move—

**Mr. Singh:** Not on the move again; he move it!

**Sen. The Hon. H. Manning:**—to decentralize the education system. Cabinet would soon be approving the way forward to facilitate its development to bring service closer to the people. In so doing, 38 local school boards have been set up

in Trinidad and Tobago; 25 of them are now undergoing training as we begin Phase III, and by June of this year the last 25 school boards would be on stream.

On completion, we would move to the establishment of local school boards in early childhood centres and primary schools. It is at this level that clusters of local school boards are being discussed at this point in time. A planning committee has been formed to implement the plan for local school boards at this level. We would soon be holding stakeholder consultations and to date we have released over \$1.3 million for the operationalization of the local school boards through the payment of stipends, training and other expenses. At present, annual grants of \$10,000 are being paid out to the 36 local school boards.

The principal, working hand in hand with the local school board and the community, would have been providing improved education service delivery as we develop our human resource capital on our way to achieve developed country status by the year 2020.

I beg to move. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I would now propose the amendment moved:

Subject to the following amendment to the Regulations.

In proposing regulation 3 in regulation 3, insert after sub-regulation

(2) the following new sub-regulation:

“(3) The Board shall appoint from its membership, persons other than the Principal, staff or student representative to be the Chairman and the Vice Chairman.”

*Question, on amendment, put.*

**Mrs. Persad-Bissessar:** Mr. Speaker, is there no debate on the amendment?

**Mr. Speaker:** Yes, sure. Before you continue, let me inform Members that any Member who wishes to debate the amendment can do so.

**Mrs. Kamla Persad-Bissessar (Siparia):** First of all, Mr. Speaker, I congratulate the Member for Tabaquite [*Desk thumping*] on his contribution on the last occasion on the Education (Local School Boards) (Amdt.) Regulations. He pointed out what was a fatal flaw in the amended regulations. I congratulate the hon. Minister also for a very spirited contribution this afternoon. Usually it is not as spirited, but today was a very lively contribution and I am sure it has nothing to do with the fact that she is sitting in the seat of the Member for San Fernando East, or the fact that he is out of the country; I do not know.

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But the Minister never dealt with this issue and it was a fatal flaw in the amended regulations that were brought forward. That is to say, that the amended regulations that the Minister was proposing the House approve, completely left out the appointment of a chairman and a vice chairman. Nothing was said about that. The amendment was put in at the last moment and it was the Member for Tabaquite who drew it to the attention of the hon. Minister. I am sure she will thank him also for making sure that the amended regulations were not the nonsense that they were when they came to the House.

The Minister spoke about the vision that the Ministry had. I think I need to make it very clear that the school boards that she is boasting of were appointed because of legislation passed by the UNC government and regulations made by the UNC government. [*Desk thumping*] And we had included in the Local School Boards Regulations, 2000, which we had signed, this regulation for the appointment from the membership for persons other than the principal to be the chairman and the vice chairman.

The Minister brought amended regulations and completely ignored this. So thanks to the Member for Tabaquite, that is now being corrected. I wish the Minister good luck because we do need the school boards, and thanks for the legislation of the UNC which allowed these school boards to be put in place.

I thank you, Mr. Speaker.

**Sen. The Hon. H. Manning:** Mr. Speaker, maybe the Member for Siparia was not here when I started. I did say “thank you” to the Member. I would like to say that while she spoke about the fact that there was an error, we have taken note of that and we have done the right thing. We have brought it here in full transparency and integrity. We did not hide it, and we are saying to you, please assist us by approving it, and you have said, yes.

*Question, on amended Motion, put and agreed to.*

*Resolved:*

That the Education (Local School Boards) (Amendment) Regulations 2005, be now affirmed.

#### ELECTIONS AND BOUNDARIES COMMISSION ORDER

**The Minister of Works and Transport (Hon. Franklin Khan):** Mr. Speaker, I beg to move the following Motion standing in the name of the hon. Prime Minister:



*Whereas* under section 71 of the Constitution of the Republic of Trinidad and Tobago (hereinafter referred to as “the Constitution”) there is established an Elections and Boundaries Commission (hereinafter referred to as “the Commission”):

*And whereas* under subsection (1) of section 72 of the Constitution the Commission is charged, *inter alia*, with the review of the number and boundaries of the constituencies into which Trinidad and Tobago is divided:

*And whereas* in accordance with paragraph (a) of the said subsection (1) of section 72 of the Constitution, the Commission on the 15<sup>th</sup> day of June, 2004 submitted to the Honourable Prime Minister and the Honourable Speaker of the House of Representatives, a report in which it recommended that Trinidad should be divided into thirty-nine constituencies the boundaries whereof are delineated in Appendix “D” to the said report and Tobago shall remain divided into two constituencies:

*And whereas* it is provided by subsection (3) of section 72 of the Constitution that as soon as may be after the Commission has submitted a report under paragraph (a) of subsection (1) of the said section 72, the Minister, designated by the Prime Minister for this purpose shall lay before the House of Representatives for its approval the Draft Order by the President for giving effect, whether with or without modifications, to the recommendations contained in the report:

*Be it resolved:*

That the draft order entitled the “Elections and Boundaries Commission Order, 2005,” be affirmed.

Mr. Speaker, as is customary, it is not the intent of the Government to recommend any changes to the Elections and Boundaries Commission’s report. I would like to say from the outset that it is our intent to accept the report in its entirety. However, during the course of the debate, we on this side will attempt to highlight through our analysis, various aspects of the report and at the end make some respectful submissions to the EBC for its consideration when it submits its other report within two to five years. [*Desk thumping*]

Just for the record, it is abundantly clear, as I outlined before, that the EBC has been established under section 71 of the Constitution, and under section 71(8) it states as follows:

“The Commission may regulate its own procedure.

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- (9) The Commission shall be provided with a staff adequate for the efficient discharge of its functions.
- (10) The salaries and allowances of the staff of the Commission shall be a charge on the Consolidated Fund.
- (11) The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Commission.”

Finally and most importantly:

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

The Constitution gives total independence to the Elections and Boundaries Commission in the carrying out and the execution of its duties and functions.

We on this side have all studied in detail the recommendations contained therein and we are of the firm belief that this is a good report that is worthy of commendation. In my view, it is a very robust report; it is very analytical in the way it drew its conclusions; it is very accurate in terms of the database it has put together and its analysis of that database. It is very fair in the way it attempted to divide the constituencies and in a very sensitive area, to demarcate electoral divisions as the basic building block in the building of constituencies.

Finally, I think the report is based on sound principles; it is well researched and, most importantly, I think it is good for the future political and electoral process of Trinidad and Tobago. In the report the commission attempted to give some background in a chronological sense as to how we have reached; where we have reached, and set the basis in which they are now recommending that Trinidad move from 34, by adding five new seats, to 39.

Mr. Speaker, the report continues that in 1956 there were 24 seats in Trinidad and Tobago; 23 seats in Trinidad and one in Tobago. In the 1961 election, six new seats were added; five in Trinidad and one in Tobago, having a total of 30 seats in the 1961 election. It proceeded to indicate that in the 1966 election, six additional seats were added, all of which were in Trinidad, making 36 seats in Trinidad and Tobago for the 1966 election. What this indicates is that from 1966 to the present—almost 40 years—we have not moved from the 36 seats to any additional seats.

**Mr. Ramnath:** That is a fundamental statement which you are making there?

**Hon. F. Khan:** It is fundamental, but obvious. There are fundamental statements that are not so obvious.

What it is saying is that the population has increased; the demographics of the country have changed; the economic landscape; the distribution of wealth; the distribution of ethnicity and a series of economic and socio-political issues have evolved over these last 40 years, yet, in essence, we have not really changed the boundaries of the constituencies to reflect the new social, economic and political reality of Trinidad and Tobago.

**Mr. Ramnath:** What does ethnicity have to do with the matter of boundaries?

**Hon. F. Khan:** Nothing specific, but it is a sociological comment; nothing beyond that.

**Mr. Ramnath:** Keep your comments to geography, please—

**Hon. F. Khan:** Mr. Speaker, the basis of adding new seats really lies on the principle as clearly articulated by the EBC, that the demands of a Member of Parliament have become very diverse and complex based on the number of the electorate in each constituency, which average around 24,000—25,000 electors. That is only electors but one has to understand that when you represent a constituency, you do not only represent electors, you represent their children and the families of electors. So you can even multiply that by four, so that 25,000 become 100,000. So while the child who is under 18 does not have the franchise to vote, or the suffrage, as it were, you are still his or her representative in terms of assisting in education; of planning and schooling and what have you.

So in that context we feel that the EBC is correct in its analysis of the growing political sophistication of the landscape and the need to have a more focused form of representation and, by definition, making the constituencies smaller, geographically, where possible, and making the number of electors that fall under the purview of a constituency, significantly smaller.

To quote the statistics: in 1966, registered voters in Trinidad and Tobago were 459,839; the electoral list of 2004, the number of registered voters was a mammoth 908,608, more than 100 per cent increase. The average per constituency in 1966 for Trinidad was a mere 13,047 and a relatively small number of 8,113 for Tobago. The current statistics for the 2004 voters list would indicate an average number of electors per constituency, of 25,610, and in the case of Tobago, 18,931 registered voters.

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As I mentioned earlier, the demographics have changed from 1966 to now, where we have seen, what I call, the development of an urban megalopolis in Trinidad and Tobago, an entity that we now call the East-West Corridor that spans from the northwestern peninsula in Carenage, or you could take it as far as Chaguaramas, straight along a linear band into the city of Port of Spain, moving eastwards under the foothills of the Northern Range, to as far east as Arima, and fast encroaching its way into the eastern town of Sangre Grande.

Within that context we have seen massive population growth, in particular in the northwestern peninsula of Trinidad and Tobago, as it is reflected in the three Diego Martin constituencies. We have seen a population boom based on a housing policy of this administration where major settlements and new settlements, in particular, have been developed, in Maloney, La Horquetta, Santa Rosa Heights and all around the East-West Corridor, especially the eastern extremities in D'Abadie and Trincity—areas like those—which continue to develop and obviously setting the basis for a rethinking and a reconfiguration of the constituency boundaries.

As we move further south, we have seen the mushrooming and the almost exponential economic growth that is centred around Chaguanas and the Caroni plains. Whether the other side accepts it or not, the economic prosperity of central Trinidad is guaranteed for the foreseeable future. The commercial and economic activity and the population growth will continue to take place in central Trinidad, in particular in the Chaguanas/Couva area. Again, you would see that consideration has been very well represented in the EBC's report.

Finally, as we move further east and into the deep south, over these last 40 years we have seen what were very humble and sparsely populated rural villages growing now into booming small towns and an economic entity in their own right, attracting business, settlement and commerce. In this regard I particularly commend, what I call, the Debe/Penal Complex, which is a fast growing commercial entity that is rivaling some of the commercial activities in Port of Spain. We are seeing continued growth of towns like Point Fortin and Siparia, in what used to be the county of St. Patrick.

As I move east, I also want to go on record to say that in my own constituency, the town of Rio Claro is growing fast. Princes Town is bursting at its seams. Only recently we had to construct bypass roads to alleviate some of the traffic problems in the Princes Town area.

I have attempted to show that the demographics have changed; the economic fortunes and the economic conditions of the population have improved significantly over these last 40 years and it reflects itself in new communities, new settlement patterns and new demands by the electorate for a higher level of performance by their elected representatives in this august House of Representatives. That really forms the basis in which the EBC, in my opinion, crafted its report.

In that context, the EBC has recommended to this honourable House for its adoption, the creation of several new seats and I would attempt to link these new seats in the context of the new demographics that I have recently outlined. As I said before, we have seen phenomenal growth in the population along the East-West Corridor, especially in the La Horquetta/Maloney/D'Abadie areas. In that context, the EBC has recommended that the constituencies of Arouca North and Arouca South, in particular, be disbanded and based on some other additions and subtractions with adjacent constituencies, the creation of four new seats in that general area.

Those seats are as follows: the new seat of Arouca/Maloney; D'Abadie/O'Meara; La Horquetta/Talparo and Lopinot/Bon Air West. We feel that all this is founded in very good analysis and well researched deliberations by the Elections and Boundaries Commission.

### **2.30 p.m.**

To deal with the growth in the Chaguanas area, the seat of Chaguanas has now been divided into two; Chaguanas East and Chaguanas West, respectively.

In mentioning the growth in the Penal/Debe area, the EBC has seen it fit to split the seat of Oropouche into two seats; Oropouche West and Oropouche East.

Those clusters I mentioned attempted to deal with the new settlement pattern and new population densities as reflected. It is here I want to commend the EBC. I speak now on my behalf as Member of Parliament for Ortoire/Mayaro. The EBC has now seen it fit that where constituencies are too large geographically to be effectively managed by a single Member of Parliament, in spite of certain constraints with the number of voters, to make it more manageable.

If you take an electoral map of Trinidad based on the 34 seats and draw a north/south line dividing Trinidad in two, an eastern half and a western half, the entire eastern half consists of only three constituencies. The other 31 constituencies are in the western half of Trinidad. The eastern half of Trinidad is

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dominated by Toco/Manzanilla in the north; Nariva in the central and Ortoire/Mayaro in the south-east. [*Interruption*] Your geography is flawed. I am sure that I speak on behalf of my colleague for Toco/Manzanilla and to some extent if he is willing to support this, the Member of Parliament for Nariva and my behalf as Member of Parliament for Ortoire/Mayaro. Ortoire/Mayaro starts in the village of Guayaguayare. You drive along the Guayaguayare Road to Mayaro and from there you take the Naparima/Mayaro Road and drive for almost 30 miles to Hindustan Junction in New Grant. You take Hindustan Road and cut across New Town until you meet Moruga Road and from there to Marac and come across in a straight line annexing Rochard Douglas Road. It is so diverse that it has started to lose meaning.

The EBC has now started to look at the boundaries in context of the geography and is attempting to make seats more manageable in size. What the EBC has done that I think is also credible and commendable is that they have tried to reconfigure the boundaries so that they would not split communities in half, and make them more coherent.

To give my example, I was born and grew up at Mafeking Junction, Mayaro. I happened to be on the other side of the road so all these years we have voted in the constituency of Nariva. I now represent a constituency called Ortoire/Mayaro. I live in Mayaro. You could not vote in your constituency but somebody way down in Marac and even as far west as the valley line in Barrackpore, voted in the constituency of Ortoire/Mayaro. In that context we on this side strongly support the disbanding of the constituency of Nariva and the creation of four new constituencies to cover the eastern half of Trinidad. They are as follows: to the extreme north-east, the new constituencies of Toco/Sangre Grande; south of that, Cumuto/Manzanilla; south of that, Mayaro and west of that, Princes Town South/Tableland.

The Members of Parliament who have had the distinction of serving in these very large constituencies—I would not say breathe a sigh of relief—will now have a more manageable geographic area under his or her purview. I just want to go on record. I am probably the only Member of Parliament in this House to operate four constituency offices because the area is so large that you cannot manage it with one or two constituency offices. I have offices in Mayaro, Rio Claro, New Grant and Moruga. You cannot have an office in Mayaro and ask the people of Moruga to come across because the distance is too far and the transportation cost is out of the reach of the ordinary man.

We totally support the logic and thinking of the EBC as it relates to the reconfiguration of the boundaries and making the constituencies more manageable. In the east, the constituency size has become significantly smaller.

Finally, I want to close with a few words on Tobago. I mentioned earlier that this administration is willing to accept the EBC's report in its entirety. We feel that serious consideration should be given to Tobago next time around for consideration of an additional seat. There are rational bases for that. We have no intention of changing the EBC. The EBC is independent and they can go through their analyses; come up with results and we will debate them as necessary.

I want to read into the record a motion that was laid in the Tobago House of Assembly as Motion No. 9 of 2004, which was passed at the fifty-third sitting of the 2001—2005 session held in the Tobago House of Assembly Chamber, Jerningham Street, Scarborough, Tobago, on Thursday August 26, 2004. The Motion reads as follows.

*Whereas* the Elections and Boundaries Commission in its 2004 report on the review of the constituency boundaries pursuant to section 72 of the Constitution of the Republic of Trinidad and Tobago recommended that Trinidad should be divided into 39 constituencies, an increase of five constituencies over the previous allocation:

*And whereas* the Elections and Boundaries Commission further recommended that Tobago should remain unchanged at two constituencies:

*And whereas* the recommended allocation would not reflect the level and ratio of representation that the island of Tobago should be afforded in the national Parliament of Trinidad and Tobago:

*Be It Resolved* that this Assembly mandate the Executive Council to take all necessary steps to ensure that in their large Lower House recommended by the Elections and Boundaries Commission there should also be an increase in the allocation of seats in Tobago.

During this debate we humbly request that this issue be considered by the Elections and Boundaries Commission when they present their next report in Parliament. It may require constitutional change because the Constitution is clear. We need to check because it says a minimum of two seats. It does not say two seats. The point is that Trinidad and Tobago is a twin island republic in the

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context of the law of the sea, an archipelagic state. We are dealing with two main islands, the island of Trinidad and the island of Tobago. We have to take into consideration the issue of geography. Tobago is a separate island in the archipelago of the Caribbean. [*Interruption*] It is not. It is a totally distinct island. We cannot use the Arithmetic, Mathematics and calculations of Trinidad in the context of Tobago. Tobago needs special consideration in the context of the unitary state. We have had a very long and fruitful association with the island of Tobago. We must guard at all times that Tobago cannot be isolated from the parliamentary process in the context of where it can be felt, that they do not have sufficient parliamentary influence in the level of their representation in the House of Representatives of Trinidad and Tobago.

I will give one example. In the states of Antigua and Barbuda, Barbuda is a very small island. Do you know that the constituency of Barbuda has only 1,500 registered voters, but was given full constituency rights because Barbuda is a separate island and has its distinct culture and unique privileges?

As we continue to expand the number of seats in Trinidad, from the analysis put forward by the EBC and I hope from my analysis, there is even a case that we can have more than 39 seats in Trinidad. There is a credible basis that we can go to as high as 45, in my opinion, as we make the seats more manageable. We cannot continue to perceive a scenario as Trinidad develops and if we only base it on the number aspect of the electoral process and the construction of constituencies, Tobago would be left too far behind as it relates not so much to the quality because there are very capable Members of Parliament from Tobago, but the numbers. In due course and hopefully, by the time of the next EBC report there will be a justifiable case for a third seat in the island of Tobago.

With those few words, I beg to move.

*Question proposed.*

**Mrs. Kamla Persad-Bissessar** (*Siparia*): Mr. Speaker:

“The Electoral process is the bedrock of any Parliamentary Democracy. The will of the people is paramount and it is through General Elections that the people’s will is expressed and determined. The electoral process starts long before voting day with continuous voter registration and the maintenance of a List of Electors. ‘The electoral list is thus a crucial feature in the organization of free and fair elections... such a system must be designed to enable all qualified citizens to be included, to prevent electoral abuse and fraud...; and



be widely acceptable as an authoritative and legitimate means of cataloguing electoral population and settling disputes'.”

This is taken out of Goodwin-Gill and had been cited in the report of the Commission of Enquiry set up to look into the functions of the EBC. Basically, it is emphasizing that the electoral process is the bedrock of any parliamentary democracy. Under our Constitution, that is the overseer of this process. The facilitator of that process is the Elections and Boundaries Commission. The report and order to which this Motion relates are authored by the Elections and Boundaries Commission.

When we look at the delineation of boundaries it is one aspect of the whole electoral process. It is paramount that in a functioning democracy you have ways that you can look at transparency, accountability, maintaining the integrity of the electoral process and you can ensure that you cannot buy or sell politicians or ministers. We must also look at the whole question of illegal campaign funding.

I have in my hands what I found in my mailbox. I know that the Member for Diego Martin West always gets letters in his mailbox. I was fortunate to get this in my mailbox. We are speaking of a report of the EBC but we cannot turn a blind eye on the whole electoral process of the country. That is the bedrock of the democracy.

This letter is addressed to the hon. Prime Minister. It says:

Having written to you the preceding letter, I visited Minister Franklin Khan at his office on Ash Wednesday. I felt obliged to do so because I have certain arrangements with Minister Khan. At his office, Minister Khan told me that Minister Williams met him on Carnival Tuesday and told him certain things about me and the seismic project. I related to Minister Khan the threats that Minister Williams made to me. Minister Khan then told me that one retired General Ralph Brown is the source of all the bad reports that Mr. Manning is receiving.

He further told me that Eric Williams told him also that for quite some time Mr. Ralph Brown is keeping Mr. Manning updated on the project and poisoning your mind against me. Mr. Khan then asked me to leave his office, he wanted to make a private call. After about five minutes Minister Khan then called me back to his office and asked me to speak to Minister Eric Williams on the phone. I hesitated but the Minister insisted and I reluctantly spoke to Minister Williams.

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During our conversation Minister Williams again told me that I should be careful as though threatening me, for Ralph Brown and intelligent services is on my case. I then told Minister Williams that I will take this matter to the Prime Minister and he replied that I will be surprised to know how much Mr. Manning is against me if I spoke to him, the Prime Minister. I then told him that this conversation is getting no where. To this Minister Williams told me that I was greedy and he also believed that I was sabotaging the project. I then reminded Minister Williams that I had already given him \$75,000 in bribes on the said project and I will expose him. He said expose Frankie too, referring to Minister Khan. He then hung up.

Therefore, Prime Minister, in the circumstances, I am with a death threat hanging over my head. I am confirming to you that I have paid bribes to both Ministers Franklin Khan and Eric Williams on the said seismic project and further, Minister Khan used one of my companies in the 2001 general elections to rip off a venture production to pay for his campaign.

I can make much more information available to you, Mr. PM, but I will stay here for now. As you will observe Prime Minister, I wrote this part of the letter in my own handwriting for I did not want anyone typing this letter to be privy to the foregoing information. I wish not to bring your party nor government nor Cabinet into dispute, but I have taken precaution to send copies sealed of this correspondence to New York and to prominent persons locally, in the event harm comes to me. I do not want to end up as Hansraj Sumairsingh. Therefore, Prime Minister, I am asking you to pacify this situation urgently for time on my part is not a comfort.

I thank you and wish you well.

It is signed by Dansam Dansook. Mr. Dansook is a PNM councillor in the Mayaro Regional Corporation.

The hon. Prime Minister has admitted—

**Mr. Speaker:** I was hoping that there would be something of relevance there to the Motion before us. Could you get there quickly please?

**Mrs. K. Persad-Bissessar:** Certainly, Mr. Speaker. I am speaking about the electoral process and the whole business of illegal campaign funds which are mentioned here. Perhaps, that slipped you. Maybe, the huge bribes that were alleged to be paid boggled your mind. In addition, there is the whole business of illegal campaign funding in the 2001 general election.

In a report I read that the hon. Prime Minister admitted to having received letters with respect to allegations against two Ministers and he had sent them to the Integrity Commission. There is a serious allegation here that the Prime Minister felt warranted going to the Integrity Commission. Why did the Prime Minister not send it to the Anti-Corruption Squad? Why was it not sent to the Fraud Squad? Is there one law for the PNM and another law for the UNC? That is where it belongs. We are talking about serious breaches of the law where allegations are being made of bribe taking and election fraud. You could raid people's homes illegally when it comes to allegations against the UNC. Here it is the Prime Minister receives correspondence; admits receiving the correspondence; did not give details of the correspondence but fails to report it to the authorities that have the jurisdiction to deal with those matters.

I am talking about the Integrity Commission. For the past several weeks we have seen not one, but two judgments against the Integrity Commission. You really wonder if those "fellas" have any integrity at all. I have written to them with respect to the obscene moneys from public funds being spent on advertisements and I have had no response. I have no hope that this allegation with respect to illegal campaign funding and bribe taking will go anywhere. This should go to the Fraud Squad and the Anti-Corruption Bureau.

We are talking about this EBC report. Let us look at the EBC to understand and appreciate the value of the report.

**Mr. Williams:** Will the Member give way please?

**Mrs. K. Persad-Bissessar:** Certainly.

**Mr. Williams:** With regard to that allegation, first of all, I have not seen the correspondence, but I will state categorically that I have never received any funds as you have reported there, from Mr. Dansam Dansook. His nickname is Bobby. I know the gentleman because as Minister of Energy and Energy Industries, I received complaints from Terrasize Seismic Company and Talisman that their seismic surveys were being sabotaged. Allegations are that that gentleman in his capacity as a contractor had a contract with them to provide labour. It was in an article carried on July 13, 2003 in the same *Sunday Guardian* where it was reported that this sabotage of the seismic crew was taking place.

As Minister of Energy and Energy Industries, I spoke to Mr. Dansook and said that the State of Trinidad and Tobago would have to take serious action against him if those allegations proved to be correct. After I spoke to him the first time the apparent sabotage ceased for a while, then it grew in again. We also had

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reports that expatriates assigned to that crew went to Piarco Airport from the crew; phoned back and said, “Send my clothes for me. I am leaving to go to Canada because of the death threats I have received.” They said whom they alleged gave those death threats.

As Minister of Energy and Energy Industries, I then spoke to the gentleman. I said that if these allegations are true then the State will have to take action against you. At that time the company as I understood it, terminated his contract at which time he said to me that he will see to my destruction. [*Interruption*] You will get injury time. I will be grateful if I can have a copy of that so I can deal with them in the appropriate manner.

**Mrs. K. Persad-Bissessar:** Mr. Speaker, I am glad that he responded. First of all, these allegations are coming from a PNM councillor. He said, “dat gentleman”. This is one of his own.

Secondly, the hon. Member is speaking about 2003 and he kept saying that the State will have to take action. Up to today, what action have you taken?

Thirdly, you are asking us for a copy of this. It is in the hands of your Prime Minister, so ask your Prime Minister for a copy and it is in the hands of the Integrity Commission. Why are you asking us and saying that you have never seen it and never heard it? You will take action against this man for what? Three years now and up to today no action except to come here and tell us that I told him and I told him.

The Integrity Commission will handle it, but it is my view that the Prime Minister should also send this to the Fraud Squad and the Anti-Corruption Bureau. Let them deal with it and investigate the matters.

**Mr. Singh:** Let us find out if he spoke to you on the phone. Let us get the phone records. You could only get the Chief Justice record.

**Mrs. K. Persad-Bissessar:** We are talking about the electoral process; the EBC and the integrity of that process. In this country as in other jurisdictions as you well know, the Elections and Boundaries Commission is an autonomous body. In our Constitution it is a deeply entrenched institution. To change, amend or move section 71 of the Constitution, like the Privy Council you need three-fourths majority, not two-thirds. It is deeply entrenched.

Section 71 says:

“(8) The Commission may regulate its own procedure.

- (9) The Commission shall be provided with a staff adequate for the efficient discharge of its functions.
- (10) The salaries and allowances of the staff of the Commission shall be a charge on the Consolidated Fund.
- (11) The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of 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.”

In addition to those provisions, the Representation of the People Act also makes provision for the functioning of the EBC. The Act provides that the EBC shall exercise general discretion and supervision over the administrative conduct of elections and enforce on the part of all election officers, fairness, impartiality and compliance with the Act. The Act goes on to prescribe the registration and election rules and sets out the procedures to be used in these two exercises.

The Constitution speaks to the delimitation of the boundaries. We see that this is an autonomous and independent body for all intents and purposes protected by the Constitution. I do not know if the Members on the other side have any kind of memory. In this country, we witnessed prior to the 2000 elections and following the 2000 elections, throughout 2001 and 2002, the PNM launched the most vicious and sustained attack on the Elections and Boundaries Commission—starting from 2000 into 2001 into 2002, the vilification and really vindictive behaviour from senior members of the PNM at all levels. When we look at what happened in 2002, within one month of having power thrust upon them illegally by this moral and spiritual values in a draw where you had 18/18, they illegally took power in this country.

**Dr. Rowley:** Come and sit down here.

**Mrs. K. Persad-Bissessar:** You would love that. “Won’t you?” So you could tap me up.

Within one month of taking power, the PNM set up a commission of enquiry into the EBC. I quote from the report of the Commission of Enquiry on the EBC. The terms of reference were as follows:

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“By Instrument dated 29<sup>th</sup> day of January, 2002, His Excellency the President of Trinidad and Tobago appointed a Commission to enquire into the functioning of the Elections and Boundaries Commission ...with the following Terms of Reference:

(i) To inquire into:

- The entire process involved in compiling of the lists of electors used in the 2000 and the 2001 General Elections for all the electoral districts in Trinidad and Tobago with special attention being paid to the process as it relates to the constituencies of Tunapuna, Barataria/San Juan, San Fernando West, St. Joseph and Ortoire/Mayaro.
- The systems and procedures followed by the Elections and Boundaries Commission to ensure the accuracy of the lists of electors in 2000 and 2001 in circumstances where
  - registered persons change their places of residence from one registration area to another
  - registered persons die or no longer have their places of residence in Trinidad and Tobago or otherwise cease to be qualified to be registered as electors in their registration areas.
- The systems, processes and procedures followed by the Elections and Boundaries Commission to ensure that members of its staff exercise their functions competently, and in accordance with democratic practice and principles”.

**3.00 p.m.**

Secondly,

“To make such observations and recommendations arising out of its deliberations as the Commission may deem appropriate to ensure that the integrity of the electoral process is preserved”.

Mr. Speaker, since the PNM used every trick in the book in the 2002 December election, we have not heard a word about the Elections and Boundaries Commission (EBC); not a single word, because they were in power! They come meekly today; the Minister said: This report is a good report; this report is

accurate; this report is analytical; this report is fair; every word of praise that he could find for the report offered by the Elections and Boundaries Commission.

He has asked us to approve that Trinidad be divided into 39 constituencies and Tobago into two constituencies. [*Interruption*] Before I go any further let me make it very clear, Mr. Speaker, that we on this side have no difficulty with giving Tobago the third seat that they want. However, we believe in equity and parity so that if Tobago is to have the additional seat we are saying, sure, go ahead. All the seats of Trinidad and Tobago should be of equal number of electors and there is equity and parity. So if Tobago wants three seats, that is fine. Three seats, whatever their electorate may be, create the seats in Trinidad and Tobago with equal numbers of electorate.

The Member for Ortoire/Mayaro is really speaking on both sides of his mouth when he says: “We want to give it to Tobago; we want to help Tobago; Tobago is great amongst us.” Yet they have the two Members for Tobago sitting on the Back Bench, not a single one of them is a senior member in their Government. What is your respect for Tobago? Why can Tobago not have a senior Front Bench place, not just in Parliament but in the Cabinet? Mr. Speaker, the Minister spoke from both sides of his mouth when he said: Okay, we will help Tobago and we will tell the EBC to do it next time around. This time we will bypass now, it is okay, we do not need to give them the seat this round. Do you know what they call that, Mr. Speaker, they call that mamaguy? They are saying, Tobago, yes we agree with you; we trust you; we believe you; we want to give you the seat, but you see this rounds; no, it is okay, we would let the EBC do it in the next round and we would tell them to please give due consideration. The law does not work like that! Look at the law and if Tobago has to have the additional seat then you have to put the mechanisms into the legislation to ensure that Tobago gets the seat. So there again, mamaguy; he was talking on both sides of his face, with due respect.

Mr. Speaker, we on this side, with respect to the fact that the EBC has only given two seats remaining in Tobago—[*Interruption*] The Member for Diego Martin East is talking about “pass law exam”; let me tell him I topped the law school in my year when I wrote my exams. [*Desk thumping*] So do not come here to talk to me about “no” law school and “no” exams. Mr. Speaker, I am asking you to ask the Member to shut up!

**Dr. Rowley:** [*Inaudible*]

**Mrs. K. Persad-Bissessar:** Shut up!

**Mr. Speaker:** No, the hon. Lady could use better language than that. [Crosstalk]

**Mr. Speaker:** Order, please! Order! Member for Diego Martin West, please! Let the hon. Member make her contribution in peace. Please do not heckle her.

**Mrs. K. Persad-Bissessar:** Mr. Speaker, you know we are talking about Tobago and therefore I guess it is close to his heart; it is getting to him because right now we have a commission of enquiry looking into the goings on at Landate and the Scarborough Hospital and up to today the Minister of Health cannot come to answer the question about what is happening with the [Desk thumping] [Crosstalk] Scarborough Hospital. We had seven deferrals for that question, Mr. Speaker. He cannot answer; no answer! The Member for Barataria/San Juan asked the question and he has repeatedly come here to defer the question. Let me not get too sidetracked by nonsense, Mr. Speaker.

In bringing this report, the Government is asking us to approve the divisions of Trinidad into the various boundaries. I want them to remember—and this House would remember—that this is the same administration that brought a “no confidence” motion against the Elections and Boundaries Commission in the year 2000. This is the same administration that went to the length and breadth of Trinidad and Tobago demonizing the EBC. This is the same administration that for three years, hounded and vilified the EBC. This is the same administration, as I have said, that set up the Commission of Enquiry into the EBC and they come here today, cap-in-hand, asking for approval of a fair, accurate, analytical, good report. [Interruption] What has changed now? What is different now? This is the same EBC; the names are the same; the signatories are the same! Mr. Speaker, when you look at the persons who signed this report, are they not the same persons who were so vindictively attacked by senior members of the PNM, including the Member sitting there now, acting as Leader of Government Business, Member for Diego Martin East?

Mr. Speaker, the Member for Diego Martin East was in the forefront of the attack on the EBC and they come today without an explanation whatsoever and tell us that this is a good, this is a fair, this is an accurate, this is an analytical report. Who are these people: Oswald Wilson, Chairman. He is the same person who was the Chairman of the EBC when you were attacking them and vilifying them across the length and breadth of this land. Raoul John, member; Mark Ramkerrysingh; Kenneth Lynch; these are the same people who have signed this report. This is the same set of signatories, Mr. Speaker!



Mr. Speaker, I would have thought that a competent Minister coming here today would have come and said, “Listen, this is a good report because what we had said then, all of that is over but now the EBC is very good. Now that we are in power, the EBC is the best thing in the world. The EBC has done the best report that we could ever find. But they came with absolutely no explanation why it is that after all the attacks; all the vindictiveness; all the lies that were told targeting that EBC; demonizing the EBC—how is it that it has changed today? What is different that you now accept the report of the same commissioners, saying it is good; it is fair; it is analytical and it is accurate?”

Mr. Speaker, you would recall that the Member for Diego Martin East in his presentation before the Commission of Enquiry talked about people being dead; Vinool Sookram; about Hugh Lucy and Simon migrating; he talked about persons not living there; he talked about Gail Debbie John Francis migrating. When you read the transcripts of the evidence of that enquiry, it reveals what people would call a pathological, congenital—a stranger to the truth. Every single shred of evidence; Mr. Speaker, I know you always tell me I cannot say it; he lied, but the whole country said he lied! A pathological liar! Every shred of evidence contained in that report—! Mr. Speaker, he had dead men walking and talking! It was Lazarus who came back from the dead! [*Laughter*] [*Interruption*] That was a grave error; a grave, grave error! I do now know how it ended up in the hands of the Member for Ortoire/Mayaro because I saw it listed under the Prime Minister, I do now know if this is a sign of things to come. The Member for Ortoire/Mayaro brought this Motion today with no explanation; what happened with all these things? Not a word about the Commission of Enquiry! Senior members of their party, Deputy Political Leader, Nafeesa Mohammed lies before the Commission of Enquiry. I am reading from the *Newsday* article dated May 17, 2002 when this enquiry was at its heyday. I quote:

“Attorney blasts Imbert for ‘questionable evidence’ given to the EBC Inquiry.

PNM Minister Colm Imbert was criticised Wednesday by former PNM Attorney General Russell Martineau SC for the questionable evidence he gave before the EBC Commission of Inquiry.

Martineau, who represented the EBC at the inquiry which ended Wednesday, said his business was not to embarrass anyone, but to get the truth out to the country and really regretted doing this.

He recalled that he had asked Government Chief Chemist Stanley Teemul on the witness stand on Monday whether he had told anyone that his division don't mix electoral ink for two elections and his answer was no, contrary to what Imbert had told the Commission in his evidence on April 15.

Martineau said this had put Teemul in a very difficult position because Imbert was his line Minister, adding that it was his view that the 'Minister should not have gone into the (witness) box because his Chief Chemist made him a liar.'

Imbert had also given evidence that he had received reports of the electoral ink being washed off easily, but Teemul had said this would be difficult to achieve given the ingredients of the mixture. Dealing with Imbert's evidence that CEO Howard Cayenne had told him the EBC was not ready for the 2001 General Election and Cayenne's subsequent denial, Martineau said he believed the CEO was speaking the truth. 'I don't want to say anybody is not speaking the truth. I don't want to embarrass anyone.'

Martineau said that the Minister was very tenacious, he doesn't give up. 'He is a person who has a bee in his bonnet and he doesn't give up,' he added. Martineau said it was only on one occasion that Imbert had suggested to Cayenne that the EBC was not ready for the elections and not through several telephone conversations. He said this was borne out by the summary of the Minister's evidence which was led by PNM attorney Elton Prescott when he was asked about only one instance. Martineau repeated that he didn't want to embarrass anyone but this coupled with the ink and the dead man walking and voting he would leave it up to the Commission to make its finding.

Commission Chairman Lennox Deyalsingh said credibility may come into play in their finding.

Martineau replied that he had to deal with the Minister's credibility however difficult it was, adding that he should not have gone into the box. 'What will happen to Mr. Teemul I don't know, but I am sure he was speaking the truth.'

Martineau said it was also questionable that Imbert could have served 100 notices of objection in one hour as he said to persons registered in his Diego Martin East constituency.

‘I don’t want to say anymore, Mr. Chairman,’ Martineau said, to which Deyalsingh added: ‘You have said enough, Mr. Martineau.’”

This is what was going on in that circus of a Commission of Enquiry and so millions of taxpayer money, I think it was \$3 million or \$4 million spent on this Commission of Enquiry. All the charges that were brought—voter padding, Mr. Speaker, persons locked in handcuffs all over the country—none was substantiated. Up to today so many years later, not a single person has been found guilty of any voter-padding charges. In fact, they have been released; they have been set free! Not a single one, Mr. Speaker, but they went up and down this country painting the picture that the UNC was into voter padding and the UNC, and up to today, how many years later, not a single member has been found guilty of any voter-padding charges. The lies, Mr. Speaker; the lies, the picture that was painted of voter padding throughout the length and breadth of this country—

What is happening now—you know when they talk there is a thing about you calling wolf, wolf, wolf, but within your own ranks that is what you were doing. You were accusing everybody else of doing things that you were, in fact, doing in your own house. They were all over transferring votes and then they went out—up to today—with this house-padding taking place throughout Trinidad and Tobago. They had advance notice of this report and so when they decided to build houses that we see going up now throughout the country, that housing is being put clearly for voter padding to deal with those new constituencies that have been created and to deal with those marginal areas. They went all over the place bawling voter pad, voter pad, why is it up to today not a single person has been found guilty? Why is it that those who were brought before the courts and their cases heard have been set free? I am saying that those were the lies that were being put out, the attacks on the EBC; demonizing the EBC.

**Mr. Ramnath:** Valley, you went before the Commission?

**Mrs. K. Persad-Bissessar:** There was a situation where the Government engaged in the most vitriolic attacks on the EBC. The hon. Minister comes with this report today and he does not say a word about the Commission of Enquiry, about the recommendations of the commission of enquiry; the findings of that Commission of Enquiry. It is as if it never existed; as if it never happened. The Minister comes with what can only be a blindsided approach that the Commission of Enquiry did not exist; the attacks on the Commissioners did not take place and so he comes with what some would call unmitigated gall to ask us to approve this Motion and, therefore, the report of the EBC.

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Mr. Speaker, that EBC enquiry contained 23 recommendations. What has happened to those recommendations? You have spent about \$4 million of taxpayers' dollars on this Commission of Enquiry and then you shelved the report. Once you came into power; mission accomplished; it did not matter anymore what the recommendations were. You just shelved the report and you have come today and said, good report for the boundaries; fair report; accurate report—this one—but the Commission of Enquiry, with the 23 recommendations, not a single one has been implemented up to today.

When they went before that commission of enquiry, there was a key PNM witness by the name of Ronald Bickram. I have an article from the *T&T Mirror* dated Friday, April 04 which states and I quote:

“...voter padder whistle-blower says, I am a political prisoner.”

This is Mr. Ronald Bickram, he was the mystery witness. He was a man of integrity that we spent taxpayers' moneys on. We sent him for protection on some island. I continue to quote:

Mr. Bickram said that he was a prisoner of politics. He was threatening to sue Prime Minister, Patrick Manning, Minister of Housing; Martin Joseph, and Minister of Public Administration and Information, Dr. Lenny Saith for breach of promise during the period shortly before the ruling People's National Movement came into office in 2001.

“When I was giving the PNM information on the United National Congress (UNC)...these three men sat down in Balisier House and promised me \$100,000 US for my information.

Now that I have given it to them, I am treated like trash.”

Mr. Speaker, they conned this Ronald Bickram.

“Besides not getting a cent of the \$100,000 US that was promised to me a lot of run around, my stay as a State witness has been less than pleasurable.

When I was in TnT I was just left to hang with no sort of contact with the outside world...I was shipped to Grenada and now to St. Vincent for my own safety....but it has been more a nightmare.

The moneys coming from TnT has been inconsistent, neither my rent nor other bills are paid up to date.

The TnT Police as far as I am concerned are doing racket with my money...

I exist on the good nature of friends I have made in St. Vincent.”

Mr. Speaker, this is not a joke you know; this is a tragedy. They went about the country; they held up this man’s name; they used; they campaigned to undermine the EBC; their star witness went with them to undermine the democratic process; they used his name and they came to the Parliament; they would continue like this; they forgot completely what would happen in those years 2001, 2002 with respect to the EBC. Bickram continues:

“I have no idea if it is the PNM wants me dead because they have finished with me. I am fed-up and frustrated...My life is in danger because of what I know.”

This is how they treated an individual who came to help them. They used his name and all of the allegations to undermine the EBC and the democracy, to carry out the campaign against the UNC. It was a conspiracy against the UNC. This is a very serious matter and we cannot dismiss this; we must not forget it. It was a conspiracy to undermine the democracy in Trinidad. Mr. Bickram went on to say:

“When I try to contact the police or officials of Balisier House it is just games and a runaround. I am fed-up...”

This was the star witness; he was the mystery witness; he was meant to give evidence. At the end of the day with all of this and all the vilification; all the lies, the PNM's case totally failed before the million-dollar commission of enquiry. I quote from the *Newsday* dated Wednesday, May 15, 2002 headlined:

“Martineau tells the Commission: PNM’s case has failed miserably  
SENIOR COUNSEL Russell Martineau told the EBC Commission of Inquiry yesterday that the case of the People’s National Movement (PNM) had failed miserably.

He said the party’s case had collapsed and it had turned instead to questioning the management style of the Chief Elections Officer Howard Cayenne.

Martineau, who is the lead attorney for the EBC in the inquiry, was making his final submissions on behalf of his client.

He said if His Excellency wanted Cayenne to be investigated he would have said so in his terms of reference. He added that the Commission of

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Inquiry Act provided for investigating the conduct of public officers, but there was not one reference in the terms of the Commission to him.

He recalled that the PNM attorney Elton in his opening statement before the inquiry on March 13 had outlined 14 points or planks upon which the party would base its case but he had proven nothing.

‘Why we have had a shift in focus is because my learned friend’s case has collapsed. It has nothing to do with the management style of the CEO. It has collapsed, it has failed miserably. What we are at now is a mad scramble to have what it is now,’ Martineau said.

Martineau then dealt with each of the 14 planks pointing out in each case where the PNM had fallen down. He later began expanding on his arguments, often citing sections of the law and several legal opinions.

He said the PNM had failed miserably to show the EBC had inaccurate lists, was inefficient in the way it conducted its business and there was no way in its evidence to show that the EBC said ‘don’t tell us how to do our job’.

He said the PNM had said people who had migrated and died were still on the list yet witnesses appeared to say that they had not migrated or were dead.

He also referred to PNM Deputy Political Leader Nafeesa Mohammed as an example of someone who was registered at one address and voted at another in the same constituency although her party was opposed to this.

Martineau also told the Commissioners that the three matters they had to inquire into were the processes involved in the compilation of the electoral lists; systems, processes and procedures followed to ensure efficiency on the part of the EBC officials; and systems and procedures followed to ensure accuracy.”

These were the submissions of Senior Counsel Russell Martineau, Mr. Speaker. After that was done the Commission of Enquiry published its report and in that report the Commission of Enquiry made some 23 recommendations. [Interruption] You ask me what they found; I will tell you what they found. The Commission of Enquiry recommendations. [Interruption] Siparia does not need any voter padding; what are you talking about; we will always win that seat. I quote:

“In the light of the foregoing, WE RECOMMEND:

1. (By a majority decision) that the Commissioners of the EBC tender their resignations to His Excellency the President.
2. That a suitably qualified person in Management and knowledgeable in Human Resources and Information Systems be recruited on contract to the post of Chief Election Officer.
3. That the EBC immediately revisit and redo the entire field-check exercises carried out in the 2001 House Survey in the Marginal Constituencies.
4. That the field-check exercises referred to in paragraph 3 be done before the next General Election.
5. That the field-check exercises referred to in paragraph 3, be continued in the remaining Constituencies as soon as is practicable thereafter.”

These were the first five recommendations. There were several others, which I will talk about in a few minutes but I want to deal with those five first. What happened with those is that the EBC then filed High Court Action 2081 of 2002 seeking to move into the High Court and to quash the report of the Commission of Enquiry. In a 52-page judgment of Justice Mendonca delivered on July 09, 2003, the learned judge held that the report was flawed; that these recommendations were contrary to law in excess of the jurisdiction of the Commission of Enquiry and that they should be quashed and struck down. These, in addition to several of the other recommendations, were struck down by the court. The decision which came out on July 09, 2003, when they were in Government, has never been appealed against. Mr. Speaker, by then they had served their purpose; mission was accomplished; they were back in Government and there was no need for them to go after the EBC anymore.

The recommendations that the EBC members must resign; that they must hire persons on contract; that they must revisit and redo—has any of this been done? These were struck down but there were other recommendations contained in the report that were not struck down. I ask the question today, when you come with the new report of the EBC for the delimitation of boundaries: Have any of these recommendations been taken on board? Were they considered? Do they impact in any way on the new boundaries? Mr. Speaker, remember, to create these boundaries, what are we talking about? We are talking about the electorate and the distribution of the electorate.

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In order to determine where to draw boundaries and who would fall in which boundaries you would have to know, first of all, who are the electors. How do you know who the electors are? You must know through the list and the house-to-house survey and the preparation of proper lists. When you get those lists done then you could decide where these persons fall: so many in the Siparia constituency, it is too big, take some out and give them to Oropouche; too many falling in the Diego Martin Central, take some out and give them to Diego Martin East, as the case may be; take some out of Chaguanas east and west; Princes Town north and south, but you must first make sure there is integrity in your lists.

Mr. Speaker, here was a Commission of Enquiry set up with all these recommendations to deal with making sure that you have proper electoral lists. Some of these recommendations were, and I read from the report again and I ask the Minister: Which of these recommendations have been implemented? Has there been any follow through? How does it impact upon the report we now have before us to increase the number of constituencies in Trinidad? I quote:

- “6. That the EBC take immediate steps to ensure the security of all Registration Record Cards and other Registration Documents.
7. That the EBC take immediate steps to cancel the Registration of Record Cards of all Electors whose names have been deleted from the Electoral Lists.
8. That the EBC take immediate steps to obtain information on persons falling under Section 15(1) (a) and (b) of the Act and update the Electoral Lists on a continuous basis in respect of these persons.
9. That the EBC should streamline its field investigation procedures and abolish the Form of A134.
10. That the EBC should as a matter of policy, refer to the Police all cases of registration transactions which, after a proper field-check, are found to be invalid.
11. That the EBC streamline its registration and re-registration procedures to ensure that ID Cards are available to the Registrant within one month from the date of application.
12. That the EBC utilize its power under Section 4 of the Act to register Electors and update the Register of Electors on a continuous basis.”



Has any of this been done? This is how many years later—this report came in on May 31, 2002, we are now almost three years later; has any of this been done? Those millions of dollars which have been spent on this Commission of Enquiry; has that gone to waste; has any of this been done at all?

- “13. That the EBC post lists of Additions to and Deletions from the Electoral List in every Polling Division on a quarterly basis.
- 14. That the EBC print the Elector’s File Number on the ID Card and on Electoral Lists and Poll Cards.
- 15. That the EBC should ensure that on Polling Day-
  - (1) Pending an amendment to the Rules, the initials of the Presiding Officer and the Deputy Presiding Officer should be displayed in the Station Diary.
  - (2) The Duplicate Poll Cards carry Electors’ Registration Numbers and organized for convenient use by Poll Clerks.
  - (3) The Poll Clerks check the Registration Number on an Elector’s ID card against the Registration Number on the Duplicate Poll Card in every case and use the Duplicate Poll Card in the Voting Process.
- 16. That the EBC should as soon as possible acquire new computers recommended in this Report and update this Identity Card Issuance System.”

Have they got the computer? Have they got any new computers since this came out?

- “17 That the EBC make Voter Education one of its priorities and immediately embark upon a planned programme to accomplish this.”

Has that been done since Friday, May 31, 2002?

- “18. That Government provide adequate funding to the EBC to enable it to carry out its Constitutional and Legal Functions.”

Has that been done since Friday, May 31, 2002?

- “19. That Government guarantee to the EBC funds allocated to it in the Annual Budget and ensure timely releases of these funds.
- 20. That a competent local Attorney be appointed to carry out a review of the Representation of the People Act, Chap. 2:01.”

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Has that been done since Friday, May 31, 2002? Nothing has been done with respect to these recommendations as far as I know, Mr. Speaker.

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

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

*Question put and agreed to.*

**Mrs. K. Persad-Bissessar:** Thank you, Mr. Speaker.

**Mr. Ramnath:** They should get rid of all those commissions.

**Mrs. K. Persad-Bissessar:** Mr. Speaker, I will repeat recommendation 20, which is very important:

“20. That a competent local Attorney be appointed to carry out a review of the Representation of the People Act, Chap 2:01.”

Has anything been done? Here we are going to approve new boundaries, to enlarge the number of constituencies and so on but all the problems with the Representation of the People Act, which is a sort of cornerstone for elections in this country—has anything been done with respect to that?

“21. That the Act be amended to provide for a Revising Tribunal.”

I have never heard about any; that, too, has not been followed.

“22. That the Registration of Election Rules be amended as follows:”

They have given several ways in which the election rules are to be amended. Again, that has not been done.

“23. That the Representation of the People Act, Chap. 2:01 be put before Parliament for amendment following the Review of the Act as recommended.”

Of course, no such amendment of that Act has come before the Parliament. So here we are, several million dollars later, recommendations which were not struck down by the court—there were those that were struck down and justly so because the Commission of Enquiry went outside the ambit of its powers by calling the Commissioners to resign and to hire persons on contract and so on. But there were all these others which were designed to ensure integrity of the electoral process, and thereby ensure the integrity of registration of the electoral lists, and thereby

ensure that when we came to deal with boundaries, as this Order now seeks to do, that would have constituencies delimited in a manner that would be in keeping with the distribution of the electorate throughout Trinidad and Tobago. But none of these things have been done.

**3.30 p.m.**

I am asking, how can one tell me this report is fair, this report is accurate, this report is a good report, this report is analytical, and what criteria has one used to say it is good, it is fair and it is analytic and accurate? What have you used? What criteria? What decision did it take? You talked about you were living on this side of the road and on the other side of the road was the constituency and you could not vote and people from all over—that is still happening with the new boundaries. So, what analytical report are you talking about? I am not attacking the report.

I am asking you to tell me what you said—the hon. Member said he is of the view this is a good report; this is an accurate report; this is an analytical report, this is a fair report and ten other such praiseworthy words. All of those words were used, but never once did he tell us what were the criteria, what was the basis for coming to the conclusion of good, fair, just, accurate and so forth, yet when they attacked the Elections and Boundaries Commission, every one of them, they demonized that EBC. They came up with recommendations—they have not yet come to say what they have done with these recommendations to get a fairer electoral list, and therefore, to get a fairer delimitation of boundaries.

At the end of the day really, all this discussion is irrelevant if one does not look at it in the wider context of constitutional reform and that is where the change is really needed. It has to do with the wider context of constitutional reform. Let us remember where we came from. Let us remember how this whole EBC came about.

One would recall that the 1962 Independence Constitution established two commissions: one was a Boundaries Commission and one was an Elections Commission. So there were two separate commissions. The 1976 Constitution replaced these two with one now called the Elections and Boundaries Commission. So in the same body you put both the electoral process as well as the delimitation of boundaries.

Mr. Speaker, what was interesting in the 1962 Constitution, was that whilst you had an Elections Commission and a Boundaries Commission the then PNM government put the same people to sit on the Elections Commission, and the identical people to sit on the Boundaries Commission. So right away, even

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though in name and in form there were two separate ones, you had these same people sitting with the same heads. By the time it came to 1976 they said: “Hey, let us cut the charade. What is the point of having two separate ones and we are having the same people? Let us just keep one. So you created an Elections and Boundaries Commission.”

Mr. Speaker, the Wooding Commission on constitutional reform pointed out very clearly—and I remember the Member for Couva South with his memory as to what transpired in those days will confirm that in the pre-independence conference in London in 1962 they showed a proper delimitation of constituencies was already a matter of controversy. The conference report makes specific reference to the chairmanship of the EBC. Paragraph 59 of that report reads:

“After hearing an important statement by the Premier of Trinidad and Tobago the Conference agreed that it was a matter of great importance to honour the convention whereby the Prime Minister consults the Leader of the Opposition on all appropriate occasions, in particular on all matters of national concern, including appointments to suitable offices of the national character—for example, the chairmanship of the Elections and Boundaries Commissions.’

The Chairman and members of the Boundaries Commission appointed immediately after independence were an agreed choice of the Government and the Opposition.”

So, Independence Constitution, both the Opposition and the Government agreed and placed these Members. However, after that when the Opposition wanted to make a change their term of office had expired, they were re-appointed without any consultation whatsoever because, typical PNM style, they were of the view, and the Government took that stand, that while consultation was necessary for the first appointment, you did not need to consult for reappointment. Total nonsense! And that is what we have at the present time. And as a result, the confidence in the work of the Boundaries Commission diminished over the years.

Mr. Speaker, there are several formulae for the Elections and Boundaries Commission. In some jurisdictions, unlike what is happening in Trinidad and Tobago, there is direct representation from the political parties sitting on the Elections and Boundaries Commission. And what is that about? In those countries, they are of the view that there should be a proper check and balance. You openly know who is a PNM and who is a UNC. There would not be closet PNM and closet UNC and, therefore, have suspicions and frustrations. You will openly know that if it is Diego Martin East on the Commission you will know he is a PNM, and if you know Couva South is there, you know he is a UNC.

I am not saying this is Trinidad and Tobago. I am saying this obtains in jurisdictions in the world and in that way you know clearly who is who; secondly, it operates as a check and balance. So from each political party, whether it is PNM, UNC, DAC, Tapia, whichever party it may be, and all these new parties now—I think Team Unity is going into some new party, but whichever they are, this is one model that is used in certain jurisdictions. The Wooding Commission had recommended here in Trinidad and Tobago—in fact, the Wooding Commission pointed out that in Barbados, Jamaica and in the United Kingdom this work is done by an ad hoc committee of the Legislature and it is presided over by the Speaker. So when the Legislature comes in with a new government, the Legislature sets up a committee comprising members of the House from all the parties. They, in fact, serve as a boundaries commission to delimit boundaries and so on. The Wooding Commission was of the view that a modification of that would be best suited for Trinidad and Tobago and so they recommended that there should be a boundaries commission of five persons. This is what they said:

“...two appointed by the President after consultation with the Prime Minister...”

So two coming out of the Prime Minister knowing full well the Prime Minister is the leader of the ‘A’ political party.

“two appointed by the President after consulting with the Leader of the Opposition...”

So you have that political party represented.

“and any other opposition groups in the National Assembly...”

They can also be consulted and one person appointed.

So that where you have basically a two-party system—but even that way, you are making room if there is a third party and you have all the political parties represented on this Boundaries Commission, so there is no fear or suspicion that you are being short-changed or that the boundaries are being drawn in a manner to make you feel that is not justice and fairness in the system. Then the President on his own would appoint a chairman after consultation with the Leader of the Opposition and the Prime Minister.

“This Commission would be appointed at the first sitting of each new Parliament...to present its report within 18 months...”

That report would come to the Parliament for debate. That Commission would have the power to bring in technical officers to assist them and then it

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would be debated in the Assembly. This was the formula proposed by the Wooding Commission.

We seriously need to consider whether the EBC, as it is configured and composed at the moment—what happens is the members of the Commission are selected by the President after consultation with the Prime Minister and the Leader of the Opposition. Consultation does mean advice. Consultation does not mean that you take the consultation or the advice that was given. So whilst you may consult with the Prime Minister or the Leader of the Opposition, at the end of the day you put who you want. So the formula does not really give meaning to representative democracy which is what our system is about. It is a system of representative democracy and, therefore, with representative democracy, those representatives, the parties to which they belong, should have persons sitting on that boundaries commission so they can be represented and make representation. This was the formula of the Wooding Commission which I commend and this is where we really need to go.

More important than the composition of the EBC is the whole question of what this electoral process is about and that is why I said it has to be linked with the issue of constitutional reform. As it stands now, we make up all these lists, we create all these boundaries and constituencies and so on and the Members of the Parliament who were elected come here on what we all know is the first-past-the-post system. I want to quote what happens with the first-past-the-post system and how it is not truly representative of the people.

It is the same constituencies we are delimiting and dividing. These are the ones that create the Members of Parliament who sit in the House. The Hyatali Commission compiled some figures. In the 1976 elections PNM polled 56.2 per cent of the votes cast. But they, in fact, took 66.66 percent of the seats. So they got 56 per cent but they took 66.66 per cent of the seats. This is what happens with the first past the post system. The ULF polled 28.16 per cent of the votes and ended with 27 per cent of the seats.

In the 1981 election, where it was most glaring, the PNM polled 53.1 per cent of the electorate. They got 53.1 per cent of votes in the 1981 election but they took 72 per cent of the seats because of that first-past-the-post system. The Organization for National Reconstruction, on the other hand, in 1981, had 22 per cent of the votes cast and they got zero per cent of the seats. The ULF took fewer votes than the ONR—they took 15.25 per cent of the votes but they got 22.25 per cent of the seats and so the first-past-the-post-system does not give effect, or weight, to the vote of the ordinary man or woman in the street. It is not

representative of the people's will. We saw that in 2001 when there was the 18:18. The UNC pulled the highest number of votes in that election, yet illegally, the PNM was voted into power. So if the system was fair, third parties and minority parties would be given representation in the Parliament of Trinidad and Tobago. You talk about Tobago, but Tobago would have their space as well. All parties would have their space. It would have to do with the percentage of votes that you got rather than the percentage of seats that you got.

The Wooding Commission and the Hyatali Commission both speak of the need for a change with respect to the process by which persons come and sit in the Legislature. The Wooding Commission recommended a mixed system, not necessarily a straight proportional representation system but a mixed system of constituencies and proportional representation.

We are looking at the Motion that is before the House to place 39 seats in Trinidad and two in Tobago, but the increase in the number of seats has been dealt with and will not deal with the fact that the first-past-the-post system will not ensure proper representation of all the people of Trinidad. In fact, some of the disadvantages of that were highlighted in the Wooding Report as well as in the Hyatali Report, and some of them we well know, and I spoke of what happened in the 1981 election with the ONR. In spite of winning all those votes they still were unable to get a single seat. What about those persons? They have no voice? Are they not also citizens of Trinidad and Tobago? With a proportional representation system, they would have had a voice in the Legislature. The PNM would have still got the majority but they would have also had a voice in the legislative plan.

In Germany, for example, we see that system working very well. It is not to say that it is some banana republic, Third World kind of concept. It is working very well in the developed world, and even in the United Kingdom there are moves afoot to have a ballot system that is based on proportional representation.

Mr. Speaker, as you have told us before, this report and this Motion, the vote on it is purely academic. It does not need a special majority and so the voting will go through with their votes. But I am saying if the Member for Diego Martin Central is concerned about credibility, I ask him to remember that was the party and the Government which condemned the same Commissioners who are sitting on the EBC, the same Commissioners who have signed the report. [*Interruption*]

**Mr. Valley:** And my view is still the same about them. My view has not changed.

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**Mrs. K. Persad-Bissessar:** You have come here to ask us to approve this report. [*Interruption*] Then your Minister has come to tell us how great they are, he accepts their report. That is why he could not pilot this report today. It is clear that he is still of the view that the EBC is backward, a waste of time, a demon. The Member says his view has not changed. [*Interruption*]

**Mr. Valley:** What I understood my colleague to be saying is there was some analysis and the report was properly done. I still have the view that there was voter padding in the 2000/2001 elections. That is the reality and the Member knows that; and they are responsible. That view has not changed.

**Mrs. K. Persad-Bissessar:** What view? That the EBC is corrupt?

**Mr. Valley:** Yes.

**Mrs. K. Persad-Bissessar:** Is the Member confirming that he is still of the view that the EBC is corrupt, then why is the Minister asking us to approve this? Why is the Minister saying this is the best report he ever saw and how good and how fair? Why is he doing it? [*Crosstalk*] You are totally entitled so to do. This is a free country still the last time I checked. That is why I said they speak on two sides. On the one hand, the Minister is praising this report. I am saying the names are the same people. I read them for you, Mr. Speaker. I will not bore you with the repetition of the names. Same Commissioners, nothing has changed. All the recommendations out of the Commission of Inquiry, not a single thing has changed. And that is the hypocrisy of the PNM. That is what it was and they want to tell me about voter padding when, today in every PNM marginal constituency, the PNM is engaged in house padding and they are doing it without any kind of approval, they are going into the marginals.

Mr. Speaker, the last election was won by thuggery and intimidation. Where was the Member for Diego Martin Central? Where was the Member for Ortoire/Mayaro and Members on the other side when Abu Bakr stood on oath in a court of law of this land and said he assisted the PNM to win the marginal seats? I have not heard a single one of them deny that they were assisted by the thuggery, the intimidation and the violence that took place in the 2001 election. We want to talk about fairness. I noticed the Minister of Community Development, Culture and Gender Affairs has not been asked to act since the report came out in the newspaper of the friendship between her good self and the Jamaat. I do not know if that is true. Mr. Speaker, perhaps you may have better information than I do but certainly she has not been asked to act.

The issue is that we had made those statements throughout the 2002 election campaign about the intimidation, the thuggery and violence that was taking place



and yet the Member for Diego Martin East, self-righteous Member, up and down all over the place, voter padding! voter padding! voter padding! He is the only one. I do not know if he were Lazarus raised from the dead. I could never forget that. And these are the Members who, today, say support this report of people whom they attacked.

The EBC went so far and took out a full page advertisement to counter the mischief. They said the mischief must stop. Statement of the Elections and Boundaries Commission, June 13, 2002, *Trinidad Guardian* and here it said the mischief must stop. They said:

“Having read of the report of the Commission of Enquiry into the functions of the EBC in the media for several days, and the EBC not having received a copy of the report, the EBC requested to receive a copy of the report on Monday, 10 June, 2002.

With respect to recommendations 1 and 2, the Report of the Commission of Enquiry contains 23 recommendations which Cabinet has accepted. The first two are as follows:

By a majority decision that the Commissioners of the EBC tender resignations to His Excellency the President.”

They wanted to get rid of those fellows, by the hook or the crook. They tried every single thing to get rid—it was a subversion of that independent institution. It was to undermine democracy in Trinidad and Tobago. The second recommendation was that they hire on contract: “a person in Management and knowledgeable in Human Resources and Information Systems ...to the post of Chief Election Officer.”

When the post is a public service post, you do not want to put a contract person that you will say to them come, come, when I say go, go, that you can have as a puppet. That is what a contract officer is because you can hire that person when you want, you can fire that person when you will—not the public servant that the Chief Election Officer is.

By section 71 of the Constitution the EBC is not subject to the direction or control of any other person or authority in the exercise of its functions. Section 136 sets out the procedure for removing a Commissioner of the EBC from office.

A Commissioner may only be removed if the President, acting in accordance with the advice of the Judicial and Legal Service Commission, appoints a tribunal and shall not be so removed except in accordance with the provisions of subsection (10).

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At no time, the EBC is saying, during the Commission of Enquiry, were any allegations made against any Commissioner of the EBC nor were any of the Commissioners required by the Commission of Enquiry to appear before it and answer allegations. The Commissioners of the EBC were given no opportunity to correct or contradict any prejudicial statements or to produce materials which might have deterred the Commission of Enquiry from making the first recommendation. The Commissioners of the EBC were never told that there was any risk of adverse findings being made against them by the Commission of Enquiry. They took this out. They did not stop there. They went to court.

Mr. Speaker, as I told you, these recommendations of the enquiry were struck down. I want to point out there was another article taken that the EBC felt so obliged to protect itself from the barrage of attacks that were coming from the PNM, that the EBC took out a full page advertisement talking about, let the mischief stop. This was carried in the *Express* newspaper, Monday, February 12, 2001. It was a press advertisement issued by the EBC and the headline is:

“It is time to stop the mischief, it is time for the truth”.

That was a response to a news item which appeared in the *Sunday Express* on February 04, 2001, and one would see there were indications where the EBC dismissed allegations and said: “It is time to stop the mischief, it is time for the truth”.

One of the points that the EBC dealt with: In the *Sunday Express* of February 04, 2001, it was entitled: “Voting ghosts”. The claim was made that a dead man, Mr. Hosein Mohammed Haniff; a disabled man, Mr. Sonny Lopez; and three persons who have migrated, Esmee Wallace, Merle Keizer and Imteaz Ali and several other persons, who never left their homes, voted in the San Juan/Barataria constituency in the 2000 election. This information was given by Jameel Mustapha, campaign manager of the defeated PNM candidate, Nafeesa Mohammed, who supplied the *Sunday Express* with a list of names of people who voted as tallied by the PNM’s polling agents. Mr. Mustapha also said the inaccuracies were endless.

This is the EBC we are dealing with. This is the EBC with a constitutional mandate to hold free and fair elections in the country and it says:

“It is time to stop the mischief and let us tell the truth”.

I quote from the article and this is how the EBC countered those lies.

“The facts are that Mr. Hosein Mohammed-Haniff, a deceased person and Mr. Sonny Lopez, a disabled man, did not vote on polling day on December 11, 2000.

Of the three persons who were said to have migrated, Esmee Wallace, Merle Keizer did not vote and Imteaz Ali, who did vote, moved four houses away from his registered address and is currently in Trinidad at that address.”

This Jameel Mustapha, campaign manager for defeated PNM manager, Nafeesa Mohammed lied. The information being supplied were lies and untruths and what happened, is that thereafter he was promoted as a CEPEP contractor. So you tell untruth for the PNM and your reward is in CEPEP contracts.

Another article in the *Sunday Express* of February 04, 2001, “EBC computers hacked”. Mr. Speaker, if you know anything about technology and you have a computer offline, there is no way anyone could hack into the computer. It has to be online and connected through the phones. You cannot hack into a computer that is offline. So the EBC had to make the point clearly, as it is said, to tell the truth:

“In the first instance, the electoral list is an outgrowth of the unit register or binder which contains registration records of all electors. Changes to the electoral lists have to come from a registration officer authorizing the said changes, and when those changes are made they are double-checked at the office to ensure what appears on the list is what is contained in the unit register. The list reflects totally what is contained in the unit register.

The Elections and Boundaries Commission computers cannot be hacked into, as it is an offline system that stands alone and has stood alone ever since introduction in 1985. Simply put, the system cannot be hacked into.”

All the lies that were being told to damage the integrity of the EBC in those years. They were attacked with respect to computers being hacked; they were attacked about all the dead people who were voting; they were attacked about the electoral ink. The series of attacks on the EBC have proven false.

I challenge the Member for Diego Martin East to come up from that report, and the evidence provided there, with one instance where the evidence substantiated the allegations he made. There is not a single one and if he were to say otherwise, he would be telling an untruth because the Commission of Enquiry dismissed every piece of evidence that was given by the Member for Diego Martin East. And on top of that, the courts have thrown out all those voter-padding cases they have brought. Not one has succeeded. I mentioned that before. So all the lies that were told by the PNM, the Commission of Enquiry has clearly come forward and said there was no evidence. The words of Martineau, the PNM’s case of voter padding and all the things said about the EBC, totally

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failed, and they were upheld. Martineau's submissions were upheld in the High Court of Trinidad and Tobago by Justice Mendonca and his 52-page judgment.

Mr. Speaker, I thank you for your time.

**The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert):** Mr. Speaker, what is intriguing about the statements made by the Member for Siparia in the last 75 minutes is the level of self-delusion that Members opposite are engaging in. It is a matter of the Trinidad and Tobago history. It is already in our folk history, like the Red House fire, like the dragon that used to be on top of here. It is part of our folk history that there was extensive voter padding and manipulation in the 2000 election. Everybody in Trinidad knows that. The smallest child in Trinidad and Tobago is aware; it is part of our folk history. It is like the canboulay riots.

Years from now, there will be quite a lot of commentary on the manipulation of the electoral process by the UNC in the 2000 election. It is not even an issue for debate. It is already well known in the marketplace. In the same manner, like my hon. colleague from Diego Martin Central, I have not changed a single view about the competence of the present Commissioners of the Elections and Boundaries Commission. I have not changed a single one of my views. All of those statements read out by the hon. Member for Siparia; the advertisements using taxpayers' money are completely self-serving that we do not agree, we reject. These are statements coming from the accused, completely self-serving. They are not proof of anything and I will not waste time.

If ones goes into the report—I have to deal with a bit of nonsense put into the public domain by the Member for Siparia. When one actually goes into the report and one sees what the Commission had to say about the allegations about voter irregularities, and irregularities in the registration of voters, one would see the vast majority of the matters presented to the Commission were confirmed by the Commission of Enquiry into the EBC.

**4.00 p.m.**

I remember the situation of a particular trace in Paramin—Joseph Trace. There were 10 houses. The Election and Boundaries Commission (EBC) put 180 people on that street. That is referred to in the report. It was completely impossible for this to happen and the said Chief Elections Officer came to the Commission and said it was a mistake. That is all in the report. There are hundreds of examples of gross irregularity on the part of the EBC. The whole of Trinidad and Tobago knows that the 2000 election was replete with manipulation, fraud and irregularity.

The Member for Siparia is just suffering from "tabanca". The fact is that they manipulated the process in 2000, but we, using fair process, were able to come from behind and beat them. They cannot take it. After the way they manipulated the list, put all those ghosts into imaginary properties, on vacant lots and on telephone poles along the East-West Corridor and in San Fernando West, added 100,000 additional voters to the list—all those things that they did in 2000—and we still came back in 2001 and 2002 and gave them a political "cut tail". That is what is bothering them. They are suffering from political "tabanca". Jump high, jump low, those are the facts. [*Interruption*] People were registered in commercial and government buildings and so on. All of this occurred in 2000. It is a matter of public record. Jump high, jump low. That is what went on. The fact is that the first time they got a hard fight, they lost. Where is Gypsy now? Where is Bill Chaitan now? [*Interruption*]

Let us deal with the matter at hand. I want to deal with a point made.

**Mr. Speaker:** Hon. Members, I am informing you that you will have your full chance and time to debate. Let the Member speak. It is not right for Members to be conversing while the Minister is on his feet.

**Hon. C. Imbert:** Thank you for your protection, Mr. Speaker, but I am quite capable of dealing with the crosstalk. The Member for Siparia made one point in that 75-minute diatribe that I take as being an important point. Out of the 21 recommendations of the Commission of Enquiry into the EBC, a number of recommendations were made for changes to the legislation, to the election rules and to the Representation of the People Act, in order to deal with a number of gaping corridors—gateways—that they were able to exploit in 2000. I can assure you, Mr. Speaker, that we will be coming to this Parliament to deal with those issues. I am glad the Member has brought it up. Since the hon. Member has demanded that we implement those recommendations of the Commission of Enquiry that were not dealt with by the court—the review of the law, the amendment to the rules—she will get what she has asked for. We will change the rules and we will put an end to all the gateways through which all these ghosts—people living on top of trees and on lamp posts—pass.

In 2000, because the Representation of the People Act is so defective, having been framed so many years ago, it is part of antiquity. It has to be 40 or 50 years old. It may be even 80 years old. I am not sure how old it is; but it is very old. When the law was framed in those days, a level of political civilization, morality and civility existed within the Opposition; but with the mantra of the UNC that political party is superior to integrity, we now understand why, in 2000, they were

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able to put a whole team to study the election laws in this country to look for loopholes to see how they could exploit them, plant ghosts, pad and encourage people to break the law.

There is a Member in this House who had two addresses—one in Valsayn and one in San Fernando West—and who was boldfaced enough to go to the court and to insist that although she lived at Valsayn, she could be registered in the constituency of San Fernando West. That hon. Member was rewarded with a Senate position. That is the level of immorality taking place on that side; that someone living in Valsayn and registered in San Fernando West could go to court and say: “It is my mother’s house and I should be registered down there”.

That is what they are all about. That is how, in 2000, they were able to manipulate the law and engage in the greatest election fraud ever perpetrated in this country. That is why we will be coming into this Parliament, before the next election, to plug all those holes that exist in the election laws. Since the Member for Siparia has asked us to do this, I expect to get the support of the Opposition. Even if we do not, we are going to present to this House amendments to those rules that are so unambiguous, unequivocal and obvious, that whether they vote for it or not, the country will see that we are cleaning up, streamlining and clearing out the defects in our election rules. It is about time that this Parliament engages in that kind of debate, instead of this “dotishness” to which we have to sit here and listen.

The Report of the Elections and Boundaries Commission for the year 2004 gives some very important information. It gives information on the size of the electorate in that infamous 2000 election. This is Appendix A of the report. It tells us that in 2000 there were 938,030 registered voters in Trinidad and Tobago. Now, mysteriously, in 2004, we have 908,000. Where have the 30,000 persons gone? The population remains the same. Mr. Speaker, if you check the Central Statistical Office, you will see that the number of persons living in Trinidad and Tobago has not gone down. [*Interruption*] No, the overall population remains the same. The configuration of the population: the age configuration, the number of persons between 0 and 15; 15 and 20; 20 and 25, 30 and 40 is the same. So how could there be 938,000 voters in 2000, in that infamous rigged voter-padding election, and 908,000 now, in 2004? So there were no deaths between 1986 and 2000, only births. That is why the number of electors went up. It is absurd, Mr. Speaker!

I went back into the history of the EBC reports and looked at the report of 1986. It is very instructive when one does research; unlike the Member for Siparia

who just came and regaled us with her usual parrot-like repetitions from the Member for Couva North—cacklings. If one goes back into the electorate of 1986, one sees, at that time, that there were 831,000 voters in Trinidad and Tobago. Miraculously, four years later, in 1990, the figure went down to 728,000—a reduction of 103,000 voters. The year 1986 was an interesting one. That was the year of 33:3. That was when, suddenly, there was this tidal wave of voters and they got 33 seats. I think that the Member for Couva South was around at that time. I find it fantastic that in 1986, there could be 831,000 voters and in 1990, four years later, 728,000, a decrease of 103,000 voters, when the population remained the same. One hundred thousand ghosts vanished into thin air. It means that 100,000 ghosts voted in the 1986 election. That is the only conclusion to which I can come. How could the electorate decrease by 100,000 persons in four years? Similarly, between 2000 and 2004, the electorate has decreased by 30,000, in targeted constituencies. [*Interruption*]

The Member for Arouca North is absolutely correct. Mr. Speaker, if one does a statistical and scientific analysis of where the reduction in the numbers of voters occurred in those four-year periods between 1986—1990 and 2000—2004, one would see it is in the marginal, targeted constituencies of St. Joseph, Tunapuna and San Fernando West.

When one looks at the facts objectively, numbers do not lie. There is nobody within the EBC who can convince me and Members on this side that there were not serious irregularities in the 2000 election and in the voters list. I am still convinced that there are problems with the voters list, even though there has been a removal of some 30,000 voters.

Every year, there are 20,000—25,000 18-year-olds coming into the system. There are deaths. The average number of deaths is about 10,000. Every year there are about 18,000 to 20,000 new entrants into the political system and 10,000 going out because they have died. Therefore, with a net surplus of new entrants into the system, it is scientifically impossible to have a reduction in the electorate between 2000 and 2004, unless the list was seriously defective, padded, flawed and corrupted in the first place. They can jump high, jump low—I know not many of them are students of Mathematics—but 938,000 is more than 908,000, no matter what school you went to.

We are dealing now with a smaller electorate. At least we know that 30,000 ghosts have gone, but we do not know how many ghosts have come out. I can assure hon. Members opposite, if they have any ideas whatsoever, that we on this side are going to sit quietly, like little lambs, and allow them to pad the voters list

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for the next election, they had better have another think coming. You see, Mr. Speaker, the price of freedom is eternal vigilance and I assure you that we are eternally vigilant. So whatever tricks or skullduggery the Members have in mind for the next general election, we are watching them. They are not going to get away scot-free as they got away in 2000.

When we plug all those holes in the Representation of the People Act, all the voter-padders will not get away on technicality any more. They got away on pure technicality. When we talk about people getting off because the police complainant did not appear; the affidavit was not properly worded; they are not ready; they found some trivial procedural irregularity; they produced the wrong list—all of that will be curtailed when we amend and remove all the defects.

Mr. Speaker, all the talk they are talking about dead man walking, the Member for St. Joseph was still listed in Blue Range, in my constituency. One of the “fellas” I got off the list was the Member for St. Joseph. He was registered in Blue Range, in the constituency of Diego Martin East, while he was living in the Towers in Westmoorings, in the constituency of Diego Martin West; and he was boldfaced enough to try to vote.

There were many others. If they want to talk, I will talk, too. I am not afraid of that. [*Interruption*] They can say what they want, but they came off the list though. With all the “ol’ talk”, all those UNC activists living outside of the constituency of Diego Martin came off the list, though. They were not prepared to face a challenge.

What does this report before the House tell us? It tells us that there is an electorate, so the EBC says, of 908,000. I am still not sure about that, but I take it at face value. The EBC tells us that they have looked at data from several democracies in the Commonwealth of Nations and have finally decided to reduce the average size per constituency by approximately 15 per cent.

When the Member for Siparia started off her contribution, she was going in a particular direction in which I could find some commonality. The hon. Member stated that if we were going to increase seats in Tobago, we should look also at the number of electors in constituencies in Trinidad and redistribute. I can empathize with that position and I expect that this is the kind of debate we would be having here today.

When we examine the islands in the Caribbean, Grenada for example, the average size of a constituency is less than 5,000 voters; similarly in St. Vincent and Barbados. In Barbados, the average size of a constituency is considerably



less than in Trinidad—less than half. Mr. Speaker, go through the Caribbean and you will see that elected representatives are, by and large, representing constituencies between 5,000 and 10,000 voters. My view is that, in Trinidad and Tobago, the time has come to look at the concept of the elected representative. I see the Member for Caroni East nodding his head because, behind all that lack of shame, I know there is a little sense.

The time has come for us to determine whether a parliamentary representative should represent 25,000 or 30,000 persons in this country. Before this report was tabled, we had constituencies like Arouca South, Arouca North [*Interruption*]—I was not aware of Caroni East, but I would take the Member's word for it—where they were inching on 30,000; some of them over 30,000. I am of the view that the average size of a constituency should be about 10,000/15,000 maximum.

If it were up to me, there would be 50 seats in the Parliament of Trinidad and Tobago; but it is not up to me. That is a point that needs to be stressed because the Member for Siparia was carrying on about all the recommendations. "What happened to the 23 recommendations of the EBC report?" And she threw the paper in the air flamboyantly. The fact is, as the Member also confirmed later in her contribution, the EBC itself has made the point that it is not subject to the direction and control of any person. So all we can do is to make recommendations and to express our views and opinions. The way the law is structured and the way the EBC has been established as a completely independent body, they are not subject to the direction and control of any person. Therefore, I think it is necessary and the time has come [*Interruption*] It is a fact. That is how it is and I am not recommending that they should be. As a matter of fact, let me put my position on the table.

I agree that the EBC should not be subject to the direction and control of any person, but I am also of the view that everybody in Trinidad and Tobago has the right to express an opinion. If we are of the view that the Commission is incompetent; if we are of the view that the Commission should resign, we must be allowed to say so. [*Desk thumping*]

As the Commission has quite rightly said, "You could say what you want, but under the Constitution, we are not subject to your direction or control and we are not moving." [*Interruption*] I completely endorse the recommendations of the Deyalsingh Commission of Enquiry. [*Interruption*] I am totally consistent where that is concerned, but the fact is that under the present Constitution, they are not subject to anybody's direction and I think that should remain so. I do not think that should ever be changed. I think that the EBC should be a completely independent body.

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However, what we, as legislators, can do, is to deal with the laws. It is our duty as legislators. Members opposite like to trivialize everything. As the Member for Caroni East has confirmed, I am certain that Members opposite are also of the view that the constituencies in Trinidad should be smaller. I see the Member for Naparima also nodding in agreement. We should have more Members in the House. If we had more Members in this House, we could have a proper committee system, for example. We could have true Backbenchers who are not part, just as we have—[*Interruption*]

I am just expressing my view. If we had more Members of Parliament, we could have a true committee system. We could have Backbenchers. We could have a separation between the Legislature and the Government and this Parliament could function in the way contemplated. We have many systems in this Parliament right now, which are not suited to the way this Parliament is configured, Mr. Speaker. If there is government with just 20 members and you appoint a Cabinet comprised primarily of Members of the Lower House, together with the Senators, you are left with two or three people to serve as Backbenchers and to serve on the committees, for them to function as they should. However, if there were a Parliament of 50 Members and a government of 35 of that 50, you could have at least 10 to 15 persons who would be available to allow the committee system to function and to allow the Parliament to function in the manner it was always intended to.

In the United Kingdom Parliament, Mr. Speaker, there are 600 Members of Parliament. [*Interruption*] Six hundred or 700; it does not matter. I know it is of that magnitude. [*Interruption*] That is not the point. The Member for Couva South is completely missing the point. Whether there are 70 million or 80 million persons is irrelevant. What is relevant is that after they form the Government out of that 600—you may take 50 of them—you have 500-odd Backbenchers, who may be used for government oversight. That is how that system works. The Indian Parliament has a similar thing. There are hundreds of members in it. The Canadian Parliament has about 275 members, as far as I can recall.

In those systems, the committee system works. We have a system where Government Ministers, with a full portfolio, are also on committees. So you do not go to committees, they vex. You do not go to your Ministry, they vex. It does not make sense. When you go, they say you should not be there; you should be in your Ministry doing the country's business. When you are in the Ministry doing the country's business, they say: "What are you doing here? You should be in the Parliament in a select committee". It is a ludicrous situation.

That is one of the reasons I welcome, however incremental it may be, the recommendation of the Commission to add five seats in Trinidad. It is not enough, in my opinion. We should be adding 10 or 15 seats in Trinidad, in my opinion. But, as I said, it is not up to me. So, let us take a careful look at exactly what the EBC has done.

**ADJOURNMENT**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, this debate seems to have a long way to go. Therefore, at this time, I beg to move that this House be adjourned to Friday, April 29, at 1.30 p.m., which is Private Members' Day.

We would continue this debate at leisure, I can assure you.

**Mr. Singh:** Mr. Speaker, I just want to indicate that we would be dealing with *[Interruption]* Okay. I just want clarity.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.27 p.m.*