

*Leave Of Absence**Monday, December 01, 2008***HOUSE OF REPRESENTATIVES***Monday, December 01, 2008*

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 today's sitting of the House: the hon. Indra Sinanan Ojah-Maharaj, Member of Parliament for Toco/Manzanilla— actually she has asked for leave from the period November 28—December 08, 2008; hon. Christine Kangaloo, Member of Parliament for Pointe-a-Pierre from sittings of the House for the period November 29—December 05, 2008; hon. Kelvin Ramnath, Member of Parliament for Couva South from today's sitting of the House; hon. Jack Austin Warner, Member of Parliament for Chaguanas West, for the period December 01—December 08, 2008. The leave which these Members seek is granted.

PAPER LAID

The Certificate of Environment Clearance (Designated Activities) (Amdt.) Order, 2008. [*The Minister of Works and Transport (Hon. Colm Imbert)*]

ORAL ANSWERS TO QUESTIONS

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, regrettably, this is an unscheduled sitting and, unfortunately, we have no answers. I would ask that the questions on the Order Paper be deferred for one week.

Mr. Speaker: It is, in fact, an odd meeting that we are having today, but nevertheless let me draw to the attention of the hon. Minister of Sport and Youth Affairs that he has 13 questions on the Order Paper; the hon. Minister of Finance has three questions; the Minister of Planning, Housing and the Environment has three questions; and a couple of other Members have one each. Hopefully, on Friday, we would certainly see a reduction in questions on the Order Paper; that is to say I would like a fair number of questions to be answered.

The following questions stood on the Order Paper:

Brian Lara Sporting Complex**(Cost and Completion of)**

48. With regard to the Brian Lara Sporting Complex in Tarouba, could the hon. Minister of Sport and Youth Affairs state:
- a) the projected cost;

- b) how much money has been expended on the project so far; and
- c) the expected date of completion of the entire project? [*Dr. H. Rafeeq*]

**Major Landslips
(Repair of)**

- 89.** Could the hon. Minister of Local Government state when would the Sangre Grande Regional Corporation repair the major landslips in Cumuto at:
- (a) Harkoo Trace; and
 - (b) Sookoo Trace? [*Mr. H. Partap*]

**Sport Company of Trinidad and Tobago
(Projects Undertaken and Cost)**

- 137.** With respect to the Sport Company of Trinidad and Tobago (SPORTT), could the hon. Minister of Sport and Youth Affairs state:
- (a) the total expenditure incurred to date by this special purpose company, all projects undertaken and completed for inspection from the inception of this entity to March 2008;
 - (b) the individual cost for each project identified and the names of the various contractors; and
 - (c) all ongoing projects, its estimated cost thus far, location and proposed completion dates? [*Mr. W. Peters*]

**Mayaro/Rio Claro Region
(Details of Expenditure and Services to Housing Project)**

- 179 (A).** Could the hon. Minister of Planning, Housing and the Environment state:
- (a) the estimated costs attached to each housing project in the Rio Claro/Mayaro region;
 - (b) the actual expenditure to date;
 - (c) whether there have been cost overruns;
 - (d) if the answer to (c) is yes, what were the reasons for such overruns? [*Mr. W. Peters*]

**Mayaro/Rio Claro Region
(Details of Sub-contractors)**

- 179 (B).** Could the hon. Minister of Planning, Housing and the Environment state:
- (a) the names of all contractors and sub-contractors attached to each HDC project in the Rio Claro/Mayaro region;
 - (b) the services provided by each; and
 - (c) the actual sums paid to them to date? [*Mr. W. Peters*]

**Performing Arts Centre
(Original Estimated Cost for)**

- 185.** With respect to the Performing Arts Centre, could the hon. Minister of Finance state:
- (a) what was the original estimated cost for the construction and furnishing of the centre;
 - (b) is there any anticipated cost overrun given the present state of the construction of the centre; and
 - (c) were there any tendering procedures followed for this project? [*Mr. J. Warner*]

**The Performing Arts Centre
(Approval for Construction and Expenditure)**

- 186.** With respect to the Performing Arts Centre, could the hon. Minister of Finance state:
- (a) did the Ministry of Finance give approval in relation to the budget for the construction of the centre; and
 - (b) what was the amount approved for expenditure for the centre? [*Mr. J. Warner*]

**Sport Company of Trinidad and Tobago
(Moneys Disbursed)**

- 189.** With respect to the Sport Company of Trinidad and Tobago, could the hon. Minister of Sport and Youth Affairs state:
- (a) how much money was given by the company to the fourteen (14) national sports organizations for the period October 2007 to July 2008;

- (b) the disaggregate sums used from the company's Funding Service Level Agreement; and
- (c) how much money was provided directly to the Trinidad and Tobago Football Federation, during the period October 2007 and July 2008 and the purposes for which these sums were provided? [*Mr. J. Warner*]

**Trinidad and Tobago Youth Cup
(Provisions of Funds for)**

- 190.** A. Could the hon. Minister of Sport and Youth Affairs state how much money the Sport Company of Trinidad and Tobago and the Ministry of Sport and Youth Affairs provided for the Trinidad and Tobago Youth Cup in 2007 and in 2008, including the waiving of the fees for the use of the stadium?
- B. Was the sum granted by the Sport Company of Trinidad and Tobago and the Ministry of Sport and Youth Affairs the full sum requested for the hosting of the Trinidad and Tobago Youth Cup? [*Mr. J. Warner*]

**Sporting Facilities
(Details of Work Suspension)**

- 191.** A. Could the hon. Minister of Sport and Youth Affairs state the number of sporting facilities in which the Sport Company of Trinidad and Tobago has suspended work, the reasons for the suspension and the cost of same, inclusive of money spent thus far?
- B. Could the Minister state what will be the cost to complete the work that was suspended in each facility? [*Mr. J. Warner*]

**Sport Company of Trinidad and Tobago
(Details of Acting Chief Executive Officer)**

- 192.** A. Could the hon. Minister of Sport and Youth Affairs state the method of selection for the Acting Chief Executive Officer of the Sport Company of Trinidad and Tobago?
- B. What is the evaluation process and is this process documented anywhere? [*Mr. J. Warner*]

Sport Company of Trinidad and Tobago

(Details of)

- 195.** With respect to the Sport Company of Trinidad and Tobago, could the Minister of Sport and Youth Affairs state:
- (a) the number and location of the projects where the company is experiencing problems; and
 - (b) the nature of the problems being experienced? [*Mr. J. Warner*]

Sport Company of Trinidad and Tobago

(Relocation of)

- 197.** A. Could the hon. Minister of Sport and Youth Affairs advise whether there are plans to move the Sport Company of Trinidad and Tobago from its present location in Couva, to Port of Spain?
- B. If so, could the Minister state the proposed cost of the relocation, the proposed new location and the rental costs involved?
- C. Could the Minister also state whether any tendering procedures were instituted in deciding on the new location? [*Mr. J. Warner*]

Sport Company of Trinidad and Tobago

(Details of Salaries)

- 199.** With regard to the Sport Company of Trinidad and Tobago, could the hon. Minister of Sport and Youth Affairs state:
- (a) whether there is a system in place for the increase of salaries of members of staff; and
 - (b) was this system applied in the case of the Project Engineer, Mr. Sheldon Weekes? [*Mr. J. Warner*]

Chaguanas Borough Corporation

(Details of)

- 204.** Could the hon. Minister of Local Government state:
- (a) how much money has been received to date by the Borough Corporation of Chaguanas for this fiscal year; and
 - (b) how much money has been spent to date by the corporation for this fiscal year? [*Mr. J. Warner*]

**Sport Projects
(Status of)**

- 205.** Could the hon. Minister of Sport and Youth Affairs state:
- (a) the Sport Projects that were started during the period October 01, 2007 to date; and
 - (b) what is the present status of the projects? [*Mr. J. Warner*]

**National Basketball Federation of Trinidad and Tobago
(Release of Funds)**

- 206.** A. Could the Minister of Sport and Youth Affairs state whether funds applied for by the National Basketball Federation of Trinidad and Tobago, during the period October 01, 2007 to date have been released?
- B. If not, could the Minister state the reasons why? [*Mr. J. Warner*]

**Community Youth Programme
(Cost of Launching)**

- 207.** A. Could the hon. Minister of Sport and Youth Affairs state whether the Community Youth Programme was launched at the Scarlet Ibis Room of the Trinidad Hilton?
- B. If so, what was the cost of launching this programme at the Hilton? [*Mr. J. Warner*]

**Special Purpose State Companies
(Details of Contracts Awarded)**

- 211.** Could the hon. Minister of Finance list:
- (a) the contractors who have been awarded contracts from the Government special purpose state companies during 2007 and 2008;
 - (b) the date each contract was awarded;
 - (c) the nature and content of each contract; and
 - (d) the location where the work was carried out? [*Mr. S. Panday*]

**Criminal Injuries Compensation Act
(Details of Compensation to Victims)**

- 215.** Could the hon. Minister of Social Development state:
- A. Whether any victims of crimes have received any of the statutory benefits under the Criminal Injuries Compensation Act of 1999?

- B. If so, could the Minister give details of same?
- C. If the answer is negative, could the Minister give the reasons why not? [*Mr. R. L. Maharaj SC*]

**Existing Noise Law
(Contravention of)**

- 217.** A. Could the hon. Minister of Planning, Housing and the Environment state whether she is aware that persons who play very loud music, above the prescribed decibel levels, in their homes as well as in their motor vehicles, are contravening the existing law?
- B. If she is aware, could she state what machinery is in place to prevent this from taking place? [*Mr. R. L. Maharaj SC*]

**Acquisition of Buses
(Tendering Procedures for)**

- 220.** A. Could the hon. Minister of Works and Transport state the tendering procedures, if any, that were followed in the acquisition of 151 buses between 2002 to 2007?
- B. Could the Minister state whether the Government did the acquisition through any agent, giving the name(s) where relevant? [*Mr. S. Panday*]

**Trinidad and Tobago Sport Camps
(Details of)**

- 226.** With regard to the Trinidad and Tobago Sport Camps held between August 04—22, 2008, could the hon. Minister of Sport and Youth Affairs:
- (a) provide details of the procurement procedure for the equipment purchased with particular regard to sport equipment and water; and
 - (b) state how many service providers submitted quotations in these areas? [*Mr. J. Warner*]

**State and/or State Agencies
(List of Briefs)**

- 232.** Could the hon. Attorney General give a list of briefs given by the State and/or state agencies to Mr. Israel Khan, SC and the fees incurred thereof? [*Mr. S. Panday*]

Questions, by leave, deferred.

**ELECTIONS AND BOUNDARIES COMMISSION (LOCAL GOVERNMENT)
(AMENDMENT AND VALIDATION) BILL**

Bill to amend the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 to provide for the review and definition of boundaries in the electoral area of Tobago for the purposes of elections in relation to the Tobago House of Assembly and to validate certain reports of the Elections and Boundaries Commission in respect of the electoral area of Tobago [*The Minister of Works and Transport*]; read the first time.

Motion made, That the next stage be taken later in the proceedings. [*Hon. C. Imbert*]

Question put and agreed to.

**ELECTIONS AND BOUNDARIES COMMISSION (LOCAL GOVERNMENT)
(AMENDMENT AND VALIDATION) BILL**

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I beg to move,

That a Bill to amend the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 to provide for the review and definition of boundaries in the electoral area of Tobago for the purposes of elections in relation to the Tobago House of Assembly and to validate certain reports of the Elections and Boundaries Commission in respect of the electoral area of Tobago, be now read a second time.

Mr. Speaker, the matter before us is a correction of an error that existed within our elections and boundaries system for at least 16 years, and it has transcended a number of different administrations, including the government of Members opposite. If one looks at the Bill itself, one sees that clause 7 is a validation clause which seeks to validate the reports of the Elections and Boundaries Commission in respect of the boundaries of the electoral districts in the electoral area of Tobago for the years 1992, 1996, 2000 and 2004.

The point I am making is that this transcends administrations, because at least two of those elections were held while the Members opposite were in government. This is not to say that one is ascribing any malfeasance to the Members opposite, but it is simply a statement of fact. So, the lacunae in the law have escaped Members opposite and Members on this side for at least 16 years.

Now, if one goes to the law itself, Chap. 25:50, one sees that the title of that Act is the Elections and Boundaries Commission (Local Government) Act. I am advised that when changes were being made to the administration of Tobago and

changes were being made with respect to the electoral arrangements in Tobago, it is my information that the intention at that time was that the requirements for the conduct of elections in Tobago were intended to be placed either within the Tobago House of Assembly Act or within their own piece of legislation. So that is my information.

When the Tobago House of Assembly was being established and arrangements were being made for the conducting of elections in Tobago, the intention was that the requirements for the holding of elections were supposed to have been placed either within the Tobago House of Assembly Act or within their own piece legislation, because the Act that we are seeking to amend today is entitled the Local Government Act. The Tobago House of Assembly Act was created for the purpose of moving away from the concept of local government as it applies to Tobago. Tobago had its own arrangements; it had its own assembly; and it was no longer part of the local government system.

So, the very fact that the arrangements are contained within an Act called the Local Government Act is something that in the future may have to be addressed. It is the intention of this Government—I have consulted with the Attorney General—at some convenient time in the future, as soon as possible, to make those legislative changes so that the conduct of elections would fall under the Tobago House of Assembly Act or fall within their own special piece of legislation.

Mr. Speaker, I am piloting this legislation today on behalf of the hon. Minister of Local Government who is presently out of the country. It would have fallen to the Minister of Local Government to deal with this matter if the Minister were in the country today and, therefore, I am piloting the legislation on her behalf and on behalf of the Government.

Now, if one goes into the subject matter of the Bill, the issue first came to the attention, believe it or not, of the Elections and Boundaries Commission in 2008. In fact, it is quite incredible that elections have been held by the Elections and Boundaries Commission in 1992, 1996, 2000 and 2004. It is quite incredible that august body held elections in 1992, 1996, 2000 and 2004 without being aware of the true situation.

I would read extracts of a letter written by the Elections and Boundaries Commission to the Deputy Solicitor General dated August 13, 2008. The author of the letter is the Chairman, Elections and Boundaries Commission. It was written to the Deputy Solicitor General with respect to this matter. The first paragraph indicates to the Deputy Solicitor General that the provisions of the law

which enabled the Elections and Boundaries Commission to review the boundaries of the electoral districts of the electoral area of Tobago, for the purposes of the Tobago House of Assembly elections appear to have been removed from the revised edition of the laws of Trinidad and Tobago, presumably in error.

So, this was the context in which the Elections and Boundaries Commission had written to the Deputy Solicitor General indicating that on examination, it appeared that the provisions of the law which enabled the EBC to conduct elections in Tobago were inadvertently removed from the laws of Trinidad and Tobago.

The chairman went on to say that specifically in the Second Schedule of Chap. 25:50, the law I just referred to, the rules for determining the number of electors in an electoral district of an electoral area—the language is slightly convoluted—whereas in the previous edition section 5 thereof contained a provision (b) which stated rules 1, 2(2) and 3 of the said schedule shall apply in respect of the electoral area of Tobago. There is no reference to this provision in the revised edition.

So, what the Chairman was saying is that previously there was a provision that indicated that rules 1, 2(2) and 3 which previously applied to Tobago no longer appeared.

He went on to say that the revised clause states that rule 4 shall apply in respect of municipal electoral areas. As I said before, the whole intention was to move away from this concept of local Government as it applies to Tobago and, therefore, Tobago is not a municipal electoral area. So, when the revision was made, Tobago inadvertently came out.

He went on to say that further, Part III of the First Schedule of Chap. 25:40 was expunged, thus there is no provision indicating that there are 12 electoral districts in the electoral area of Tobago.

Additionally, the definition of the electoral area in the interpretation section of the earlier version of Chap 25:50—again, the language is slightly convoluted—was excluded from the revised version of this same Act. So, the definition came out as well.

The chairman sought advice—the proper thing to do rather than acting on his own or advising himself—from the Chairman of the Law Revision Commission. The Chairman of the Elections and Boundaries Commission, as far as I can recall, is Norbert Masson who sought the advice of the Chairman of the Law Revision Commission, Madam Justice Jean Permanand.

1.45 p.m.

The Chairman of the Law Revision Commission drew his attention to section 14 of Chap. 303 of the Law Revision Act which states as follows:

“No written law omitted from the Laws, under the authority of this Act or otherwise, shall be deemed to be without force and validity by reason only of the fact that it is so omitted.”

He goes on to say:

“We have virtually completed our report”—

And this will be the report with respect to the 2009 election, I presume which is to be submitted to the Minister of Local Government, and this is why if the Minister of Local Government was here that Minister would have been piloting it, because the law requires that when the EBC prepared the report, and that is contained in clause 4(3) of the Act, as soon as they are finished looking at the boundaries and making their recommendations with respect to changes in boundaries and so on, they have to submit a report to the Minister of Local Government. So, he goes on to say:

“We have virtually completed our report which is to be submitted to the Minister of Local Government on the 22 instant”—he was writing in August so this would have been August 22—“I shall therefore be most grateful if you will let me know as a matter of urgency what statement we should include in our report to indicate that notwithstanding the relevant sections referred to above have been omitted from the revised laws, the erroneously removed provisions remained nonetheless extant legislation thereby validating the context in which the conclusions and recommendation contained in the report were made.”

So what the chairman of the EBC did, wrote to the Deputy Solicitor General and sought clarification as to whether the existing report, the old report, the new report could be used, okay. After a great deal of careful consideration the conclusion was reached—[*Interruption*]

Mr. Speaker: Order!

Hon. C. Imbert:—as follows: The cumulative effect of the amendments to which references have been made are to exclude Tobago from the ambit of the revised Act and in particular from reference in a report of review produced by the EBC pursuant to section 4 of the Act. Notwithstanding the foregoing, it is noted that section 4(2)(c) of the revised Act suggests that reports will be made in

reference to Tobago. So, there were some references to Tobago and others had been taken out or missing. It is submitted that the revised Act in its present form renders section 4(2)(c) of the revised Act nugatory. But it is further submitted that its retention may have been intentional to make provisions for any future amendments to the Act with reference to Tobago. The EBC should consider the practical effects to the revised Act and if necessary take all appropriate steps including the amendment of the revised Act to ensure its conformity with the intent and purport of the Act.

So that is the context. So, the EBC in September of this year concluded that there was a problem. That it appeared that over the years a number of amendments had been made to Chap. 25:50 and that the cumulative effect of all of these amendments was to make it difficult or impossible for the EBC to complete its mandate of submitting the report to the Minister and conducting election. Let me say at the outset, there were all sorts of opposing views. There was a view that the existing report can be used without any legislative amendments—that you just go ahead—we did it four times already, so that there was a view that you could proceed because there was already a report and there are provisions which do not allow a report to be invalidated. So that once a report exists it cannot be easily invalidated. That was a view. So, there was a view as look, just go ahead and use the 2004 boundaries and do not amend the Act at this point in time. But there were opposing views and out of an abundance of caution, it is the views of the Government that we must resolve any discrepancies, any ambiguities, any errors, any omissions because the conduct of election is far too important to be left to the interpretation of legal experts and aggrieved persons who wish to challenge the legitimacy of the election and so on.

We felt that it was to important a matter to be left to the opinions of various legal experts and we thought that we will make it absolutely certain that on the one hand we validate the reports of 1992, 1996, 2002, 2004 and on the other hand we give the EBC the legal authorization that they are seeking in order to allow them to carry on the business of the next THA election. Now, the date of the next THA election would be, as far as I know, by law within the next two months or so. I am not certain of the precise cut-off date, but what I do know is that some time between now and the [*Interruption*] end of January there is a legal requirement for the Tobago House of Assembly election to be held.

In addition, the Parliament must prorogue by December 16, 2008 because if we do not prorogue it will it will prorogue itself. The Parliament exists for a 12-month cycle and then it prorogues and then it must be reconvened.

So, when one looks at the time frame available to us—because we have to pass it through this House and we also have to get it pass in the other place—it was imperative that we come here today to sort this matter out so that it can go to the other place before December 16, 2008. Otherwise we would find ourselves loosing that window of opportunity between now and December 16 and having to come and scramble on December 17 or 18 and then go through the process again in the two Houses of Parliament which might put pressure on the end date, because there is a minimum period—I believe it is 35 days, am I correct Attorney General—between calling of an election and the actual election date itself. So, when the date is announced and the writ of election is issued there is a 35-day period, so if you count backwards you will see that we are operating on a very tight time frame.

So, that is the reason we are here on an unorthodox date—is that the correct terminology—and that is why we are asking for the indulgence of hon. Members opposite to understand that it is really nobody's fault.

Mr. Sharma: It is PNM fault.

Hon. C. Imbert: Hon. Members opposite could say that, but when one looks at the cumulative effects of the changes, the changes were made in our time and in your time. So, that it is the net effect of changes to the law made by the PNM administration and changes made by the UNC administration that has created this situation. As I said, Members opposite can say whatever they want but the fact of the matter is, as far as I am concerned, because it is something that has occurred over two different administrations and changes have been made by the two different administrations, I do not believe this situation can be ascribed at the foot of any particular person, or any particular government, or any particular organization.

If one looks at the actual Act itself—and we may wish to make some changes to the title of the Act, we will let you know at committee stage, some minor literal change just to make it absolutely clear what this Act is all about and we will let you know that, but it will be a minor editorial change. We also may wish to introduce an amendment that will validate the 2004 report and allow the commission the flexibility to use the 2004 report for the upcoming election. If you look at the law very carefully, the commission has to prepare the report, it has to submit it to the Minister, the Minister has to lay the report before the House of Representatives, it has to be debated and then when it is all over it goes to the President for the President to give effect to the law. So, if one looks again at the time frame that I have just enunciated, if, having done this amendment, correcting the errors in the law, if we were to follow this strictly then the commission would

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have to submit its 2008 report to the Minister, the Minister would then have to come to the House of Representatives, lay it and will have to go through all of this all over again.

So, when one looks at the time frame in terms of the cut off being towards the end of January and one works backwards it would be virtually impossible—in my opinion—to do this twice; to debate what we are debating here today and then to come back again and debate the 2008 report. So, we may and we probably will introduce an amendment at the committee stage to give the commission the flexibility to use the 2004 report for the purpose of this particular election in the interest of time and in the interest of efficiency.

When one looks at the Act itself, it has seven clauses and one of the operative clauses is clause 3 and we are deleting the current definition of electoral area which is contained in section 2 of the existing legislation and replacing it with what is contained in the Bill before us which specifically now gives the EBC the definition that they need in terms of introducing the concept of the Tobago House of Assembly. Because if you look at the definition of electoral area as it now stands it says: “means in relation to a municipal council election any municipality mentioned in the First Schedule”. and then it goes on to say, “Municipality” means “The City of Port of Spain”, et cetera.

So, we are now correcting the deficiency in the definition of electoral area to introduce the Tobago House of Assembly. And then in the First Schedule—which is at the back of the Act, the Act in fact only has two schedules—we are now going to introduce by way of clause 4 of this amendment Bill, the electoral area, Island of Tobago with 12 electoral districts and also do some cleaning up in the Schedule in terms of renumbering the rules themselves which are in the Second Schedule, and in the Second Schedule clause 5 introduces a sub rule, “there shall be 12 electoral districts in the electoral area of Tobago.”

Rule five is also going to be corrected to include the reference to Tobago. We have to take this all the way back to 1990, so it appears that this goes back to the NAR government. So, it is three different political administrations and that is clause 6 and clause 7 validates the report that has already been made by the President. I just want to make that point. The action of the President cannot be challenged, so that even though the legislative framework for the making of the reports may have been removed, the President made them and his actions cannot be challenged. So, there is a point of view that the reports are valid but it was felt again to avoid a legal challenge to put into this Act a validation section.

That is it basically, Mr. Speaker. It is a very technical Bill and it deals simply with legal drafting and correcting a number of drafting errors that have been made from 1990 coming up to the present day and I want to repeat by the NAR government, by the PNM Government and by the UNC government and this is why I do not wish to ascribe blame at the foot of any person, political organization or Government.

Mr. Speaker, I beg to move.

Question proposed.

2.00 p.m.

Mr. Chandresh Sharma (Fyzabad): Thank you very much, Mr. Speaker. Mr. Speaker, I have just come from the funeral of a very good former Minister of Local Government, Mr. Dhanraj Singh, and as I listened to the presenter of this Bill I am saddened because I have made the point on numerous occasions that when a Minister moves a Bill or acts on behalf of the Government, it is really a direction that the country must be looking forward to. What the Minister said was absolutely nothing. He sounded as if he was talking to local government nominees, going through a set of stages that we all know. We are Members of Parliament and we are familiar with those things, tell us how the Bill operates. What he needs to tell the country is how this is going to add value; how is it going to better the lives of people in Tobago and, by extension, the people in Trinidad and Tobago? Nothing he said seemed to give any clear direction, he seems to be guessing his way throughout. Perhaps the retreat that the PNM has planned is very much needed.

We come here Friday after Friday, today is Monday and one would be asking what is going to be achieved at the end of today. Very strange and very instructive, this is the very Minister who lambasted the EBC on a previous occasion. Called them all kinds of things, accused them of all kinds of things and today he is painting a saintly picture, God, today they are at fault; it was an oversight. This is the one who was seeing jumbies and when they were moving trash, he was outside there saying that they were moving out valuable information. Look how times have changed. It is convenient today to praise the EBC. This is the very Minister who indicated the EBC was corrupt and was in league with the Members of the Government then. How times have changed. So what really is this Government signalling? It talks about the Tobago House of Assembly. It is perhaps important for us to look at what obtained in the Tobago House of Assembly at the last election because out of an electorate close to 40,000, approximately 12,000 voted for the PNM, less than 25 per cent.

In fact, Mr. Speaker, some candidates won with as low as 824 votes, less than 20 per cent of the votes cast in favour of the candidate. The highest was 1,130. The point is, people are losing faith and when the Minister says, “This is about having the proper running of elections”, the PNM should be very much ashamed to say that. This is the PNM that has interfered with every election in this country and has used muscle power, gun power, money from the State resources and State agencies across the board. So it is a big shame for a Minister to get up and say this today. We know what obtained in the past elections.

You would recall in your own constituency which you once represented, San Fernando West—I do not want to draw you into the debate here, so forgive me if it appears that way. The PNM had their agents with machine guns on the train line in San Fernando and in Moruga. I am sorry my friend, the Member for Princes Town South/Tableland, is not here. They were giving away cellphones, sneakers and shades. This is how they win elections. The Minister comes and claims about fair elections, that does not obtain under the PNM. It does not obtain at all and my friend, the Member for Lopinot/Bon Air West, is suffering from newness, he is giving a very nervous laugh. He is not aware; pretends to be unaware. When you look—yes, I was making the point in Princes Town South/Tableland in your absence, shades and sneakers and so on, I know you did not give any of those.

Mr. Taylor: Exactly.

Mr. C. Sharma: Yes, your agents were doing it for you. We saw in Mayaro for instance, where \$10 million was spent on laying of a water main for 100 families and in many other areas. We saw the PNM moving in and saying that they won fair elections, setting up homes for the squatters and making sure that they get electricity and water, but breaking down the homes of other people. We are glad that they got them, but we are saying treat the people fair. So you cannot come and make pronouncements today as if you are a saint, when you have stolen election after election and have used the resources of the State.

Mr. Speaker, if it is that the Tobago House of Assembly is not drawing the electorate, then we should be discussing that today as well because we want people to get involved in the process and to identify with it. You saw in one area where there are approximately 4,000 electors and the PNM getting 846, this must be very, very disturbing, but what are some of the other concerns? What is the role of the THA, how does it see itself; and what are some of the recommendations we should be making? The Minister made reference to clause 7 and what obtained in the past, and when this came to the attention of the Government, what did the Government do? You think it is just coming to the Parliament and saying

that there was an oversight, that is the end of it? It must be that. It was convenient for PNM previously—this change of the boundaries today, the PNM only does things that are convenient and beneficial to itself. So all this is about what is best for the PNM because the PNM are no fools. They have recognized that things are bad in Tobago with the departure of the Member for Diego Martin West, and the failure of the Member for Tobago East and West to make any meaningful and measurable representation. *[Interruption]*

Mr. Callender: "Get real nah man."

Mr. C. Sharma: Elections are in the grabs—*[Interruption]*

Mr. Callender: You know what the Bill is about?

Mr. C. Sharma: Yes, I get—so that they are looking at making sure that whatever comes here, benefits, in the first instance, the PNM. This is not about country. The PNM has never come to this Parliament about country. The PNM has never come to this Parliament about all the people of Trinidad and Tobago; it is about maintaining political power regardless. If it has to include, or if it has to engage or employ muscle power, so be it. If it has to engage and employ the resources of the State, so be it. Handouts, so be it. That has to change.

In fact you would recall the National Integrity Systems and there was an article on the website which says:

“Perception of Erosion of Independence of the EBC”

This is under the PNM. This is the PNM speaking.

“The Elections and Boundaries Commission was established as an independent body under the Constitution Act 4...”—we know that.

“Its board is appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition. However, prior to the December election of 2000, there were several instances of police investigation with persons being charged for ‘voter padding’.”

I do not need to remind you, Mr. Speaker, they were all UNC supporters.

“This appears to have taken place in the five main marginal constituencies. Investigations are continuing by the police and also by the main opposition party.”

Mr. Speaker, I must report to you that a number of these persons who were charged were found to be innocent by the court because it was really the PNM

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using the police service as it has done in the past to do its dirty work and I hope in the THA election you do not see that. It continues:

“The latter claims that there are over 100,000 more names on the voters list than could be possible, taking into account the death rate and the numbers of persons reaching 18 (the voting age) since the last list was published.

There have been many calls by political parties and some civil society organizations for a full investigation into the activities of the Elections and Boundaries Commission over the past 3 years. However, the Elections and Boundaries Commission has admitted that they were able to identify 252 persons, during the two weeks of official registration prior to the last election, who were suspected of election irregularities and these were reported to the police.”

So when the Minister moved today, he should be giving us an update, but it is no longer convenient for the PNM to claim all these things. The PNM is in power and once they are in power, all the bodies, independent and otherwise, have to bow to their wishes.

“There is a widely held view that the independence of the Elections and Boundaries Commission has been destroyed by corrupt practices. The opposition in Parliament”—and this is the PNM—“lays this charge at the feet of the current Government.”

You were laying at the UNC then.

“The Prime Minister has publicly stated that no useful purpose would be served by the Commission of Enquiry being established. However, very recently Cabinet has approved \$10 million to clean up the voters’ list.”

So you see the UNC in Government making sure it gave the EBC resources; the same does not obtain under the PNM. This perception, the lack of independence within the EBC, it is felt that it will not go away until the commission of enquiry on this issue is established.

Mr. Speaker, you would recall the mover of this Bill saying, "As soon as we get into Government there will be commissions of enquiry and persons will go to jail." Well, they are in Government and it does not suit their needs any more. There were two large issues in the case of two of the Government's candidates signing their nomination papers after making false declarations, so, what does the Minister say to us? Absolutely nothing.

The Constitution of Trinidad and Tobago makes provision for citizens to have the right of the individual of life, liberty, security of the person and enjoyment of

property. This right is not to be deprived thereof by the process of law, rights enshrined and we are seeing people in Tobago not being treated fair and square by the agencies. For instance, you would recall under the UNC the promoting of tourism in Tobago for which the Government is reaping the benefits, marriage regulations were revisited and now a couple wanting to get married in Tobago can go to Tobago, live for three days and obtain their marriage licence.

Now in Tobago, persons come from all over the world. In fact, the Chief Secretary was very concerned about the tourism, the normal success it was obtaining which is the brainchild of the UNC as you would recall. But what has happened is that persons who wished to be married under Hindu rights cannot enjoy that same thing because the THA refuses to make lands available to the largest Hindu organization in the Caribbean, the Maha Sabha, as it does for all the other bodies. For many years they have applied for lands and if you ask the Member for Tobago East, he is not concerned. The Member for Tobago West has no interest in that.

Mr. Callender: Because you are talking rubbish.

Mr. C. Sharma: Last year they forced the National Commission for Self Help to make a pledge of \$250,000. In every other instance, the Self Help writes a cheque at the given time, but in 2007 to satisfy their own power greed, they said we are going to give \$250,000. We are building a kindergarten for \$6 million and \$10 million the Minister of Education tells us; we are building a community centre between \$6 million and \$10 million the Minister tell us, and you are giving the temple \$250,000 to construct a mandir. The mandir is not only for Hindus. Persons who wish to obtain a religious blessing, whether it is in a musjids, in a church or in a temple, should have that right; and persons who wish to get married under Hindu rights, Islamic rights or Christian rights must also be able to obtain that, but that does not obtain under the THA.

In fact, if and when a person of the Hindu faith dies in Tobago—as you know, Mr. Speaker, the choice of funeral for the Hindu is cremation—the body has to come to Trinidad. In the United States, over the last 20 years there have been 300 mandirs and about 200 musjids constructed. Many of these temples are assisted by the different State organizations: lands are available, moneys become available and technical advice becoming available.

In Australia and Hong Kong the same obtains, and in Tobago where we are all citizens with equal rights, the Hindus cannot have a place of worship and a cremation site. This is the caring PNM Government, a Government that thrives on discrimination and racial practices.

2.15 p.m.

The Tobago House of Assembly has been vested with all the state lands in Tobago which account for close to 35 per cent; so the lands are there and you want to make sure that citizens are treated fairly.

You will notice that the Member for Tobago East and the Member for Tobago West will not raise these issues because they do not interest them. When you get into office, Members on both sides, you have a responsibility to serve all the people and you cannot practise discrimination and hope to succeed, which is what you seem to do very well. [*Interruption*]

Issues are being raised and I hope the people who wish to use the temple and wish to have their families cremated in Tobago have heard the response of the Member for Tobago West. He says that is foolishness; he has no interest in seeking their welfare.

Mr. Speaker, I have looked at how lands are distributed by the Tobago House of Assembly and lands for non-residential use may be leased to incorporated enterprises that are wholly or majority owned by citizens of Trinidad and Tobago or that are not deemed to be under the control of foreign investors within the meaning of the Foreign Investment Act of 1990. Recognized youth and community groups, voluntary service organizations and similar non-government organizations will be eligible for state lands undertaking service-oriented, non-profitable activities of commercial and productive agriculture.

So there is a provision. Why is it taking so long for the Government of Trinidad and Tobago through its agent, the THA, to make the lands available for the temple? I will answer it too; it is how the Government operates. As a Hindu body, we do not need them in Tobago, no land for them. If they have a death in Tobago, do what you want, bring it to Trinidad or bury, you cannot cremate. Is this what 2008 has brought this country to?

Mr. Speaker, this might be a good time to quickly look at the role of both elected and nominated representatives. That oath of office demands that we deliver without fear or favour and I have looked and the national community has looked to see what obtains when Bills come to this House and today is a good example. We have seen nothing that talks about the level of work that will come from this that will add value.

Mr. Speaker, the other matter I want to raise as we are on the THA, is the question of the expenses. As you know, many questions have been raised not only

by us, but by Tobagonians in and out of the THA talking about mismanagement and misappropriation of funds and how things are done. I want to make an appeal that we need to revisit. We cannot continue to turn a blind eye.

Last night the hon. Prime Minister in addressing the nation indicated that we needed to revisit how we spend, and about tightening our belts. And when you look at the wastage which obtains not only in Trinidad under this Government but also in Tobago, the quantum of money for which records are not available for purchases of equipment and furnishings that are underutilized. For instance, cash books were not produced for audit in respect of the undermentioned accounts: the Tobago House of Assembly Fund, the main development programme account, the Republic Bank Development account, main payroll account, and main goods and services account.

If simple-minded persons are listening to this, they will know it relates to the PNM even if I did not say so. How is it the PNM has a history of mismanagement of state resources everywhere they go? How is it they can never spend within budget? Cash books were not produced for several bank accounts operated by certain divisions; the Division of Agriculture, Marine Affairs and the Environment, Division of Community Development and Culture funds have always been given out. I wonder what the smaller groups in Tobago get, like the Islamic, Hindu and Orisha groups. I wonder if they are treated fairly and squarely.

The Division of Education, Youth Affairs and Sport, the Division of Health and Social Services. At the Division of Community Development and Culture, bank statements and cheques listed were not presented. This is the Tobago House of Assembly under the watch of the PNM Government.

So you are seeing from 1956 right up, history repeats itself. This is a Government of wastage and all it is interested in is getting into office, holding power by any cost and delivering nothing, adding value to nobody's life.

Dr. Browne: What is the name of the report you are reading?

Mr. C. Sharma: And here is a Government Minister not familiar with the reports of his own Government. What a shame! No wonder the Government needs a retreat. This Assembly is spending millions of dollars belonging to the people of Trinidad and Tobago.

Dr. Browne: I am seeing your handwriting.

Mr. C. Sharma: Signed warrants were not seen for withdrawals totalling \$1.7 million. An amount of \$500,000 was withdrawn from the fund, the purpose stated as being a loan granted to a private, registered company experiencing financial difficulties.

Mr. Speaker, you will realize that bringing this today to the Parliament really leaves a number of unanswered questions. When one looks at all the newspaper reports coming out of the THA, it certainly does not say that things are okay, and for the Minister to come in a foolish way and present something hoping to hoodwink the national community because he has not dealt with anything.

I always make the appeal that Ministers speaking to the national community must say what the Bill is going to do, these are concerns expressed by the citizens of Trinidad and Tobago, we are treating with them, and these are the answers to these concerns.

When you look at the areas under the watch of the Tobago House of Assembly and the new boundaries, the state lands, lands for parks and tourism, I saw in the Tobago House of Assembly Report, the Chief Secretary's concern about the growth of tourism. That was two months ago. With the recent development in the United States of America, we would have to revisit that and a lot of local tourism would have to take place and there must be activities and the THA must encourage activities that will allow people from Trinidad to visit and participate in all activities. One area is weddings. Many people come from all over the world to attend weddings here and it would be nice to have those weddings in Tobago as well. It would be good for a Hindu family to feel free to go to Tobago and have a wedding. It does not happen. We should certainly see an increase in food production.

Mr. Speaker, the other matter I want to raise is the role of the EBC in terms of making the list available on a timely basis but, more than that, making sure it is available to citizens in Tobago. In recent times, we have had persons from Trinidad who have migrated or gone to Tobago to live and have not found their names on the list even though they have applied. I hope the Minister could tell us what the delay is in having those names on the list.

In an article that appeared in the *Tobago News* Mr. London is quoted as saying: "Desperate men trying to block THA". He was responding to allegations of corruption levelled against the Assembly. The fact of the matter is that he is responding so there are a number of cases and statements of fact leading to corruption and mismanagement and that is taxpayers' money. There are many Tobagonians who are not receiving goods and services and one of the arguments is that the resources are not spent wisely, a lot of the money goes outside of projects they were intended for and we want to make sure we draw that to the Government's attention and hope that a response will come.

Mr. Speaker, the last thing I want to raise is the question about the role of the EBC in making sure information is available to all citizens of Trinidad and Tobago

and on a timely basis. Many people find it difficult to obtain their national identification cards; there should be a fixed period from the date of application to the date of receipt of those cards. Oftentimes the names are spelt wrongly and the persons concerned have to swear to an affidavit to have them corrected, and that should not be so. This was raised on a previous occasion, and I would like the Minister to indicate how it will be treated.

I thank you.

The Minister of Labour, Small and Micro Enterprise Development (Hon. Rennie Dumas): Mr. Speaker, thanks for the opportunity to contribute to this debate. I heard the Member for Fyzabad purport to speak to the Bill, but I was really wondering how straining it is to try to come from so far to address this matter because I think he was very far from the truth and very far from being able to give us a clear view as the first—and as one considers, a major Speaker for the Opposition, he was unable to tell us whether the Opposition supports this Bill which seeks to amend the Elections and Boundaries Commission (Local Government) Act.

If the Opposition finds it impossible to support the Bill, then one would have hoped that that position would have been made clear and if they have found it possible and necessary to support the Bill, they would have also found that very clear.

Mr. Speaker, we were confused with a number of matters that have very little, if anything, to do with the Bill as proposed, but lest the purpose is lost, we want to repeat that the Bill is to ensure that we have an amendment of the present provisions of the law and the validation of the reports that may have been in violation or not in full compliance with the law.

Mr. Speaker, the question of the Municipal Councils as distinct from the Tobago House of Assembly has been made clear by a number of amendments. If one were to be a little unkind, one would say that one of the reasons we are here, in fact, the primary reason why we are here is in the haste to treat with the responsibility that the then Government had, if you will remember, history would tell us it had some issues.

2.30 p.m.

You see, it was a coalition government. You see, we have to be real. What was our situation in 1990? We had a situation in which the government being the result of a combination of forces, an accommodation if you wish, an alliance if you wish—

Mr. S. Panday: Could the hon. Minister state why the same situation persisted under the PNM then?

Hon. R. Dumas: You know they say sometimes if you cook this pot so well that you would confuse the ingredients and you no longer have the same thing. The Member for Princes Town North knows that in the haste to settle the accommodation issues, they might have made a mistake and that is what we need—

Mr. S. Panday: Why did it happen under the PNM also?

Hon. R. Dumas: You might have made a mistake and because of good intentions the mistake might have been overlooked. We did not want to come here—today we are told that we are here because the commission identified an error. The commission may have become more knowledgeable of the law; may have been more careful than in the past, and nobody has any objection with a learning institution, and the commission being a learning institution has now learnt the law and has brought what they have found to be a problem to us. As a responsible Parliament, our responsibility would be to ensure that the amendment is passed, except we have some serious problem and we believe that there is some reason that a Tobago House of Assembly should not exist and there should be no elections in Tobago.

If that is the position the Member for Fyzabad is holding, it is the only valid position you could have for not supporting this amendment. Is that your position?

Mr. S. Panday: No, that is not the position.

Hon. R. Dumas: Is it your position that there should be no elections in Tobago? Is it your position that the Tobago House of Assembly should fall based on a technicality, because you cannot win us in the political arena?

Mr. Sharma: Not at all.

Hon. R. Dumas: What is it you are saying?

Mr. Sharma: In response to the Minister's question, which is a non-question because we have argued in the past; we have presented; we have participated. This thing came since 1992. You have been a Minister of Local Government and took no responsibility and come with this foolishness today. Let us just get it correct now.

Hon. R. Dumas: Mr. Speaker, I repeat my argument. I am suggesting one more time, just in case the Member is a little hard of hearing; I am repeating our position that the EBC, as every other modern institution in Trinidad and Tobago,

moving as we are all moving to a more developed country status, we have identified that these are learning institutions. The EBC, having learned the law better, having been more careful in the practice of the law—*[Interruption]* What is the objection?—having joined themselves to continuous improvement as an institution, they have noted carefully what the law requires of them, have examined the law as they should, in taking guidance in the execution of their responsibility, found there was a lacuna and brought the lacuna to our attention.

If previously it was not done, I do not think we need to ascribe blame to this.

Mr. Sharma: You are taking long to say nothing.

Hon. R. Dumas: If I say nothing, may I say a little nothing about the nothings that the Member for Fyzabad had to say? *[Desk thumping]*

Nothing number one: You know, there is such a thing called brass-face. The Member for Fyzabad is the example of brass-face.

Mr. Sharma: And you are a symbol of no face.

Hon. R. Dumas: I was a student at the University of the West Indies—

Dr. Gopeesingh: You are still a student.

Hon. R. Dumas: Yes. I hope I never leave, because I see the whole of the Caribbean as the University of the West Indies.

Mr. Speaker, I saw gunmen in Tunapuna—

Mr. Sharma: You did?

Hon. R. Dumas: Yes.

Mr. Sharma: What you did about it? You reported it to the police?

Hon. R. Dumas: Waste of time. The policemen at that time—we knew about the Muslimeen at that time under the management of the UNC, and what we said was that you must win this thing in an election.

Dr. Gopeesingh: Why are you going there?

Hon. R. Dumas: Because that is what the Member for Fyzabad came here to tell us, that you had gunmen working for the PNM. We are treating—

Mr. S. Panday: That is why you do not want to deal with crime.

Hon. R. Dumas: We are speaking of giving the legal authority to the institution which has the responsibility. That is what we are saying. They come

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and talk about stealing the election and handouts. I was in Tobago in Scarborough in the market square when uncle came to town with his sandwich loaf, with his jersey in a bag and the money wrapped in there.

Mr. Sharma: Did you eat?

Hon. R. Dumas: I know that you had to bring the Kiss truck with the bread back to Trinidad. That was the scenario. That is after you had so provoked your partners in the Alliance, or the agreement you had, that Hochoy Charles came down to the square to confront you. Do you remember that? You do not remember that?

Mr. Sharma: You cannot remember when you were giving handouts and you were buying votes with taxpayers' money?

Hon. R. Dumas: Mr. Speaker, the reason for the amendment is that the practice of elections should have been conducted by legal means by people authorized to do so under our Constitution. [*Desk thumping*]

This thing about Tobago, is though—Tobago is a shining light in this nation, you know. [*Desk thumping*]

Mr. S. Panday: Do not try those low dodges.

Hon. R. Dumas: Tobago is a shining light in this nation.

Mr. S. Panday: That is low dodges!

Hon. R. Dumas: It is one place in which the people have consistently participated in the electoral process; have consistently carried their case one or the other— [*Interruption*]

Mr. Speaker: Order!

Hon. R. Dumas: I just want to demonstrate something to the country after the nonsense that the Member for Fyzabad just spoke.

Mr. Sharma: Tell us about the lands for the mandir. Can you?

Hon. R. Dumas: I will come to that. In 1996 we had 34,000 electors in Tobago.

Mr. Sharma: Your figures are wrong.

Hon. R. Dumas: That is your number. I always round them off, always negatively.

Mr. Speaker, you know this was the period in which the UNC was the prime supporters of the then NAR.

Mr. Sharma: You were an NAR and we supported you.

Hon. D. Dumas: I had already left your party. At that time the PNM won 5,000 votes; the NAR won with 9,000 votes. [*Mr. Sharma leaves his seat*] Where you going? That is bad manners.

Mr. Speaker, the critical point was with their support, with the support of what was then the national government, they propped up a group of people in Tobago who won the election by that margin. But after that, consistently, the PNM was able to raise the confidence of the people in Tobago behind the party and was able to double their votes in the next election. So in 2001, the PNM won 10,497 votes while the NAR won 8,900 votes, and consistently, the PNM has raised the number of votes cast in its favour. Today the situation is that the PNM consistently wins more than 12,000 votes in Tobago while the vote count of all the other parties combined, has remained the same.

Mr. S. Panday: And they want it to remain the same.

Hon. R. Dumas: When someone comes and dares to suggest that the PNM is stealing an election in Tobago, [*Interruption*] I want to suggest that they need to do the research and the research is clear. The PNM has consistently won the favour of the electors in Tobago. [*Desk thumping*]

I want to suggest, contrary to the picture that the Member for Fyzabad tried to cast, it has done so for very good reason. The first good reason is because the PNM has consistently been the political bridge that has joined Trinidad and Tobago in a non-discriminatory feeling; in a non-discriminatory programme that treats with all citizens of Trinidad and Tobago as one national programme.

The Member for Fyzabad speaks about tourism. I want to remind him that when the UNC fell out with Charles, they slashed the tourism budget and ensured there were absolutely no funds for investment for the tourism industry in Tobago. In that scenario, it took the return of the PNM to government to have a programme for tourism that has since brought the tourism factor in Tobago from being less than 30,000 visitors a year to a situation now where we have 100,000 visitors. [*Desk thumping*] That is the scenario!

There has been a continuous argument about discrimination coming from the Opposition Benches and here you have the Member for Fyzabad trying to reach over from wherever he sits on a morning, into Tobago to spread this argument about discrimination against people being exercised by the Tobago House of Assembly. What is the truth? He went down a list. He said what are the activities and who are the people for which land is made available. Not one instance was he

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able to point to the document or actual events to any church, temple or other, receiving lands from the THA for that purpose.

We are suggesting that public lands are for public purposes. If you have a private congregation, then you have the responsibility to find lands for your church. I am a Baptist. My relatives and family are Baptist. All the Baptist churches we run are on our land and on our property. I want to suggest that maybe the Member for Fyzabad should encourage the people who are seeking to build a mandir, to buy land in Tobago and build a mandir. There would be absolutely no trouble. But to suggest that there is discrimination and there is one group receiving lands from the THA and not another, that is not true. That is the reality.

This question of—you know, it is so ironic to hear from the UNC that there should be bigger food production in Tobago. Again, these people when they were in charge of the budget, they stripped—I want to say it again—they stripped the budget and the programme of the Assembly of all investment for food. They absolutely refused to support any agricultural programme in Tobago. If today there is a programme of providing agricultural water in Tobago; if today there is a programme for accessing agricultural lands; if there is a programme for land distribution; a programme for supporting investment in agriculture in Tobago, that is because the people in Tobago have supported the PNM and the PNM have kept faith with the dreams of development. [*Desk thumping*] That is the reason we have that.

2.45 p.m.

On the question of the Auditor General's Report, it is clear. In every single case was a matter of an administrative issue. A document was not presented. A valuation was not presented. In no single charge is there a corruption charge. Unlike the history of the UNC, absolutely no allegation or suggestion is made by the Auditor General that there was a case of corruption in the report they had. I dare them to point it out if they want to contradict what I am saying. That goes totally contrary to what has been the experience.

I suggest that the reason we are bringing this Bill to the table is because the Bill would allow the EBC to carry out its legal duty under prescribed mechanisms, in a manner which would allow the people of Tobago to conduct their electoral affairs; elect the people that they want to manage their affairs in the Tobago House of Assembly and give us a continuance of good government in Tobago.

Thank you much.

Mr. Subhas Panday (*Princes Town North*): Mr. Speaker, may I indicate that as the hon. Member for Diego Martin North/East had indicated, since August or September, the EBC found out about this alleged problem, but they will come in December to bring this legislation. They brought it Friday night to be debated on Monday.

The PNM must have respect for this nation and Members of Parliament. We want to do our work. We attempted to contact practitioners in the Tobago House of Assembly but we could not have done it because we did not have sufficient time. From the time this Bill was laid on Friday, there was not a working day. How does the Government expect to have meaningful debate on this Bill? That is why the Member for Tobago East who comes from Tobago could not have added anything significant to this debate. I will come back to that in a minute merely to try to indicate to both the Members for Diego Martin North/East and Tobago East that when this Government embarks upon its blame game tantrum, it has to blame somebody for its incompetence and inefficiency. When they realize that they have to carry the blame, they try to join you in taking you down with them. Their incompetence!

When one looks at the validation clause, the reports of the Election and Boundaries Commission with respect to the boundaries of electoral districts in the electoral area of Tobago for 1992—[*Interruption*—is you. 1996.

Mr. Imbert: That is you.

Mr. S. Panday: You attacked the NAR. In 2002 and 2004, that is you. Since 2000 to 2008, it is you. For them to come here today and try to give the impression that there is urgency in this legislation belies the incompetence of this PNM Government.

As the hon. Member for Diego Martin North/East indicated, it is complex legislation although it is very short. In those circumstances, one would have expected somebody like the Attorney General or the Member for D'Abadie/O'Meara to lead off on a Bill like this. He does not know his head from his elbow. One would have expected a history of the legislation so that Members on both sides of the House would have understood what happened and when it started. When one looks at the parent legislation, the Elections and Boundaries Commission (Local Government) Act which was enacted on August 24, 1967, one would see that in section 2(c) "electoral area" means in relation to the Tobago House of Assembly the area mentioned in the first column of Part III of the First Schedule and described in the second column of the said third part.

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Today, we are trying to replace the law. That is what I am saying. One would have thought that when presenting a Bill like this which deals with legality, you would have come prepared and be more explicit. Member for Tobago East, tell us how many amendments were done to this piece of legislation, the Elections and Boundaries Commission (Local Government) Validation Act? In which year was an amendment made to the Act to omit section 3? He had an opportunity and refused to give that. When one looks at the amendment before the House today, one would see that it says that the First Schedule to the Act is amended by inserting after Part II, Part III. In Part III it says the name of the electoral area, Tobago; description of electoral area, the island of Tobago; the number of electoral districts, 12.

Take the former Act and let us see what happens. One would see that the same Part III, the same law that we are trying to amend, the electoral area of Tobago in the first column, name of electoral area, Tobago; description of electoral area, the island of Tobago and number of electoral districts, 12. It was in the law before. One would have thought that you would have told us when it was dealt with. *[Interruption]* “Well why yuh didn’t say dat?” We are putting back the old law in place. That is basically what we are doing here today. The PNM sit on it on their hands from 1991 to 1994; 1992 is the first year and then from 2000 coming on.

Let us look at the present law. They call it the amended law. Section 4(2)(c) says:

“Reports under subsection (1) shall be submitted by the Commission—in the case of a report in reference to Tobago, not less than two nor more than four years from the date of submission of the last report.”

What was the date of the 2004 report? Have the four years expired? Today we are in December. *[Interruption]* Hold on! What we are doing here although it might appear to be a dry legalistic argument, we are asking what was the date of the report of the EBC in 2004? Was it in December? Although this Government brought this Bill so late, I tried to do some research and I observed that in Legal Notice 318—hear what happened. Hear the monkey pants you have found yourselves in. In 2000, the Order was dated November 02. I also found in my research Legal Notice 318, Elections and Boundaries Commission (Local Government) Act 25:50 of 2004. It states:

“Whereas it is provided by subsection (3) of section 4 of the Elections and Boundaries Commission (Local Government) Act, that as soon as may after the Election and Boundaries Commission (hereinafter referred to as the

Commission) has submitted a report under paragraph (a) of subsection (1) of section (4) of the said Act, the Minister shall lay before the House of Representatives for its approval the draft of an Order by the President for giving effect, whether with or without modifications to the recommendations contained in the report:

And whereas the Commission has submitted a report to the Minister in accordance with the provisions of paragraph (a) of subsection (1) of section (4):

And whereas the draft of an Order entitled ‘The Elections and Boundaries Commission (Local Government) (Tobago House of Assembly) Order 2004’, giving effect to the recommendations of the Commission was laid in the House of Representatives on the 29th day of October, 2004.’

It has been caught by the principle of law called statutory limitation. I go back to Chap 25:50 as amended in section 4(2)(c) which states:

“in the case of a report in reference to Tobago, not less than two nor more than four years from the date of submission of the last report.”

About what does this speak? This speaks about a report being submitted to the Minister. All we can gather from the documentary evidence available to us is that it was laid on October 29.

3.00 p.m.

What conclusion can we draw from that? It has been submitted prior to October 29. Therefore—and I am thinking on my legs now—if even we validate the law today to bring it from the old legislation and insert it in the new law, it would still be impossible to use that report because of the law as it stands today.

When my good friend the Member for Tobago East asks whether we are supporting it or not, we are not rabbits that he merely asks us to support; we must think; we must analyze. Having looked at the law, I humbly submit that the process would now be merely an exercise in futility.

Mr. Imbert: I thank the hon. Member for giving way. Assuming you are correct, but not admitting that you are correct, if the validity of the 2004 report has expired, can we not include an amendment in the law to allow the commission to use that report for the conduct of the upcoming election?

Mr. S. Panday: I started to develop this argument half an hour ago. What will have to happen is that there must be a substantial amendment to Chap. 25:50; not

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this Bill, you know. This Bill deals with amending the interpretation and expanding the definition of “electoral area” which, in these new laws, the electoral areas are confined to Trinidad. I quote the new law, Chap. 25:50 as amended, subsection (3)—

“For the purposes of this Act, Trinidad and Tobago is divided into:

- (a) the five Cities and Boroughs mentioned in the first column of Part I of the First Schedule and described in the second column of Part I of the First Schedule;”

It takes into consideration Act 21 of 1986, the Municipal Corporations Act. Hence it makes reference to the Municipal Corporations Act by saying, in the definition of “electoral district”, that:

- “(b) the nine Regional Municipalities mentioned in the first column of Part II of the First Schedule and described in the second column of Part II of the First Schedule.”

To make the argument sensible so that we can understand it, in the First Schedule, Part I, they spoke about the cities and the boroughs. In Part II, they spoke about the regional corporations, like Diego Martin, Couva/Tabaquite/Talparo, Penal/Debe, Sangre Grande, et cetera. That was the definition of “electoral district”.

In the amendment we are working on now, it speaks about expanding the electoral area to include Tobago. Hence in those circumstances in this debate, you cannot introduce—I see you have a list of amendments to be moved by the hon. Minister of Local Government at the committee stage—

Insert after the words “and 2004” the words “, and all acts or things done pursuant to the Reports”.

What you are doing in this amendment is giving life to clause 7 of this document. But, Mr. Speaker, if the Government agrees that the life of the report has since expired, there needs to be a substantial amendment to the Act.

Mr. Imbert: We are debating Act 25:50.

Mr. S. Panday: But section 4(2)(c) is the section we have to amend. *[Interruption]* If that is so why did you not allow a lawyer to lead the debate. Mr. Speaker, I congratulate him on his legal accomplishments though it bears no relevance to his life.

The Member for Diego Martin North/East is now saying that we should pass this, but it is an afterthought. Now, he is arguing against me by saying, assuming,

but not conceding that I am right. Do I think an amendment will cure it? Mr. Speaker, tell him we are lawyers and we know when you are fishing; when you are on a piscatorial expedition.

Mr. Imbert: I thank the Member for giving way. I do not know what happened when I was piloting the Bill. I do not know if you were distracted. I indicated that we intended to circulate an amendment to allow the Elections and Boundaries Commission (EBC) to use the 2004 report in the upcoming election.

Mr. S. Panday: Mr. Speaker, I humbly submit that that is a substantial report and that we should not think about the law so easily. You are changing the fundamental law. That is too fundamental merely to introduce as an amendment. It will be amending section 4(2)(c) and that is not right.

What do we suggest? We believe in democracy. We believe, just like the PNM says, in local government in Trinidad and Tobago and we want to make sure things are right before we come with the legislation. Hence the Government has extended the life of local government up to July next year and, therefore, the life of local government has been extended to the extent that it has not had an election for the past six years.

Dr. Rafeeq: Longer than a parliamentary term.

Mr. S. Panday: The life of local government is indeed for three years and the law has been amended on three occasions to go to six years. What is the excuse for postponing the local government election? Local government reform. We want to get it right, hence we have postponed the election for three years. Now you are trying to amend the law in such a way as to get the report through the back door. We say no.

I suspect that there is a political agenda to this. The Member for Diego Martin North/East said it is a modern government; modern Tobago House of Assembly; futuristic looking. Why do you want to go back and hold on to a 2004 report which, when the election comes, will be five years old?

To make this argument in such a manner without indicating what the report is, will be merely arguing in a vacuum. We are arguing about a report from the EBC coming to the Parliament to be validated and we should ask ourselves about the report we are arguing about. Let us understand what we are talking about.

This report deals with the number and names of the electoral districts. That is not all. What is the most important part of that report is that it also contains the number of electorates in that electoral district. So Tobago is divided into 12

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electoral districts, that is, Bacolet/Mount St. George, Belle Garden/Goodwood, Bethel/Patience Hill, Black Rock/Whim, Buccoo/Lambeau, Canaan/Bon Accord, et cetera. The report also contains the number of electorates in each district and the law says 25 per cent on either side.

3.15 p.m.

In 2004, there were about 3,000 electors in each electoral district. It does not take into consideration the increase in population from then to now and the movement of the population from one electoral district to another. Therefore, what will happen is that we are gerrymandering in a way that should not be because the Elections and Boundaries Commission has to put a certain number of electors in each district. If it has to maintain that across the board, and there is an increase in population and movement of the electorate from one place to another, then the EBC will have to change the boundaries. That is the power of the EBC. I thought the hon. Member would have argued that the status quo probably did not remain, but the situation is almost similar. They did not do their homework. Incompetent!

He said that he brought this Bill in the name of the hon. Minister of Local Government—the Prime Minister should have slapped him at the side. The point I am making is that these electoral districts may not be relevant today and they may not represent the situation that is necessary for an election in 2009, because it would be five years old.

So, when the Minister asked whether we are supporting the Bill or whether we are not supporting the Bill, he was trying to set strife between the Member for Tobago East and Trinidad and Tobago by saying that the Parliament in Port of Spain does not care about the people in Tobago. So, the Member asked a rhetorical question. That is setting strife and animosity among the people of Trinidad and Tobago, and that is not good.

What should be our recommendation as a responsible and reasonable Opposition? Mr. Speaker, I humbly submit that every person has a right to feel that his or her vote has value, although the results may not be the result which he or she may desire, but everyone has the right to feel that his or her vote has value. If you go to the polls with such an outdated Elections and Boundaries report, you may be denying electors that right. That one vote or polling division which probably would have been shifted from one electoral district to another electoral district would have probably made a difference. [*Desk thumping*] It would have made a difference to the people in that electoral district.

So, when they come here and say that the PNM vote has remained constant—what has been the vote? The question is the distribution of those 12,000 electors in an election is fundamental in a system of government of first past the post. One vote can make a difference in an electoral district. That is why in the interest of the people of Tobago, we are putting forward this argument to save the democracy for everyone in Tobago. Therefore, because this is a unitary state, if somebody in Tobago is hurting, we in Trinidad and Tobago must feel the pain, and hence our analysis of the law as it stands.

What do we recommend then? Instead of hoodwinking and pressurizing the people to stick to an outdated EBC report—I humbly submit that I do not subscribe to your view, hon. Member for Diego Martin North/East, that there is such urgency—the election is due sometime in January—to come to this Parliament today to debate this Bill and then rush it in the other place before December 16, 2008. We must not sacrifice democracy at the altar of perceived efficiency [*Desk thumping*]

In the circumstances, I humbly submit that the Tobago House of Assembly Act is not an entrenched piece of legislation. I hope that it will soon be entrenched together with local government bodies. We should make sure that there is a head count in Tobago and a proper up-to-date report should be submitted by the EBC to the hon. Minister and then we could come here and debate it and let Tobago hold its election. We could amend the law to extend the life of the THA, as it stands, at this point in time, for nine months or six months as the case may be, because we would not die. In Trinidad, the life of local government has been extended for six years and nobody has died. You must get it right.

Mr. Speaker, the hon. Minister of Local Government, Sen. The Hon. Hazel Manning, said that they had consultation on a Green Paper and then they moved on to a White Paper, and when it was to be laid in Parliament for the legislation to be put in place, they went back to a Green Paper. What did Sen. The Hon. Hazel Manning say? She said that they were going backward to ensure that they get it right. I may not agree, but I commend her for that on behalf of the people of Trinidad and Tobago but, at the same time, Tobago needs the same treatment of equity and fairness and, in the circumstances—the law would be passed with a simply majority—I humbly submit that the life of the THA should be extended for about six months and then give the EBC sufficient time to do its work and come back to the Parliament. We give the House, the Tobago House of Assembly and the people of Tobago the undertaking that we care for them and we shall support it. [*Desk thumping*]

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Mr. Speaker, as I said, it is a cold legal argument that really does not give me the opportunity to do what I want to do. [*Interruption*] That is the answer. Thank you for reminding me. The hon. Member for Tobago East said that we cannot postpone the elections for the UNC to win. It is not the UNC that they are frightened for, it is the people of Tobago; the forces that are in opposition to the Government and who are coming together. When you see the people coming together, you probably did the analysis. I do not know. You are the hon. Member for Tobago East, and you probably know how the population has increased, and maybe you advised the Government to hold on to the past tightly so that they could take advantage of the other people in Tobago—the 21,000 people in Tobago who are averse to the PNM. You want to brutalize them! That is what they want to do.

Mr. Speaker, before I go, I think that I cannot be myself today, but the Minister attacked me on crime. I just want to remind him of who was Mark Guerra, and I also want to remind him of who was “Holastic”. The hon. Minister of National Security, whilst he was the campaign manager for Mayaro, used a thug to inflict violence on the people who were opposed to the Government. Mr. Speaker, I thought that my contribution was too academic to go into that area.

I thank you. [*Desk thumping*]

Dr. Tim Gopeesingh (*Caroni Central*): Mr. Speaker, I stand to give a brief intervention in this debate. There are a number of relevant issues which need to be put on the table for some thinking, and there are a number of issues which probably need to be clarified a little further and which need a little more elucidation.

When the hon. Minister of Works and Transport piloted the Bill, he spoke of an error existing for 16 years, but the EBC was able to work over the last number of years. The Tobago House of Assembly had its elections and it was able to successfully ensure that the THA elections were conducted fairly. It is not satisfactory for you to come at the eleventh hour to ask us, in a nice way, to give support for something which had existed and which you have detected. You could have made amendments to the Act and brought them within a suitable time frame. We could have been given the two weeks that is necessary for us to contemplate and discuss the matter among ourselves and in caucus so that we could come back to you.

It is very unfair for the Government to put something on a Friday afternoon for us to discuss on a Monday afternoon which is only three days later. So, the point has to be consolidated that you must not take the Opposition for granted all

the time, and feel that you could wield a big stick over the Opposition, and we have to submit to your wielding—this type of authority—because you are in Government. That is the first point that I needed to make. The Standing Order says that two weeks must be allowed before a debate, but you have the majority and you went ahead with your majority.

The second point is that the hon. Minister indicated that malfeasance would occur as a result of certain lacunae in the existing legislation. We have about three pieces of legislation that govern the entire election process; the Representation of the People Act, the Municipal Corporations Act of 1990 and the Elections and Boundaries (Local Government) Act, Chap. 25:50.

Mr. Speaker, I would like to go to one of the lacunae with respect to this whole question of local government elections and to point to Trinidad as well. As at July 2004, Tobago had approximately 38,142 electors. As of August 24, 2000, there were 36,995 electors. So, there was an increase from 2000 to 2004. There are 12 electoral districts in Tobago which makes it at an average of 3,000 electors in an electoral district in Tobago.

3.30 p.m.

Mt. Speaker, we are a unitary state of Trinidad and Tobago and therefore what exists in Tobago should possibly exist in Trinidad as well and this is an important point for us to look at and I thought that they would have considered that in the legislation that they are bringing today to see if there are any other areas that they might have been able to improve in the legislation that is at the moment and what they have brought to us. I would like to make my point by indicating some statistical figures to show that there is a serious anomalous situation existing between Tobago and in Trinidad, and even within Trinidad there are serious discrepancies in the allocation or the determination of the number of electoral districts that we have.

So, in Tobago there are about 3,000 electors per electoral district. In Trinidad—I just want to refer to what exists at the moment—in the nine regional municipalities we have—I will just go through them quickly—Couva/Tabaquite/Talparo, 13 electoral districts with approximately 121,000 electors. So, that is an average of 9,000 electors per electoral district in Couva/Tabaquite/Talparo. In Tunapuna/Piarco, 14 electoral districts, 141,000 electors, that is an average of 10,000 electors per electoral district in Tunapuna/Piarco. And it goes on, San Juan/Laventille, approximately 10,000 electors per electoral district; Princes Town, 8,000; Penal/Debe, 7,000 and Diego Martin, 8,000. So, in Trinidad there are 724,441 electors according to

the 2005 report with 89 electoral districts, but some have 10,000, some have 7,000, whereas in Tobago there are 36,000 electors, 12 electoral districts at an average of 3,000 per electoral district. Is it not time that a government or the EBC examine this serious anomaly existing in the unitary state of Trinidad and Tobago?

Mr. Dumas: Serious difference.

Dr. T. Gopeesingh: Marked difference. So you have somebody representing 3,000 citizens in Trinidad, a councillor or an alderman—Tobago House of Assembly, what do you call them, councillor in Tobago—and in Trinidad a councillor representing 10,000 people. Something is wrong!

So, that is one of the considerations I would expect that the Government should look into, and I am surprised that this did not come out in the consultation or if it has come out in the consultation, where are we going with that? So, why is it that a place like Tunapuna/Piarco with 141,000 people divided by three should have about 40-plus councillors, if we are to go by what is existing in Tobago? Therefore we should have many more councillors in Trinidad than we have at the moment. So, that is something for important consideration. This is why people feel they do not get the type of representation that they need because how can one councillor service 10,000 people with a difficult topographical or geographical terrain that exists in some areas in Trinidad? *[Interruption]*

Another point, the Municipal Corporations Act indicates that the electoral districts in municipalities remain fixed and that has remained fixed from time immemorial. In other words, people have moved away from cities and municipalities in some areas, more people have come in certain municipalities but the number of electoral districts has remained fixed. Why is there this constant number of electoral districts in certain municipalities? For instance, the city of Port of Spain has 12, but the number of people now living in Port of Spain according to this 2005 report is approximately 35,000 people. So, Port of Spain has about one councillor to every 3,000.

Mr. Callender: Why you did not make that argument first?

Dr. T. Gopeesingh: An argument? No, well, I am coming to it. It is a matter of prioritization of the argument. City of San Fernando has nine electoral districts, 46,000 people, so that is one in 5,000; Borough of Arima, approximately 24,000 electors, seven electoral districts; Point Fortin has six; Chaguanas has eight, but Chaguanas now according to this 2005 report has about 6,500 electors per electoral district.

So, the important point that I am making here is that it is time enough to change that aspect in the legislation to facilitate an equity in the allocation of electoral districts in municipalities, as well as in regional corporations, as well as in Tobago. So, if something exists in Tobago—12 electoral districts for 36,000 people—there must be no discrepancy in the municipalities in Trinidad and there must be no discrepancy in the representation in the regional corporations as well.

Hon. Member: [*Inaudible*]; go back to Port of Spain.

Dr. T. Gopeesingh: Now, why are you asking me to go back to Port of Spain? No, Port of Spain has people that moved out of the city so therefore where one councillor was able to serve approximately 4,000 or 5,000 previously, they are now only serving 3,000. So, I think the point has been made that this needs some serious consideration when we look at the question of this Municipal Corporations Act and any changes that are necessary to be made in it. So, I would like to ask this Government to seriously consider what must be done as far as this is concerned because there is inequity in the representation of the people from Tobago, difference between Tobago and in Trinidad, and even in Trinidad between the municipalities and the regional corporations.

Another point I would like to make, is the whole question of the local government elections. There is nowhere in this Constitution of Trinidad and Tobago or enshrined in the Constitution that says that local government election must be held at a particular time. There is nowhere in this Constitution which says that local government election must be held at a particular time, so anytime any particular government—I am not saying whether it is the PNM or UNC—can come and say, we are having no more local government elections and that is scrapped. We have had instances where we have seen that the hon. Prime Minister at the moment has indicated to some extent that he is not happy the way local government is being run and the whole arrangement with local government. So what prevents any Prime Minister or any government at any time from scrapping the whole question of local government and therefore there is no local government whatsoever again? So, on this side we are saying it is time for a responsible government to get it enshrined in the Constitution that local government elections must be held at a particular time.

My colleague, the Member for Princes Town North, made the point that the people of Tobago will be deprived of their constitutional rights if the present situation is allowed to continue and we pass this Bill today. I would like to just elaborate a little more on it and elucidate a little further. The last report that emanated from the Elections and Boundaries Commission (EBC) on the Tobago

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issue—he was searching for the time—was August 23, 2004. The last report of the EBC for the Tobago House of Assembly was August 23, 2004. So, therefore the next report—and it is on page vii No. II:

“The commission’s last report on the electoral area of Tobago was submitted to the hon. Minister of Local Government on August 24, 2000. Consequently, the deadline for the presentation of the instant report is August 23, 2004. The last election to the Tobago House of Assembly was held on January 29, 2001. In the normal course therefore, the next election thereto, becomes due not later than three months after the dissolution of the Assembly in January 2005.”

So the dissolution of the Assembly in Tobago should be in January 2009 as prescribed by section 22 of the Tobago House of Assembly Act, No. 40 of 1996. So, this report was submitted on August 23 and I believe it was laid in October.

Now, the EBC is supposed to have another report not less than two years but not more than four years after the submission of this report. So, the next EBC report should have been August 23, 2008. Why did the Government not take that into consideration when that report was not submitted? We heard the hon. Minister indicate—

[Mr. Imbert motions to Dr. Gopeesingh to give way]

Let me just make the point—that he received a letter from the EBC and I do not know what timing it was and then you had to seek the Solicitor General's approval. Could you not have allowed, while you are waiting, could the EBC not go ahead with its work in terms of determining the boundaries and so on in the shift of the citizens from one area to another while this is being determined?

Mr. Imbert: I thank the Member for giving way. What I had indicated in piloting this Bill was that the letter came from the EBC. The Chairman wrote to the Deputy Solicitor General just around the time that the 2008 report was required—in August 2008. So, as the deadline approached for the submission of the 2008 report, just around that time within a couple of days of that deadline, the Chairman of the EBC wrote the Deputy Solicitor General seeking advice, guidance and clarification. My information is that they have done most of the work. In fact, the Attorney General has now told me that they have done everything with respect to the preparation and submission of the 2008 report, but they were uncomfortable in actually submitting it because they felt that the law no longer allowed them to submit it. Okay?

Dr. T. Gopeesingh: Thank you, hon. Minister. We have confidence in the EBC and Mr. Masson is a very distinguished Chairman and the members of the

commission and I know that they work hard. I am happy to hear that the 2008 report is possibly completed, probably just waiting to be laid in Parliament, because it is important that this report be made public to the citizens of Tobago. I would like to give an example of why it becomes necessary for this 2008 report to be sent to Parliament and approved by Parliament after having gone through the President and whatever, so that the people of Tobago will have an understanding of where they are supposed to vote, in which polling division and in which electoral district.

To substantiate my point on this I would like to quote from XIII of the 2004 report of the Elections and Boundaries Commission—electoral districts in the electoral area of Tobago.

3.45 p.m.

After having viewed what happened between 2000—2004, the EBC realized that:

- “(a) the electorate in the 12 electoral districts of Tobago rose from 36,995 to 38,142, an increase of 1,147;
- (b) the highest electorate was 3,601;
- (c) the lowest was 2,693;
- (d) the highest electorate exceeds the lowest by 33.7 per cent...”

And according to the law it should not exceed more than 25 per cent.

- “(e) the lowest electorate being 2,693, the maximum electorate permissible is 3,366.”

Therefore, they needed to make adjustments in 2004, from 2000 because it did not satisfy the requirements under the law. This is the point we are making to the hon. Minister and to the Government, that what the Elections and Boundaries Commission (EBC) will find in 2008 is significantly different from 2004, therefore the status quo of the electoral districts in Tobago might not remain the same and people will be voting probably in another electoral district. The report said:

- “The following four electoral districts, the first three of which are concentrated in the south west of Tobago are above the maximum permissible.”

They named it Electoral District of Bethel/Patience Hill and the excess of the electorate was 114; Buccoo/Lambeau was 106; Canaan/Bon Accord, the excess number of the electorate was 223; and Mason Hall, Providence/Calder Hart—Calder Hall—*[Interruption]*

Hon. Members: [*Laughter*]

Dr. T. Gopeesingh: It is a fraudulent slip. You cannot have one man being the chairman of four different types of corporations—was 235 in excess.

Mr. Speaker, the EBC has made some substantial changes in the electoral districts and they went on to give about two or three pages of the rationale for the changes. I am sure the Members for Tobago West and Tobago East would have realized that in the 2004 election, the names of a number of electoral districts were changed as a result of the shift in the population in Tobago. For instance, in 2000, Bethel/Patience Hill was changed to Bethel/Mount Irvine. [*Interruption*]

Mr. Dumas: Can I remind you I laid that report in Parliament?

Dr. T. Gopeesingh: Right. Okay. Well, you are aware of it, so this is why it is important for us—[*Interruption*]

Mr. S. Panday: And you did not explain it to us.

Dr. T. Gopeesingh: Yes, you needed to do that. You should have made that point.

Mr. S. Panday: You are selfish.

Dr. T. Gopeesingh: Black Rock/Whim was changed to Black Rock/Whim/Spring Garden.

Mr. Abdul-Hamid: That was before you get sick.

Dr. T. Gopeesingh: Buccoo/Lambeau was changed to Buccoo Mount Pleasant and I could go on, but it is not necessary to go further with this. But the point is that between 2000 and 2004, the electorate changed in particular areas. There was a shift in the population, either people moved out of one particular area or people moved in; the number of voters or electors in one particular polling division may have changed, and therefore, the number of electors in a particular electoral district would have changed; and the election in 2004 had to be contested in a different nomenclature in terms of the electoral districts from what existed in 2000.

So therefore, you cannot allow the status quo of what existed in 2004 to be the same as in 2008. You cannot do that because between these four years there would have been enough shifts to even substantially change what existed in 2004, to what exists in 2008. You want to make a comment? Go ahead.

Mr. Callender: The point I wanted to make is that prior to that change, it might have taken about 10 years to make the difference. So I am confident that a change is not necessary right now.

Dr. T. Gopeesingh: Mr. Speaker, I hear what the Member for Tobago West is saying, but he must substantiate that by empirical data and the EBC will—you see, it is not a guess game. This is a scientific thing and election is scientific, and therefore, in 2008, the EBC must be able to give the figures. I am happy to see that the hon. Attorney General indicated to the Member for Diego Martin North/East that she believes that the EBC has done the work for 2008. *[Interruption]*

Mr. S. Panday: We want to see that.

Dr. T. Gopeesingh: Therefore, I would like to support my colleague on this side in indicating that—why do we not allow the EBC to continue the work; lay their report in Parliament; let us see what is happening in 2008, the difference between 2008 and 2004; and the election could be delayed for a short while so that the people of Tobago could feel assured that they are getting what is just due for them and what is right in terms of who they should be voting for and so on.

Mr. Speaker, there are a few other points I would like to make or ask some questions for some answers before I close. First of all, we want to ask the Government, through the hon. Prime Minister, to indicate to us or perhaps the Members from Tobago could tell us, were there significant consultations in Tobago as existed in Trinidad for the local government part or analogous Tobago House of Assembly elections? Do you want to respond?

Mr. Dumas: At one time you said the Prime Minister, now you said me, so I do not want to be—*[Interruption]*

Dr. T. Gopeesingh: Are you answering or the Prime Minister? *[Laughter]* Hon. Prime Minister, I asked the question: Were there significant consultations in Tobago—*[Interruption]*

Mr. Manning: I heard you.

Dr. T. Gopeesingh: You will respond? Can we get an answer on that? Do you feel satisfied because that is one of the areas that you all said needed to be undertaken in Trinidad for postponement of the local government election.

Mr. Dumas: No.

Dr. T. Gopeesingh: Well you can answer on behalf of the hon. Prime Minister.

Mr. Dumas: Mr. Speaker, the Member is confusing things. There is absolutely no necessity for consultation about an election. In the Trinidad case with the local government case, the Government has put forward substantive proposals for reform of the system, and therefore, there is quite a distinction between that and holding an election for a system that is existing and is not expected to change between now and election. Totally different situation.

Dr. T. Gopeesingh: I think I understand you, that here in Trinidad you are looking at reform of the system—[*Interruption*]

Mr. Dumas: Yes.

Dr. T. Gopeesingh:—and therefore, it is not an ipso facto situation in Tobago.

Mr. Dumas: Although—

Dr. T. Gopeesingh: Many times I heard you mention that Tobago is different. Mr. Speaker, through the hon. Prime Minister, can we not consider a system like that for Trinidad and Tobago? A system whereby you have the regional corporations almost like a Tobago House of Assembly team, given their own funding for them to run the affairs just like the Tobago House of Assembly runs its affairs? I do not know if that would have come up in the consultations where you had more than 3,000 people giving some answers to it.

Mr. Manning: Thank you very much, Mr. Speaker. That has been at the heart of the discussions that we have been having and there are some philosophical issues in that and the implications of too high a level of autonomy in Trinidad where you do not have the same considerations as you have in Tobago. One of the things that we have to guard against is the fragmentation of Trinidad or Trinidad and Tobago on the basis of a constitutional arrangement that effectively creates a number of fairly autonomous states within the political arrangements in Trinidad and Tobago.

But I can tell you, the Draft Constitution in which all these things are agreed, the team will have its final meeting tomorrow morning and very shortly we will come to the Parliament with a document. The document is now ready and there will be widespread consultations. As we said with respect to Tobago, we will now begin consultations in Tobago separately from what we have done in Trinidad and as we go on after the consultations in Tobago, we will make separate proposals for the Tobago arrangements.

Mr. S. Panday: Mr. Prime Minister, may I kindly ask you a question. Is the Government taking steps to prevent the fragmentation of the unitary state of Trinidad and Tobago?

Mr. Manning: Well, we have always made it clear, the position of the PNM really is that the bottom line for us is the preservation of the unitary state. We have always made that clear and whatever we have done in the past, we sought to preserve the unitary state of Trinidad and Tobago and as of now that has not changed.

Mr. S. Panday: Can we take whatever steps to make sure that—*[Interruption]*

Mr. Manning: As of now, that has not changed.

Mr. Speaker: I hope you realize that you got away with something there that you should not have gotten away with, but go ahead.

Dr. T. Gopeesingh: Well, I think the Prime Minister is willing to answer some of the questions, which are on the population at the moment. I want to ask whether the work that has come out and will probably be given to the nation pretty shortly, has emanated from the massive consultations that were being undertaken throughout Trinidad and Tobago recently.

Mr. Manning: You must remember that we started off with two documents. One is a document from the Principles of Fairness Committee and one is a document that was done by Sir Ellis Clarke, and both of them were used as a basis for consultation. On the basis of those consultations that have taken place, the round table has been convened and the round table has had discussions, and a document is coming out which we will now use as a basis for further public consultations. The consultation process will take about a year. It will take quite a long time because we intend to go to every nook and cranny of Trinidad and Tobago on the matter.

Dr. T. Gopeesingh: That being subsequent to you presenting the round table findings.

Mr. Manning: No, it is not findings. Let me make it clear, it is not the findings of the round table. It is a document arising out of discussions at the round table, arising out of discussions.

Dr. T. Gopeesingh: Remember, hon. Prime Minister, there was a little problem where a number of persons had indicated that when you spoke about a Constitution, many people said it was the Prime Minister's constitutional thinking and not a round table constitution. But I think it is the round table now. You clarify that because many people thought it was your thinking alone and not—*[Interruption]*

Mr. Manning: But you should know that whatever I do there will always be those who will put that kind of spin on it. Are you not aware of that? You must do like me, you must ignore all of them including yourself from time to time. *[Laughter]* *[Desk thumping]*

Dr. T. Gopeesingh: I cannot ignore myself. I will not be alive. Well, I am very happy and gratified to know that this paper that will come out is from the round table discussions and you will be able to go through subsequent consultations throughout Trinidad and Tobago. As we were on that, I wanted to ask you as well, through you, Mr. Speaker, remember in one of your discussions here when we were discussing, I cannot remember the exact Bill, and you had presented the four reports from the consultants, is it Mr. Hamilton—*[Interruption]*

Mr. S. Panday: The consultant reports.

Dr. T. Gopeesingh: The consultant reports from Jamaica, Trevor Hamilton. Let me conclude this point. You said that you were going to lay the report in Parliament and I would have thought that the Government having gotten those four reports by Hamilton and Associates, would have used that in conjunction with what was existing, the White Paper and Green Paper as part of the national consultation, but obviously I do not think that was part of it, so could you inform us.

Mr. Manning: You will remember that we made one point very clear that there was not an agreement on the responsibility of local government. In fact, what the consultants had done, has proceeded on the basis of its own determination of the responsibilities as local government to proceed with legislation, all the other arrangements designed to put a new system in place. We did not agree with the responsibilities, and therefore what we did, we published a Green Paper on the responsibilities of local government only and used that as a basis for consultations in every local government district. There were 14 of them, and in fact in the Ministry of Local Government, arrangements were set up to now deal with this whole question of local government reform. And I can tell you substantial progress has now been made to the point where very shortly we will be able to come back to Parliament with a whole new set of proposals on local government, facilitating the holding of local government elections on time.

Dr. T. Gopeesingh: I got your point about the local government reform in terms of the responsibilities within the local government bodies themselves. What about the role of the Government vis-a-vis, the regional bodies in terms of their constitutional arrangement? How do you see the Government as a facilitator or not a facilitator of the management of these regional bodies?

4.00 p.m.

Mr. Manning: What will be the responsibilities of local government, and what are the administrative arrangements by which those responsibilities would be carried out are really at the heart of Local Government Reform and that is coming.

Dr. T. Gopeesingh: I am sure the population has been brought to light on how far this consultation is going, and I am happy you have answered some of the questions, and we appreciate your answer on this.

Mr. Speaker, before I close my contribution, there is one other area. It has come to our understanding that the Tobago House of Assembly's financial statements from the Auditor General as far as we understand are probably up to 2003 or 2004 and, therefore, we do not feel comfortable in terms of the lack of audited financial reports from the Tobago House of Assembly for the last three or four years.

Can anyone on the Government side elucidate us in terms of the Auditor General's statement so the population can have an idea of how the money is spent, and whether the Auditor General has looked at it and believed that the Tobago House of Assembly has satisfied the citizens of Trinidad and Tobago in its expenditure? We believe the last one was 2003/2004; we stand to be corrected.

Mr. Speaker, I do not think there is anything I need to speak about on this Bill because there are many issues—we are talking about the Trinidad problem at the moment, but this Bill really touches on Tobago and I would like to suggest that we can allow the EBC to continue the work, present its report, and as soon as it is presented and laid in the House, we can give the assurance that we are completely satisfied and they can move on with the election process.

The 2004 election was held notwithstanding what is happening now and what you are trying to change, so why can the 2008 election not be held and the report submitted to Parliament notwithstanding the existing legislation?

Mr. Manning: The answer to that is that the Elections and Boundaries Commission is independent and it is not prepared to do it.

Dr. T. Gopeesingh: It is not prepared to do it?

Mr. Manning: No.

Dr. T. Gopeesingh: What is the EBC asking for?

Mr. Manning: It is asking for exactly what we are doing today; putting that piece of legislation in place to facilitate the holding of the election.

Dr. T. Gopeesingh: Did you not ask the EBC how it was facilitated in 2004 and it does not want to facilitate it in 2008? You are the responsible Government.

Mr. Manning: They were not aware then, they are aware now.

Dr. T. Gopeesingh: All right. Mr. Speaker, I had made some points at the beginning of my contribution and I would like the Government to seriously consider them in terms of the inequity as far as the consultation goes. I would like the Government to take this into consideration. The inequity in representation between Tobago and Trinidad; 1:3,000 versus 1:10,000 and the disparity existing in Trinidad between the Municipalities and the regional corporations, some being 1:3,000 and some 1:10,000.

The last is why do we have to keep the municipalities electoral districts fixed and why can we not change them depending on the formula that should be made to bring about this equity?

Mr. Manning: Mr. Speaker, thank you very much for your kind indulgence. The Local Government Reform deliberations are very comprehensive and wide-ranging and those deliberations are taking all of that into account. It is a whole new arrangement, much more equitable than it has been in the past and taking into account precisely the point you have just made.

You know in the final analysis the Parliament approves boundaries, the Elections and Boundaries Commission makes a recommendation on boundaries to the Parliament and that too is taken into account. I can tell you that the proposals that are emerging call for significantly expanded municipalities in terms of population, where possible reducing the size of the regional corporations with both having the same functions and with the same administrative structure.

Dr. T. Gopeesingh: I hope that while they are waiting for this consultative process to continue this will not delay the local government election in Trinidad for another year.

Mr. Manning: I just made the point that we are on time.

Dr. T. Gopeesingh: Well, we are gratified as a population that most likely, the next local government election will not be postponed to a subsequent time and it will be held at the appropriate time so the population could be aware of what is happening.

Mr. Speaker, thank you very much for allowing me to make these points.

The Minister of Works and Transport (Hon. Colm Imbert): Thank you very much, Mr. Speaker, and I want to thank all Members opposite for their cooperation notwithstanding their “picong” thrown, it is clear that the hon. Members opposite really wish to resolve this matter.

Let us deal with some issues. I think I better put on the record that the mischief was created in 1990, so that by way of the Municipal Corporations Act of 1990 which was passed by another administration—none of whose Members are represented here today—that was the NAR administration of 1990 under Act No. 21 of 1990. The famous or infamous Municipal Corporations Act which abolished the county council system.

When the then NAR government was in process of enacting that Act it was then these mistakes were made and I have come to that conclusion based on a letter. Let me clarify something, although the Chairman of the EBC had written to the Deputy Solicitor General indicating that he had consulted with Madam Justice Permanand, and had described her as the Chairman of the Law Revision Commission, that was an error on his part. In fact, at the time the Chairman of the Law Revision Commission was Deo Bhagowtee. I just want to clear that up for the record. He had made a typographical error when he wrote that letter.

The Chairman of the Law Revision Commission, Mr. Deo Bhagowtee, in August, 2008 had in fact apprised Mr. Cayenne, the Chief Elections Officer, of what took place and indicated that the changes in fact started in 1980 but were confirmed or completed in 1990, so it is Act No. 21 of 1990. It is Act No. 21 of 1990 that deleted subrule 2(2) with respect to 12 electoral districts in the electoral district of Tobago. It is in that Municipal Corporations Act that the rule with respect to electoral districts in Tobago was deleted, and in addition, Act No. 21 of 1990—and I am reading from a letter written by Mr. Bhagowtee to Mr. Cayenne on August 13, 2008.

Act No. 21 of 1990 repealed the First Schedule which contained three parts; Parts I, II and III in its entirety and replaced it with a new First Schedule which contained only two Parts; Part I and Part II. The 1990 Act also amended the definition of electoral area and removed the reference to Tobago.

So it seems that something was going on in 1990 when they introduced the Municipal Corporations Act and it was during the process of that legislation that all the things happened. So this happened 18 years ago and it was done by another government so I just want to set the record clear with respect to that.

With respect to the extension, it is not possible. The reason being that unlike the municipal corporations, when we extended the life of them, the corporations

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were still alive, they were still in existence; they had not expired or come to an end. We came to the Parliament before the expiry date and extended the life. The Tobago House of Assembly was dissolved on November 01, 2008 so it no longer exists, so there is nothing to extend unless we practise some kind of reincarnation, there is nothing we can do with respect to that Assembly. So on the face of it; it would appear that we cannot extend the life of the Assembly because it is gone. Unlike the local government bodies—

Mr. Sharma: If you announce the date of the election later you will get around it.

Hon. C. Imbert: I will come to that in a little while; just let me complete this point. So the Tobago House of Assembly was dissolved on November 01, 2008 by Proclamation I guess, and the Act states that you have three months within which to hold an election. So I was right that an election is to be held by January 31, 2009 because the three-month period expires on February 01, 2009 and you have the 35 days counting backwards from January 31, 2009 which takes you into December probably around December 25 or 26, 2008.

To answer the question raised by the Member for Fyzabad, because of the time lines involved, the date for the election must be announced around December 20, 2008 so you just do not have any flexibility here whatsoever.

Mr. Sharma: Except you can announce it at a later date rather than the immediate date. For instance, you can announce it before December 20, 2008 that election would be in July 2009.

Hon. C. Imbert: Unfortunately, the Act is unambiguous. The election must be held by January 31, 2009 it cannot be held after that, okay.

Mr. S. Panday: Minister, why can we not amend the law to change the date of election so we will give the EBC sufficient time to do its work?

Hon. C. Imbert: We could do that but hon. Members opposite complained about tinkering with the law and so forth, I would think that would be a more drastic form of tinkering and you could be accused of denying the legitimate expectations of Tobagonians who want to have election.

I am saying we can do all sorts of things, we could amend the law as we are seeking to do today to allow the 2004 Report to be used, or we could change the law so that the period of time after dissolution before—*[Interruption]* I am just saying there are all sorts of things we can do but unbalanced. In our view, it would not be prudent to extend the time after dissolution before an election is held

because there will be a very long period where Tobago will be functioning without a duly constituted Assembly. I am just saying this is our view, you may hold a contrary one, and you may be of the view that we should not do that and extend the period to hold election. We do not hold that view.

Dr. Gopeesingh: Thank you very much. Hon. Minister, would you then be saying that for the conduct of the Tobago House of Assembly election in January, we will be using the boundaries and electoral districts as applied in 2004? If that is so, are you aware that there will be disastrous consequences because of movement of people? Are you prepared to tolerate that?

Hon. C. Imbert: Mr. Speaker, without having intimate knowledge of the 2008 Draft Report, I am not advised that there will be any disastrous consequences. There may have been some population shifts, but I am advised there is not anything radical that would create a catastrophe.

Mr. S. Panday: Were you officially advised?

4.15 p.m.

Hon. C. Imbert: I am not intimately familiar with it; I am simply telling you I am so advised and it is because I am advised, or we are advised—let us put it that way; let me not speak for myself. The Government is advised that there have not been radical changes to the point that it will create a political cataclysm in Tobago if the 2004 report was used.

But of course, I just want to let hon. Members know—and certainly the Member for Caroni East—I mean, your points are valid. There would have been changes in the population since 2004; of course, there would have been. The 2004 districts and boundaries may or may not be an accurate representation of the situation today. That is a fact, but in these situations you always have to make a judgment and all things being considered, it is the view of the Government that we should proceed on the basis that we are proposing today, that we allow the EBC to use the 2004 report.

Of course, there will be issues. The Attorney General has now advised me—actually reminding me, because we had a meeting where the Chief Elections Officer was present and the information we have is that the EBC is minded to use the 2004 report. They are an independent body and I do not think we should try to second guess them. If they are going to use the 2004 report, in all the circumstances we believe that we should accommodate them.

The other issues that were raised with respect to time and so on, of course, the Government does not like to come at the eleventh hour and deal with legislation

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of this nature; it is certainly not something that we wish to do. We had deliberated on this for quite a long time; we sought to avoid a situation where Parliament would have to be convened at short notice and so on. Yes, we had thought about this but, on balance again, we thought it was necessary to come to this House to address this matter and to ensure that there is no legal challenge. Because what we are trying to avoid—and I want to make this absolutely clear that what we are seeking to avoid is a legal challenge to the validity of the 2009 Tobago House of Assembly election. And all the advice we have received from all the lawyers in the Attorney General's office, the people of the Chief Parliamentary Counsel, that if we do not do this, we are advised that there could be a pre-emptory challenge to the forthcoming Tobago House of Assembly election. Therefore, being a responsible Government, we see no alternative but to do what we are doing today. That is basically it.

Just to clear something up that the Member for Caroni East said; it is in the Senate that you require a 15-day notice period; in the House it is five days. I know he has a lot of experience in the Senate and it is 15 days there; in here it is five days. Also, there is quite a practice in this House of taking Bills through all their stages if the need arises. As the Speaker has just reminded me, the Standing Orders actually provide, in this House, for bills to be taken through all their stages—

Dr. Gopeesingh: You must admit it must be reasonable.

Hon. C. Imbert: I am not fighting with you, you know; nobody is fighting with you. The points made on the other side are extremely valid. I am very grateful for some of the points made on the other side and, in fact, I learnt some things myself. In the impromptu exchange between Members opposite and the hon. Prime Minister, I think I and the entire population were very well-educated today and they are very grateful for the interventions made by the Members opposite.

Finally, I received a note from the hon. Member for Tobago West who has advised me that there are wide-ranging discussions taking place in Tobago now with respect to the whole concept of the Tobago House of Assembly Act, so that persons in Tobago are not sleeping on this matter. They view the overhaul of the THA Act as something very important to them and there are wide-ranging discussions taking place in Tobago now which could lead to a comprehensive review and overhaul of the Elections and Boundaries Commission Act.

I intend to move some amendments at the committee stage which are being circulated and I now beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: May I bring to the attention of Members that what we are dealing with when we get to it, the amendments would be what are called the supplementary amendments. So that is the second list that was circulated.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Mr. Chairman: There is an amendment which has been circulated.

Dr. Gopeesingh: We are a little confused at the moment. What part is this amendment taking? We are not finding it easily. Could you help us with that clause 2?

“Insert after the words “(Amendment)” the words “(Tobago House of Assembly)”.

Mr. Imbert: No, look at the original Bill before the House today and look at clause 2 of that Bill.

Dr. Gopeesingh: Which says:

“In this Act, ‘the Act’ means the Elections and Boundaries Commission (Local Government) Act.”

That is the interpretation. Clause 2 is the interpretation.

Mr. Imbert: Just a minute, Member. I agree with you; it is a bit confusing. Mr. Chairman, this is a typo. That was, in fact, the amendment to clause 1. So we have to go back to clause 1. In the supplementary list, what is clause 2 should be clause 1.

Mr. Chairman: Hon. Members, we will revisit clause 1. Apparently there is no amendment to clause 2, but there is, in fact, an amendment to clause 1.

Clause 1 recommitted.

Question again proposed, That clause 1 stand part of the Bill.

Mr. S. Panday: Mr. Chairman, we are dealing with the proposed clause 8?

Mr. Imbert: We are on clause 1.

Mr. S. Panday: I apologize to you.

Mr. Imbert: Mr. Chairman, I propose that clause 1 be amended as circulated in the supplementary list. It reads as follows:

Insert after the words “(Amendment)” the words “(Tobago House of Assembly)”.

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I would like to point out, Mr. Chairman, what is numbered as 2 should be numbered as 1 on the supplementary list.

Question put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clauses 2 to 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Imbert: Mr. Chairman, there is an amendment to clause 7 which reads as follows:

Insert after the words “and 2004” the words “, and all acts or things done pursuant to the Reports.”

Dr. Gopeesingh: We are having a little difficulty with the words “or things”. That is a very ambiguous word; it is vague and a number of things can be included in that. Is there another word that you may want to use?

Mr. Imbert: I am advised that is a term of art; “all acts or things” is legal language.

Mr. Chairman: I am sure the hon. Member is familiar with it.

Dr. Gopeesingh: A lot of things could be introduced under the heading “things”.

Question put and agreed do.

Clause 7, as amended, ordered to stand part of the Bill.

New Clause 8.

Mr. Imbert: Mr. Chairman, I propose a new clause 8 which reads as follows:

Insert after clause 9 the following clause:

<p>“The 2004 Order to subsist for the Tobago House of Elections, 2009</p>	<p>8. Notwithstanding sections 4(2)(c) and 4 (6) of the Act and any other written law, for the purposes only of the Tobago House of Assembly elections in 2009, the Elections and Boundaries Commission (Local Government) (Tobago House of Assembly) Order, 2004, shall subsist and remain valid and effectual for the aforementioned elections.”</p>
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New clause 8 read the first time.

Mr. S. Panday: Mr. Chairman, we have heard the debate today and we are legislating to use an outdated report for the purposes of an election in 2009. I have not had enough time to really analyze it, but I know that at times we do not know if the right to vote or that vote could be deemed your property. But section 53 of the Constitution says:

“Parliament may make laws for the peace, order and good government in Trinidad and Tobago.

Are we really making good laws for peace, order and good government in passing legislation to give effect to an outdated report for a future election, which may not reflect the true situation as it exists at this present time?

Mr. Chairman: Before you answer, this clause should have been read a second time.

Question proposed, That the new clause be read a second time.

Mr. Manning: The question was answered earlier in the deliberations when we said that the changes such as have taken place, our information is that those changes are not substantial enough to do any violence, really, to the arrangements that we are now putting in place today. That is our understanding of that situation.

Mr. S. Panday: Mr. Prime Minister, what the hon. Member for Diego Martin North/East said, he said, “as far as I am advised”. That is why I am asking: Has he been officially advised? Are we creating a situation where we could end up in court?

Mr. Manning: The answer is no; that is not our information at all. In fact, I have held discussions with the Elections and Boundaries Commission on this matter—

Mr. S. Panday: And they have told you, Mr. Prime Minister?

Mr. Manning: The proposals that are before the Parliament today are the recommendations of the Elections and Boundaries Commission.

4.30 p.m.

Mr. S. Panday: Mr. Prime Minister, did they consider this aspect where you would have raised it in Parliament?

Mr. Manning: I could only conclude that they have. I met with the Chairman of the Elections and Boundaries Commission on this matter last week.

Mr. S. Panday: Mr. Prime Minister, did he tell you that we have considered the situation where we are going into a 2009 Elections in the 2004 report?

Mr. Manning: He said that they had examined all aspects of it and they wanted to advise that they were not prepared to hold Elections unless this was put in place.

Mr. S. Panday: Mr. Prime Minister, I humbly submit that that is an omnibus statement.

Mr. Manning: The Elections and Boundaries Commission is known to be competent.

Mr. S. Panday: Known to be competent?

Mr. Manning: Yes. They are known to be competent. [*Laughter*]

Mr. Chairman: In your supplementary amendment, it is not after clause 9, but after clause 7. There is a little typo.

Mr. Imbert: The Attorney General has asked out of an abundance of caution that the marginal note in the proposed clause 8 should read, “The report and the 2004 Order to subsist for the House of Assembly...”

I beg to move that we report progress to the House.

Mr. Chairman: Hon. Members, we shall report progress to the House.

House resumed.

PROCEDURAL MOTION

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I wish to report that the Bill was considered in committee. The committee has not completed its business.

I also beg to move that we continue to sit until the completion of Committee Stage and the third reading of this Bill and we suspend Standing Order 10(2).

Question put and agreed to.

ELECTIONS AND BOUNDARIES COMMISSION (LOCAL GOVERNMENT) (AMENDMENT AND VALIDATION) BILL

Committee resumed.

Mr. Imbert: Mr. Chairman, as I indicated, we wish to amend the marginal note in the proposed clause 8 to read, “the report and the 2004 Order to subsist for the Tobago House of Assembly Elections 2009”.

In the body of the clause itself, clause 9 should be clause 7. That is a typo. We want to add the words that will allow the 2004 report as well to be valid and effectual. In the sixth line after 2009, we want to add the words “the report and”.

Dr. Gopeesingh: If you want that, look at the fourth line before the end. Put it there. It is editorial.

Mr. Imbert: The report comes first. I will read the proposed amended clause:

“Notwithstanding sections 4(2)(c) and 4(6) of the Act and any other written law, for the purposes only of the Tobago House of Assembly Elections in 2009, the report and the Elections and Boundaries Commission (Local Government) (Tobago House of Assembly) Order, 2004, shall subsist and remain valid and effectual for the aforementioned Elections.”

After 2009 and the comma we insert the words, “the report and”.

Question put and agreed to.

Question proposed, That the new clause, as amended, be added to the Bill.

New clause added to the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I beg to move that this House do now adjourn to Friday December 05, 2008, at 1.30 p.m.

That will be Private Members’ Day. The Acting Opposition Chief Whip has agreed very kindly to suspend all matters on the Adjournment.

I thank all Members opposite for their cooperation. I truly appreciate the manner in which you assisted us with the Bill today.

Mr. Manning: The Government appreciates.

Hon. C. Imbert: The Government. I am constantly reminded that I am speaking on behalf of the Government. The Government appreciates the cooperation of the Opposition.

Adjournment

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Dr. H. Rafeeq: On Friday we would deal with Motion No. 2 under Private Business. That is the Motion dealing with food prices.

**Children (Amdt.) Bill
(Special Select Committee)**

Mr. Speaker: Before I put the question on the Adjournment, on the last occasion I did indicate that I would name the Members of the select committee. In accordance with Standing Order 77(1), I hereby appoint the following Members to serve on the Special Select Committee established to consider and report on the Children (Amdt.) Bill, 2008:

Mr. Colm Imbert

Dr. Amery Browne

Mr. Peter Taylor

Miss Marlene Mc Donald

Dr. Dhanraj Gopeesingh

Miss Mickela Panday

In accordance with Standing Order 77(2), the quorum of this Committee would be four.

Mr. S. Panday: Mr. Speaker, I want to kindly ask the Member for Diego Martin North/East, if this is the end of the Government's agenda for this session.

Mr. C. Imbert: No. We plan to have a sitting on December 12, 2008. You will be advised appropriately of our final plans on Friday.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.40 p.m.