

Leave of Absence

Friday, October 15, 2010

HOUSE OF REPRESENTATIVES

Friday, October 15, 2010

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the following Members, requesting leave of absence from sittings of the House: Hon. Kamla Persad-Bissessar, Prime Minister and Member of Parliament for Siparia, from today's sitting of the House; Hon. Nizam Baksh, Member of Parliament for Naparima, from sittings of the House, during the period October 10 to October 21, 2010; Hon. Stephen Cadiz, Member of Parliament for Chaguanas East from today's sitting of the House; Hon. Dr. Surujrattan Rambachan, Member of Parliament for Tabaquite, from today's sitting of the House. The leave which the Members seek is granted.

APPOINTMENT OF COMMITTEES

Public Accounts Committee

Public Accounts (Enterprises) Committee

Statutory Joint Select Committees

Mr. Speaker: Hon. Members, I wish to read the following correspondence from Sen. Timothy Hamel-Smith, President of the Senate, dated October 12, 2010:

“Honourable Wade Mark, MP
Speaker of the House of Representatives
Office of the Speaker
Office of the Parliament
The Red House
PORT OF SPAIN

Dear Mr. Speaker,

Please be informed that at a sitting held on Tuesday October 12, 2010, the Senate agreed to the following resolutions which were moved by the

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honourable Minister in the Ministry of National Security and Leader of Government Business in the Senate:

- (i) That the following five Members be appointed to serve with an equal number from the House of Representatives on the Public Accounts Committee:

Mr. Anand Ramlogan

Mr. Vasant Bharath

Mr. Danny Maharaj

Mr. Ted Roopnarine

Mrs. Corinne Baptiste-Mc Knight

- (ii) That the following five Members be appointed to serve with an equal number from the House of Representatives on the Public Accounts (Enterprises) Committee:

Mr. Subhas Panday

Mr. Fazal Karim

Mr. Embau Moheni

Mr. Fitzgerald Hinds

Mr. Basharat Ali

- (iii) That the following six Members be appointed to serve with an equal number from the House of Representatives on the Joint Select Committee established to enquire into and report to Parliament on Municipal Corporations and Service Commissions (with the exception of the Judicial and Legal Service Commission) on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

Brig. John Sandy

Mrs. Therese Baptiste-Cornelis

Mr. David Abdulah

Miss Shamfa Cudjoe

Mr. Subhas Ramkhelawan

Mr. Elton Prescott, SC

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- (iv) That the following six Members be appointed to serve with an equal number from the House of Representatives on the Joint Select Committee established to enquire into and report to Parliament on Ministries with responsibility for the business set out in the Schedule as Group 1, and on the Statutory Authorities and State Enterprises falling under their purview, with regard to their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

Mr. Emmanuel George

Mrs. Rudrawatee Nan Ramgoolam

Mr. Danny Maharaj

Mr. Faris Al-Rawi

Mrs. Corinne Baptiste-Mc Knight

Prof. Harold Ramkissoon

- (v) That the following six members be appointed to serve with an equal number from the House of Representatives on the Joint Select Committee established to enquire into and report to Parliament on Ministries with responsibility for the business set out in the Schedule as Group 2, and on the Statutory Authorities and State Enterprises falling under their purview, with regard to their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

Mrs. Mary King

Mrs. Lyndira Oudit

Mr. Kevin Ramnarine

Dr. Lester Henry

Dr. Victor Wheeler

Dr. James Armstrong

Accordingly, I respectfully request that you cause this matter to be brought to the attention of the House of Representatives at the earliest convenience.

Yours respectfully,

Sen. The Hon. Timothy Hamel-Smith
President of the Senate”

Petition

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PETITION

The Way of Trinidad and Tobago

The Minister in the Ministry of Education (Hon. Clifton De Couteau):
Mr. Speaker, I wish to present a petition on behalf of the members of The Way of Trinidad and Tobago of Knolly Street, Princes Town, in the island of Trinidad, Republic of Trinidad and Tobago, hereinafter referred to as “The Way”.

The petitioners are desirous of constituting “The Way” into a corporate body by Private Bill, so that its aims and objectives could be more effectively achieved.

I shall now ask that the Clerk be permitted to read the petition.

Petition read.

Question put and agreed to.

ORAL ANSWERS TO QUESTION

Offshore Patrol Vessels

(Government’s Contract Position)

5. Mr. Colm Imbert (*Diego Martin North/East*) asked the hon. Minister of National Security:

- (a) Has the Government taken a decision to terminate or vary the contract with BAE Systems for the supply of three Offshore Patrol Vessels (OPVs), to the extent that all or some of the vessels will no longer be acquired;
- (b) If the answer to part (a) is in the affirmative, is the Government aware that the acquisition of these three OPVs and the associated expansion of the Trinidad and Tobago Coast Guard were designed to stop international drug traffickers from using Trinidad and Tobago and the Eastern Caribbean as a transshipment area for illegal drugs and to stop the importation of illegal drugs and guns into Trinidad and Tobago; and
- (c) If the answer to part (b) is in the affirmative, what alternative countermeasures is the Government putting in place to stop the transshipment and/or importation of illegal drugs and guns in Trinidad and Tobago?

The Minister of National Security (Sen. The Hon. Brig. John Sandy):
Thank you, Mr. Speaker. The proposed response of the hon. Minister of National Security to question 5, submitted by the hon. Member for Diego Martin North/East, is as follows—please note that the question carries three parts.

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

Mr. Speaker: You are giving an answer to the question and not a proposed—

Sen. the Hon. Brig. J. Sandy: Mr. Speaker, having thoroughly reviewed the OPV programme and its transactions to date, the Government determined that, based on BAE's serious and persistent delays and technical deficiencies, the interest of the Government of the Republic of Trinidad and Tobago was not being best served and, therefore, the Government should exercise its contractual rights of cancellation.

Hon. Members are advised that, consequently, Cabinet, on September 16, 2010, agreed that the Minister of National Security, the Minister of Finance and the Attorney General take steps as necessary to terminate all contractual arrangements with respect to the procurement of three offshore patrol vessels for use by the Trinidad and Tobago Coast Guard. The notice of cancellation was served on September 17, 2010 and there is a 30-day notice period before it becomes effective.

In making this decision, significant consideration was given to the following background information. With a contract of this size and importance and with major delays already announced in BAE's delivery obligations, it was incumbent on the new Government, when it took office, to instigate a review of the OPV project. It was clearly vital that the new Government re-evaluate the contract in light of the issues that persisted.

During the early months of 2010, concerns had been raised surrounding the capability of the OPV Combat System. At this stage, OPV1 was already more than nine months late because of other problems for which BAE was responsible and BAE had announced anticipated delays with the other two vessels.

1.45 p.m.

These concerns, crystallized with sea trials for OPV1 in May, when it became clear that BAE was unable to demonstrate that the combat system had the required capabilities. These are capabilities that BAE were able to provide in the contract for all three vessels.

BAE made proposals that the Government take delivery of the defective vessels. This is despite the fact that the combat system defects would materially prejudice the operational capabilities of these vessels. However, BAE's proposals for rectification after delivery did not provide the Government with sufficient assurance that BAE knew, with any certainty, either how or when it would be able to resolve the problem.

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Faced with yet further delayed delivery dates announced by BAE in August, the Government came to the conclusion that there was too great a risk that the project would fail to meet its strategic objectives. This is particularly disappointing, given the enormous effort and resources invested in this project over many years. But, the interest of the Republic of Trinidad and Tobago remains paramount and cannot be compromised through its acceptance of vessels which cannot perform to the agreed specification. In cancelling this contract, the Government is exercising contractual rights expressly negotiated and agreed with BAE. These are rights designed to protect the Government in circumstances, where the Government is left with no other remedy.

Press reports that the Government has been saddled with a \$3 million debt to BAE are completely wrong. If the Government were cancelling the contract for its own convenience, then it would owe money to BAE, but this is not the case. The Government is cancelling by reason of BAE's default. Because of the delays, damages of over \$61million are already now overdue and payable by BAE, to the Government of Trinidad and Tobago. Additionally, when the cancellation notice takes effect, the Government will become entitled, among other things, to a significant refund of moneys paid to BAE for the undelivered vessels.

The answer to part (b): With respect to the question on whether Government is aware of the previous government's justification for acquisition of the offshore patrol vessels. The answer is in the affirmative; this Government is aware of that information.

There was, in the first instance, a head contract. This was executed between the Government of the Republic of Trinidad and Tobago, the Government of the United Kingdom of Great Britain and Northern Ireland and VT Shipbuilding International. This head contract draws together three other contracts associated with the design, construction and supply of three offshore patrol vessels for use by the Trinidad and Tobago Coast Guard.

Secondly, there was the execution of three subcontracts. One is a Government contract. This contract was executed between the Secretary of State for Defence for the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Trinidad and Tobago. Under that contract, the Government of the United Kingdom would provide the Government of Trinidad and Tobago with independent professional advice on the progress and performance of the OPV project. To that end, the Government of the United Kingdom would provide independent advice on the design and construct of three OPVs and would offer advice on the vessel acceptance process. The cost of this contract was \$50 million and it is being implemented on a cost recovery basis only.

The second is a shipbuilding contract. This contract was executed between the Government of the Republic of Trinidad and Tobago and the shipbuilder identified by the Government of the United Kingdom to design and construct the three OPVs, VT Shipbuilding International.

This contract has two associated arrangements: maintenance support programme and a crew training programme. The price of the vessels is \$1,450,000,000. The training price is \$84 million and the maintenance support price is \$463 million. The first offshore patrol vessel would be delivered in 24 months. That would have been in March 2009. The second vessel would be delivered seven months later, in October 2009 and the third vessel to be delivered 10 months thereafter, in August 2010.

The third is an interim facility contract. This contract was executed between the Government of the Republic of Trinidad and Tobago and VT Shipbuilding International for the supply of two interim vessels for Trinidad and Tobago Coast Guard. The price of this contract is \$132 million. Moreover, given the urgency with which the Government of the Republic of Trinidad and Tobago required additional maritime capacity and in view of the fact that it would take up to two years for the delivery of the first OPV, the government agreed then to acquire, while the OPVs were being constructed, two interim vessels which would be appropriately modified to discharge the mandate of the Trinidad and Tobago Coast Guard. The two vessels were to be delivered in October 2007.

Subsequently, the then Minister of National Security, in a statement delivered in the Lower House on January 23, 2009, entitled: Supplementary Responses to Questions Emanating from the First Meeting of the Finance Committee of the 2009 Session of the House of Representatives of the Republic of Trinidad and Tobago held on Wednesday, January 14, 2009, advised that the contract effective date for the three OPVs was May 15, 2007. He also informed of the following adjusted acceptance dates for the three vessels. They were now November 2009, a delay of six months; OPV 2, May 2010, a delay of three months; OPV 3, November 2010, a delay of one month. Mr. Speaker, therein was born the breach of contract.

According to the then Minister of National Security in the said statement, the causes for the delays given by BVT were due to a number of factors including: late information supplied to production areas and late 'A' bracket delivery, which is on the critical path. The 'A' bracket is an underwater component of the OPV that upholds the vessel's shaft and propeller.

He advised further that the Government of the Republic Trinidad and Tobago had been assured by BVT that all efforts were being made to avoid further delays

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of the given planned acceptance dates. Those dates, as well, were not kept. Had they been kept when this new Government took office, we would have had two OPVs in Trinidad and Tobago.

Hon. Members are asked to note that the decision to terminate the programme was a difficult one and one which was preceded by extensive deliberations among the key stakeholders. In the end, this Government was insistent on ensuring that the country's resources are used in the most effective way possible.

In light of this decision, Cabinet has agreed to the undertaking of a review of the complete range of the country's naval and aviation assets to determine the mandatory operational needs of both the Trinidad and Tobago Defence Force and the protective services, with a view to supplementing same, if necessary.

Accordingly, hon. Members are advised that I, as Minister of National Security, mandated the Chief of Defence Staff to undertake a review of the operational needs of both Trinidad and Tobago Defence Force and the protective services. At present, I am advised that the existing security related naval and aviation assets are as follows:

- Trinidad and Tobago Defence Force:
 - 360 degrees National Coastal Radar Surveillance System.
 - Trinidad and Tobago Coast Guard, six fast patrol craft, 30 metres in length, with a speed in excess of 40 knots, recently procured from Australia. These vessels are designed for fast transit in coastal water. They possess limited endurance, but are capable of supporting operations close to shore; 12 edge-water vessels, 14 metres in length, with a speed in excess of 50 knots. These gas outboard powered modified pirogues are used for short-run coastal counter-drug operations.
 - Two coastal patrol vessels, 46 metres in length with a speed in excess of 18 knots. They provide limited blue water capability and can be used for brief patrol in our exclusive economic zone.
 - There is also the *TTS Nelson*, procured from the United Kingdom in 1999, 60 metres in length, with a speed in excess of 40 knots and currently under maintenance and repair.
 - There are eight other miscellaneous small vessels.
- Trinidad and Tobago Air Guard:
 - Two C 26B fixed wing aircraft, which are both serviceable.

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- Two Cessna Aircraft, unserviceable and costly to return to service.
- The Special Anti-Crime Unit of Trinidad and Tobago:
 - Three helicopters and one air ship.
- Customs and Excise Interdiction Unit:
 - Eight interceptor craft.

There is also the Integrated Border Management System, comprising the Immigration and Customs and Excise Divisions, including regional arrangements.

Mr. Speaker, hon. Members, permit me now to highlight some of the constraints being experienced by the respective agencies, which are as follows: the 360 degrees National Coastal Radar Surveillance System; these constraints can be summarized under three areas: communications, operations and logistics. Under communications, the equipment at the NCSRC is in need of replacement and upgrade. As a result, there are disturbances to the uninterrupted flow of data and reception from site to centre networks. Some of the existing communication challenges faced by the NCSRC to date are the TSTT communication link and the fibre optic communication capability, which is not installed at all sites.

2.00 p.m.

Operations: The present equipment has exhausted its prescribed shelf life as determined by the ELTA experts. The equipment, however, has continued to operate with occasional disruptions and disconnections. It is being firmly advised that the NCSRC embark on the scheduled upgrade with immediate effect, in an effort to sustain the integrity and capability and maintain a 24-hour surveillance operation.

Logistics: The NCSRC has continued to operate effectively, generating substantive results on a daily basis, notwithstanding the ongoing logistical challenges related to:

- an appropriate technical workshop storage space, and
- the extensive delays experienced in procurement processes, which have negatively affected the serviceability status of the NCSRC.

With respect to the other assets, the issue of maintenance arises, especially in cases where the fleet is aged. Some of the assets that are currently unserviceable are also uneconomical to return to service. The size of the fleet in relation to existing demands and the nature of such demands are also issues receiving Government's attention.

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Hon. Members should also note that notwithstanding the termination of the OPV Programme, this country's naval and aviation resources are being continuously monitored and enhanced. The two 46-metre coastal patrol vessels were purchased and delivered by BAE and, more recently, the Trinidad and Tobago Coast Guard took delivery of six new 30-metre fast patrol craft built by Austal. The Government is continuing with a significant investment in the purchase of four AgustaWestland AW139 helicopters to enhance the capabilities of the Trinidad and Tobago Air Guard.

Hon. Members, this Government is committed to ensuring that our country is adequately equipped to effectively secure its borders and territorial waters. [*Desk thumping*] As such, the People's Partnership Government will ensure that:

- a clearly defined national security strategy is articulated along with measurable goals;
- a new governance structure and national security framework is established through which the Ministry of National Security would manage its existing resources to an optimum level. Our strategy will focus on:
 - (1) a dynamic resource management thrust;
 - (2) a robust communications management programme; and
 - (3) a vigorous quality management programme.

A monitoring and evaluation programme would also be implemented at all levels to ensure that programme benefits and project deliverables are achieved in a timely manner.

Hon. Members and our citizens can, therefore, rest assured that the country is well protected and that this Government stands ready to bolster the naval and aviation assets of the country as necessary.

Mr. Speaker, in pursuit of our multi-pronged assault on crime, the People's Partnership Government intends to maintain a tight rein on all fronts, including our maritime gates. Our focus and principal objective is to diminish crime and lawless activity, and to return to an environment of safety and security to the people and communities of Trinidad and Tobago.

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

Mr. Imbert: Supplemental. [*Desk thumping*] Is the Minister saying that the alleged defects in the vessels are sufficient to destroy the entire OPV project?

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Sen. The Hon. Brig. J. Sandy: Mr. Speaker, the answer to that is no. However, there is no one in this august Chamber who would purchase even a motor vehicle that is defective. [*Desk thumping*] None! In particular—

Mr. Roberts: He bought the *Su*!

Sen. The Hon. Brig. J. Sandy:—when that defect interferes with your firing capability, the basis of having that facility out there, I would respectfully submit that it ought not to be acquired. [*Desk thumping*]

Mr. Imbert: Mr. Speaker, second supplemental. Did the Minister state—could he please confirm in his response to this question—or infer that our existing naval assets have limited offshore capability?

Sen. The Hon. Brig. J. Sandy: Mr. Speaker, I have presented answers to the three questions that were raised. [*Desk thumping*] I am sorry if the hon. Member for Diego Martin North/East was asleep. [*Desk thumping*]

Mr. Imbert: Mr. Speaker, third supplemental. Is the Minister aware that the AgustaWestland helicopters were specifically designed to work offshore on the OPVs?

Sen. The Hon. Brig. J. Sandy: Mr. Speaker, I will invite the hon. Member to file that question. [*Desk thumping*]

**COMMITTEE OF PRIVILEGES
(HON. JACK WARNER)**

Mr. Colm Imbert (*Diego Martin North/East*): Mr. Speaker, in accordance with Standing Order 27, I am seeking your leave to raise a question of privilege at today's sitting of the House as follows: During the debate on October 08, 2010 on a Motion to establish a joint select committee of Parliament to examine proposed new procurement legislation, inter alia, in reading from a prepared speech, the Member for Chaguanas West, hon. Jack Warner made the following statements, among other things. These are his words:

“In the Ministry of Works and Transport, a firm called Parsons Brinckerhoff was hired by the Government to conduct a transport study. So here I am now going to see what this study is about, because the problem of transport in this country has to be solved. What did I find when I went there? The study by Parsons Brinckerhoff, a study for which the Government paid \$21 million.”—he repeats—“the Government paid \$21 million for a transport study and none was done.”

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The Minister went on to say:

“Ah ha! Ah ha! None was done! None was done! That is the government that you all are proud of. How do you hire a company to do a study; it does not deliver it and you pay it \$21 million?”

Mr. Speaker, the statements made by the Member are deliberately false and misleading in several material respects.

The official parliamentary record will show that on May 08, 2007 a question was answered in the Senate on this very issue. In fact, it was posed by you, hon. Speaker. In that answer, the Senate was informed by me that:

“The National Transportation Study also known as the Comprehensive National Transportation Study or CNTS final report was submitted by the consultants Parsons Brinckerhoff Quade and Douglas also known as PB in November 2006. Upon receipt, the technical officers of the project implementation unit for the Comprehensive National Transportation Study undertook a detailed evaluation of the report.”

This is what I said in the Senate in 2007.

“In December 2006, the project implementation unit for the CNTS advised that the report contained a number of deficiencies based on the terms of reference and agreed scope of works.”

In answer to a supplemental question, posed again, by you, hon. Speaker, I also told the Senate:

“The contract sum for the Comprehensive National Transportation Study is approximately \$21 million from which approximately TT \$10 million has been paid to date...”

And I repeat it in response to a supplemental from you, Mr. Speaker—\$21 million has not been paid to the consultants. I made it very clear that \$10 million has been paid under the Comprehensive National Transportation Study.

Mr. Speaker, as the former Minister of Works and Transport, I can also state categorically that up to May 24, 2010, I was advised by the staff at the Ministry, and I verily believe this to be true, that Parsons Brinckerhoff was not paid any additional money for the Comprehensive National Transportation Study that was submitted in 2006, three years ago, beyond the \$10 million reported to the Senate on May 08, 2007 when you, hon. Speaker, asked me the question.

In summary, Mr. Speaker, the past PNM government paid only \$10 million and not \$21 million for a transport study that was submitted in 2006, contrary to the statements made by the Member for Chaguanas West. He is using all the recommendations of that study when he speaks now in the public domain.

In addition, it is to be noted that the statements—the study he said he did not get—made by the Member for Chaguanas West on Friday last were not made spontaneously, or in the cut and thrust of debate but, rather, they were premeditated. Further, the Member had at least one week to prepare for his contribution to the debate on the Motion to establish a joint select committee to examine proposals for a new procurement regime. It is clear. I am satisfied that the Member wilfully misled the House.

It is my submission, therefore, that the Member for Chaguanas West has committed a contempt of this House on the following grounds:

- (1) He was reading from a prepared text and, as such, his speech was an intentional abuse of the privilege of freedom of speech in this House.
- (2) He had all of the necessary resources available to him to establish the true facts—after all, he is the Minister now—and, therefore, his false and misleading statements were reckless and deliberate, especially since he must have known, or ought to have known, that only \$10 million was paid for the study and the study was received in 2006; not \$21 million.
- (3) The issue of payment for, and preparation and receipt of, the 2006 transport study was already dealt with in answer to a question in the Senate, posed by you, hon. Speaker, in the Senate in 2007 and forms part of the parliamentary record.

Mr. Speaker, Erskine May states that it is inconsistent with the dignity of the House, with the duty of a Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of the House to recklessly or intentionally abuse his privilege of freedom of speech. It is the personal responsibility of every Member of Parliament to maintain those standards of conduct which the House and the electorate are entitled to expect to protect the good name of Parliament and to advance the public interest.

Further, Erskine May's *Parliamentary Practice* at page 132; 23rd Edition states that a Member of Parliament who deliberately misleads the House of Commons commits a serious breach of privilege and contempt. You can refer to the footnote reference on page 132 of May's *Parliamentary Practice*.

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Mr. Speaker, it is for all these reasons and the grounds set out above that I seek your leave to raise the above matter and to request that you refer this matter to the Committee of Privileges for consideration and report.

Thank you. [*Desk thumping*]

Mr. Speaker: Hon. Members, can I have your silence? I received notice of this matter at around 11.10 a.m this morning. While I was able to determine that leave should be granted to the hon. Member of Parliament for Diego Martin North/East to raise this Motion as a matter of privilege, I have not yet been able to determine whether a prima facie case has been made out sufficient to refer this matter to the Committee of Privileges of the House of Representatives. I would therefore deliver my ruling on this matter at a subsequent sitting.

2.15 p.m.

**ELECTIONS AND BOUNDARIES COMMISSION (LOCAL GOVERNMENT
AND TOBAGO HOUSE OF ASSEMBLY) (VALIDATION OF THE NINTH REPORT
OF THE ELECTIONS AND BOUNDARIES COMMISSION) BILL**

Order for second reading read.

The Acting Prime Minister and the Minister for Tobago Affairs (Hon. Vernella Alleyne-Toppin): Mr. Speaker, I beg to move,

That a Bill to validate the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area for Tobago under the Elections and Boundaries Commission, (Local Government and Tobago House of Assembly) Act, Chap. 25, be now read a second time.

Mr. Speaker, I beg your leave also to say thank you to the hon. Prime Minister, Kamla Persad-Bissessar, for affording me the honour and privilege of serving my country as Acting Prime Minister. [*Desk thumping*]

I wish also to say that the People's Partnership Government extends its condolences to the family of past Ambassador, His Excellency Doddridge Alleyne, who was interred this morning. He served his country very well and was a shining example of what service to the nation should be. He was, in fact, my mentor and my own dearly beloved uncle. I thank you very much for condolences sent and I am sure that the whole honourable House agrees with the mettle of the man.

Perhaps I should say that I was able to speak to him moments before he died and he was in the process of telling me on the telephone congratulations, what more can a family ask than to have a position as a Prime Minister of a nation of

this kind. I think he would rest in peace having achieved all of the things that he dreamed of, including bringing one of his nieces to a position of excellence.

Mr. Speaker, it is indeed, an honour and humbling experience to be given the opportunity to pilot such a Bill, especially as it comes so close to me and is talking about Tobago. I take the opportunity to draw to the attention of the honourable House some of the comments contained in the Ninth Report of the EBC on the boundaries of the electoral area of Tobago, dated December 22, 2008.

This report was submitted to the then Minister of Local Government, Mrs. Hazel Manning, and stated as follows:

“In accordance with Section 4 of the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 as amended by Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Amendment and Validation) Act, 2008: Act No. 27 of 2008..., the Elections and Boundaries Commission...submits its Ninth Report on the definition and review of the boundaries of the Electoral districts in the Electoral area of Tobago.”

Of course, because I am a Tobagonian and so familiar with the territory, I speak with empirical evidence.

The report continues:

“Section 4 of the Act provides inter alia as follows:

- 4(1) The Commission shall define and review the boundaries of the Electoral districts into which an electoral area is, or is to be, divided and shall submit to the Minister reports either:
- (a) Showing the constituencies into which it recommends that an electoral area should be divided in order to give effect to the rules set out in the Second Schedule; or
 - (b) Stating that, in the opinion of the Commission, no alteration is required to the existing number of boundaries of the electoral districts in order to give effects to the said rules.
- 4(2) Reports under subsection (1) shall be submitted to the Commission:
- (a) In the case of the first report after the commencement of this Act, not later than six months after the date of commencement;
 - (b) In the case of any subsequent report, not less than two nor more than three years from the date of submission of its last reports and

- (c) 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.
3. The Commission's last report on the electoral area of Tobago was submitted to the hon. Minister of Local Government on August 23, 2004. However, the deadline of August 22nd, 2008 for the presentation of this Ninth Report could not be met because it became necessary to enact legislation to correct the lacunae in the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 discovered by the Commission shortly before the deadline referred to in the foregoing. Such correction came in the form of Act No. 27 of 2008: The Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Amendment and Validation) Act, 2008, 'An Act to amend the Elections and Boundaries Commission...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 electoral area of Tobago'. The Act was assented to on October 12th, 2008."

The report continued:

- "4. The Honourable Minister should note that because the instant report is submitted out of time, it may not be presented to Parliament for consideration unless submission out of time is first validated. A similar validation was enacted by Act No. 31 of 1996: 'An Act to validate the Sixth Report of the Elections and Boundaries Commission (Tobago) Act, 1996.'
5. For the present purposes, the effect of the relevant provisions of the Act is as follows:
- (i) Tobago is divided into twelve electoral districts; and
 - (ii) The commission may in consideration of Rule 3 of the Second Schedule of the Act vary the number of electors in any district 'provided that in no case shall the number of electors in any one electoral district of an electoral area exceed or be less than the number of electors in any other electoral area by more than twenty-five percent.'

Rule 3 referred to the above, provides as follows:

"In the division of electoral districts in Regional Electoral areas, natural boundaries such as major highways and rivers shall be used wherever possible."

Mr. Speaker, for the purpose of considering its recommendations, the Commission compared the electorate of 2004 with that of 2008. The relevant date is set out in the table attached hereto and marked "Appendix A", a table to which I will refer. They reveal, inter alia, that the electorate in the 12 electoral districts of Tobago rose from 38,142 to 49,899, an increase of 3,757 or approximately 9 per cent.

The highest electorate is 3,853 and the lowest is 3,243. The highest electorate exceeds the lowest by 18.8 per cent; the highest electorate being 3,853; the minimum electorate permissible is 2,890 persons. The lowest electorate being 3,243, the maximum permissible is 4,054. And electorates in each electoral district fall within the maximum and minimum levels permitted.

Mr. Speaker, consequently the Commission considers that no adjustment is necessary to the boundaries of any of the electoral districts in the electoral area of Tobago. However, the Commission, having observed that the community of Belle Gardens straddles the electoral districts of Belle Gardens, Goodwood and Roxborough/Delaforde, with the western portion falling in Belle Gardens/Goodwood and the eastern portion in Roxborough/Delaforde, considers that the names of the two electoral districts should be changed to more accurately reflect the fact. The Commission accordingly considers that the name Belle Gardens/Goodwood should be changed to Goodwood/Belle Gardens West and the name Roxborough/Delaforde be changed to Belle Gardens/Roxborough/Delaforde.

Mr. Speaker, the Commission accordingly recommends that there should be no change in the boundaries of the 12 electoral districts in the electoral area of Tobago. The names of the electoral districts known as Belle Gardens/Goodwood and Roxborough/Delaforde remain. The name Roxborough/Delaforde remains, Belle Gardens/Goodwood remains. Each of the said 12 electoral districts for the electoral area of Tobago should carry the names as shown in the Bill. Each of the electoral districts in this said electoral area of Tobago should be delineated as shown by a composite map entitled "Map of the Electoral Area of Tobago".

Mr. Speaker, it is now 2010, and the People's Partnership Government, a government determined to bring good governance and efficiency to this country, will now assume responsibility to bring closure to this matter. The report of the Elections and Boundaries Commission was quite comprehensive and detailed. It detailed the rationale for maintaining the electoral boundaries of the electoral districts of Tobago.

The electoral districts in Trinidad and Tobago will be empowered by the People's Partnership Government to become self-sustaining communities which can be identified by their characteristics, needs and areas of excellence. One of the most

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significant assets of this beloved country is its diversity and multiculturalism. This Government is determined to build on this asset and ensure that we allow for the important preservation of communities which were formed over decades.

The use of natural boundaries like rivers and roads will allow these communities' similarities to be preserved and the voting process to reflect choices of not only individuals but of communities as an entity.

2.30 p.m.

Mr. Speaker, the manifesto of the People's Partnership has been adopted as government policy and constitutional reform has been identified as the number one priority for the people of Tobago. It is common knowledge that the villages and towns in Tobago are very distinctive due to their individuality. Names can still be used to identify one's family roots. Even with internal migration Tobagonians continue to be identified by the village or town of their ancestral background.

Tobagonians very often identify each other's family background by making the association between last name and the village or villages with which that name is identified. It is common knowledge that the Alleynes hail from Charlotteville and so do the Mc Kenzies, the Moores and the Dillons. It is common knowledge that if your last name is Kerr, you are from Parlatuvier and it is common knowledge if you are Bobb, you are from Les Coteaux. If you are Williams, you might be from Plymouth or Black Rock; if you are Moses, you would definitely be from Lambeau and if you are Rowley, you would definitely be from Mason Hall. [*Desk thumping*]

Mr. Speaker, this geographical identification of a group of people encourages the preservation of the pride which Tobagonians have traditionally, with which we have been identified. Any adjustments to these boundaries must take into account these special characteristics and idiosyncrasies and ensure that preservation is as much as logical as possible. We have situations in which Parlatuvier comes through our new boundaries as part of the district of Delaford. For the people who know the terrain, Parlatuvier is on the northeastern side of the island and Delaford is on the northwestern side. When you take a slice such as that off the island and you carve that into an electoral area you destroy, actually, the fabric of the community, because standing between those two areas is the rain forest, impassable, preserved to posterity since 1776; a territory with which we do not interfere—the lungs of the Caribbean and the lungs of Tobago and Trinidad, by extension.

Mr. Speaker, when you take a community such as Black Rock which lies close to Buccoo and adjacent to Bon Accord, and you carve a slice from Black

Rock to Scarborough, a triangular slice, and you include a piece of Bon Accord in it, you are, in fact, moving families and people into an area with which they are not familiar. You are in fact splitting the island into something resembling the arbitrary delineation and the arbitrary division of the tribes in ancient Africa.

If you remember that our people moved by what people call tribe or by nation, a nation should not be split into different parts by arbitrary considerations; by people who do not understand the ethos of the people within that nation. Therefore, you had in Africa—sub Sahara in Africa, especially—areas where the people who called themselves “Ibo” were split up according to the colonial choices of which part of the country the colonials decided to take unto themselves as their territories; the same for all of the major nations of Africa. It is the same in the case where the boundaries for election delineated by an arm that is resident in Trinidad and does not know—ignorant of the ethos of the people.

However, we propose to validate, we do not propose to go back on the recommendations of the Elections and Boundaries Commission. But in going forward, we are sure, since there might be need for constitutional reform and there might be need for delineation of new boundaries—we hope that if we have to address this situation again we will move the boundaries depending on the wishes of the people, keeping, notwithstanding, to the numbers that are needed for equitable voting processes.

The electoral process must also reflect equal opportunities and reciprocity for all citizens of Trinidad and Tobago. Currently, citizens who are registered to exercise their franchise in Tobago and who reside in Trinidad can opt to use the special ballot facility in Trinidad. In other words, if you are a Tobagonian, resident or by birth, living in Trinidad, you may vote whenever there are elections in Tobago, you may vote in Trinidad and your ballots will be taken over to Tobago and counted in Tobago.

However, this facility has been largely unsupervised. It has been largely unsupervised during the course of special voting; unsupervised by the people who are responsible for the voting parties in Tobago. In other words, if you are in Trinidad in hospital the ballots will be brought to you, however on most occasions there will be nobody to supervise whether you are voting right, wrong or whether you are voting at all. Therefore, whereas we do not question what the Elections and Boundaries Commission is doing, in the sense that we do not criticize them, we wish to put it on public record, that if you are voting in Trinidad and you are not supervised, there is nobody from your party supervising that election, anything could happen.

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Mr. Speaker, for my own self, when I ran for election, I asked the presiding officer at the time, what becomes of my special ballot in Trinidad? How do I supervise? Because I have had the experience of seeing the Tobago House of Assembly election run without that supervision. And he said to me, there is no need for us to take somebody with us everywhere we go to find people who are doing special ballots. I would like to say and to put on record in *Hansard* that there is need for every single voter to be supervised by a member of their party and a member of any opposing party, wherever that ballot in being conducted, in order that we should not have any concern about whether there has been irregularity or not.

I go further with the argument to say that if you live in Tobago and local government elections are being held in Trinidad, there is no facility for the Tobagonian in Tobago, or the Trinidadian in Tobago to vote in the local government elections in Tobago and have their ballot transferred to Trinidad. You understand me? This is in fact irregular. We are advising that if there is, there should be reciprocity in this process. If you are talking about voting in Trinidad for the Tobago House of Assembly election, we should also be talking about voting in Tobago for the local government elections in Trinidad. What has happened is that there has been speculation about whether the ballots were in fact cast by real people or whether they were in fact cast by ghosts.

Mr. Speaker, in order that the process should be as transparent as it could be, we are asking—although we validate the report—that these things be taken into consideration, and that just as you vote in Trinidad and your votes are carried to Tobago, you should be able to vote in Tobago and your votes should be brought to Trinidad. Further to that, when the votes come to Tobago, the special ballots, they are lumped in one box and taken to one polling area or polling station to be counted. This leaves room for people who voted for me in Tobago East to have their ballots counted for Dr. Baker in Tobago West. Therefore, if my special voter's list had 45 persons on it, it is quite likely that I would end up with 200 ballots to be counted in my area, and if Dr. Baker had the converse, he would have even more.

I am talking for and on behalf of the people of Tobago, and I am talking about the validation of the Ninth Report of the Bill that we are discussing and debating today.

Mr. Speaker, the People's Partnership Government aims to ensure that the electoral privileges are accessible to all citizens in Trinidad and Tobago who reside in any part of the country. And if we should talk of lacunae or gaps we should address these gaps to which I have spoken.

I would like to thank the members of the Elections and Boundaries Commission for this comprehensive report on the electoral districts in the electoral area of Tobago. But I would like, also, to be put on record as saying that there are some things that must be seriously addressed as we move forward in this democratic nation of Trinidad and Tobago.

Mr. Speaker, I beg to move.

Question proposed.

2.45 p.m.

Dr. Keith Rowley (*Diego Martin West*): Thank you Mr. Speaker. Mr. Speaker, I would just like to make a few comments on the matter before us and in so doing I think it falls to me to congratulate my colleague for Tobago East in her capacity as acting Prime Minister of Trinidad and Tobago and her presentation in the House in that capacity. Trinidad and Tobago is indeed an interesting place and I did hear her mention my origins in Mason Hall and, therefore, as Tobagonians, we all can say that we have a lot to be grateful for in Trinidad and Tobago.

However, I think it is an unusual development in the history of Trinidad and Tobago where a Tobagonian is Prime Minister and a Tobagonian is Leader of the Opposition. I do not know what that means. [*Desk thumping*] It might very well be that it is a sign of things to come, but it may very well be that we can focus on what has arrived.

The matter in front of this House today is a very, very simple matter and I do not wish to detain this House very long, for more reasons than one, but I must comment on this matter. If we are not careful, at the end of the debate in the Lower House following a debate in the Upper House, those who paid attention to the matter before the Houses would not have been clear as to what we have been dealing with. I read the proceedings of the other place and I listened to the acting Prime Minister and Member for Tobago East speak this evening and it has not been made very clear what exactly we are dealing with and why we are doing it and maybe I should spend a couple minutes attempting to clarify what is happening here in this House.

The problem is a problem of oversight. As you may recall, the arrangements for the management of Tobago went through some changes: from Tobago County Council to Tobago House of Assembly and there were two Tobago House of Assembly Acts. Along the way, the Elections and Boundaries Commission, required to look after election matters in Trinidad and Tobago, had under its

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purview the job of looking after national elections, local elections in Trinidad and the THA election in Tobago. Somewhere along the way there was a little problem of oversight where the THA was not specifically separated so as to allow the EBC to treat with its reporting on the electorate in Tobago in preparation for elections as a report comes to Parliament.

The EBC found that out at a time when the Tobago House of Assembly had already been dissolved in 2008, with an election due in early 2009. This problem in the law was found out by the Elections and Boundaries Commission and reported to the Government. We had this problem there unnoticed by all of us. However, what normally might have happened had it been discovered earlier is that we could have come to Parliament, extended the life of the THA for a few weeks to allow this thing to be corrected and then proceed. But the THA had already been dissolved, so there was no opportunity to use that option. However, the election was due in 2009. So what happened, the rectification of this oversight which was meant to deal with a report that came in August 2008, that rectification took place in December 2008.

I make this point so as to put to rest the misinformed comment of one Member of this House who said that in the Tobago House of Assembly election of 2009, there was some question mark over it because it was held without the appropriate boundary arrangements and so on. That is a total fabrication and a misunderstanding of the problem, because the rectification was assented to in December 2008. So when the election took place in 2009, whatever problem had to be addressed was already addressed. The missing component was that the report could not have been laid in Parliament because the EBC Act, as it existed then, required a report to be laid not earlier than two years after the 2004 election and not later than four years after the 2004 election. So having not laid it by the deadline of August 22, 2008, that report could not have come to Parliament. It was debarred by law, because the law specifically identifies the window in which such a report should have come. But it falls to the Parliament to ensure that the corrective action is taken in Parliament without interfering with the election of 2009 which was done under the assented law of 2008.

So there is no problem with the Tobago House of Assembly election of 2009. So let us get that correct. The Ninth Report of the EBC which could not have been laid in 2008 and which could have been deemed to have been invalid; this action that we are taking here is specifically saying that we are validating that report in allowing it to come before us.

However, we also must maintain that there was no real change in terms of Tobago having 12 seats, 10 seats or eight seats. There were some minor boundary

changes made and those would not have substantially changed anything with respect to the number of seats; the outcome of the election or anything like that. So any comments along those lines are not really serious problems of any kind.

But as we do this today, I am glad to hear the acting Prime Minister say that the Government agrees to validate, because I was wondering, had the Government not agreed to do that, what would have been the option. Because had you chosen to go another route—and we did hear; and I think I know at least one person in office in this country who believes that because of this problem that we have fixed in December 2008 and we are completing the fixing now, that there was some window for reopening the Tobago House of Assembly election so we can say that that election of 2009 was invalid and we could come to the Parliament and have a rectification and issue a new date for an election in Tobago and, therefore, have a new election, which my friends across there would win. There is at least one person I know who believes that and who thought that that could happen. I hope such a person would look elsewhere for political gratification. That is not going to happen.

So with respect to the importance of this Bill, this Bill must be a very important Bill because it did cause a violation of our Constitution. Because, you know, if I may explain, I was at home the other day and I was flipping through the channels and I saw my colleague from Tobago West on television—as a youngster, I wanted to hear what he had to say—and to my amazement, I looked at the channel again because I thought it was a play in school but it turned out it was the Parliament Channel, and he was serious. It was the Member for Tobago West speaking in the other place on this Bill.

That is a violation of the Constitution of Trinidad and Tobago, section 62. Because to the best of my knowledge, the Member for Tobago West is a Minister in the Ministry of Tourism and under no circumstances, not being a holder of the portfolio and this not being a tourism matter, I wonder what was happening in the Chair in the other place and how this young fellow could have been allowed to violate the Constitution and go and take part in the debate in the other House.

I trust that it was out of pure ignorance on his part and somnambulism on the part of the Chair in the other place that caused this to happen. But that was a naked violation of section 62, not to mention the fact that what also attracted my attention was that he was calling my name. But I will allow that to pass and he and I will talk about that at another time and another place or in this place when he is present. But this Bill, a matter to rectify the EBC's report, has nothing to do with the Ministry of Tourism and therefore a Minister in the Ministry of Tourism, had no place in the Senate. I put that for the record.

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However, the acting Prime Minister made a comment a while ago about special ballots. I agree with her that special ballots need supervision. There is a Caribbean country which, for years, engaged in overseas voting and it was eventually alleged that by the time overseas voting became a standard practice for that country, that election results were being determined by persons not in the country and that vacant lots in the UK and elsewhere were voting in that country. So one has to be careful when one is talking about voting away from the districts in which the election is taking place. And even as the Member recommend that voting by—I presume she meant Trinidadians resident in Tobago who are registered in Trinidad, that they should be allowed to vote in Tobago and have their votes counted in Trinidad. I simply want to caution that to introduce that into our system, especially without tight supervision and without adequate law enforcement, you could be opening the door to the very wrongdoing that the Member claims to be pointing to, and the possibilities of wrongdoing. Because if you open the door to do that and you do not properly supervise it, then you may only be adding to the basket of allegations that are made at election time where losers always try to find a reason as to why they lose, not accepting that they were not wanted.

We have had in this country, issues of people talking about ancestral voting. As a matter of fact, one of my colleagues in here, the Member for San Fernando West, made a presentation before a court of law, I think it was, or some similar place, claiming that there ought to be a right to ancestral voting. There is no such requirement in the law or protection in the law of Trinidad and Tobago. You are required to vote where you live and you must live there for a particular period before you can be registered there. That is the law and if we are going to change the law by happenstance or by personal tastes, that because my mother lives in a certain police I must be allowed to vote there, and because we are concerned about getting—

Mrs. Seepersad-Bachan: Mr. Speaker, may I? I thank the Member for giving way and I just want to clarify the issue. That is not what was stated. We talked about the trends in Trinidad and Tobago on that matter and because I have always been registered there as a child, from 18 years of age; I grew and I lived there. Most people in Trinidad and Tobago return to their homes to vote. I still own part of that property and the law allows for that. That was the argument put before the commission of enquiry—like many other Members in this House. That is the practice. Thank you.

Dr. K. Rowley: Mr. Speaker, that is exactly the point that I was making, that Trinidad and Tobago is a place where people want to interpret the law to suit their own personal circumstance. Why do we not get accustomed to obeying the law? There is no law in this country that makes provision for you to vote where you

were 18 years old or in your mother's house. The law says you vote where you live. You are living in Valsayn! [*Desk thumping*] [*Interruption*] Partner, talk; you talk.

Mr. Peters: Mr. Speaker, I want to clarify that because I went to court for that and the Representation of the People Act says that as long as you live in a place for more than 90 days prior to an election, in a general election you can vote there. [*Interruption*] Yes, I won a case. And in order to vote in a local election you must have lived in that place for 90 days immediately preceding the election. So if you were born in a place in 1919 and you decide that that is where you want to vote, the law provides that you can vote there. I won a case on that ground.

Dr. K. Rowley: Mr. Speaker, I have another Member of Parliament misrepresenting the law. Mr. Speaker, I had no issue with my friend from Mayaro; we are both saying the same thing. The law says that you must live there for a particular period before you can be registered there and therefore you have to be registered there to vote there. If you were born in an area and you have not moved from that area to live somewhere else, then automatically the law covers you.

3.00 p.m.

I am simply making my point based on the law as I know it. If you were born in an area, you have not moved from that area—it cannot so be demonstrated—the law expects you to be registered in that area and then you will be able to vote in that area. If after your birth you have moved to live somewhere else and it can so be demonstrated that you live somewhere else, to vote in that somewhere else, the law requires you to live there as he correctly says, for a particular period of time before you register there.

The point I was making which, I think he has missed, is the point that is being defended by a Member of Parliament. Because she was born in a certain place at her mother's house and she lives somewhere else, she must have the right to go back to her mother's house—like a salmon going back to its place of birth—to vote there. I am saying the law does not provide for that. I would be surprised if any person in this country could go to any court of law and say I live at point A in another constituency, but I have gone to point B to vote because my mother lives there. If anybody in a court of law in this country supports that, that is voter padding. That is why it is called voter padding.

Mr. Speaker, I make this point in the context of this call for people in Tobago to vote in Tobago and have votes sent to Trinidad, especially in the light of what two parliamentarians are telling us now, completely at variance with the law. They are making a defence of something which is at variance with the law. So

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imagine with them being in Government, interpreting the law in that way and you allowed them to vote in Tobago for seats in Trinidad, especially in the context of what the last speaker said where there is very lax supervision, we do not know which is going happen. All I am saying is that notwithstanding your personal conveniences, your personal expectations, what I expect to happen at election time, is that the law will be interpreted in the spirit and the letter. That is all I am saying, and a word to the wise is sufficient.

It is clear to me that there are people in the Government who believe that the law is there for convenience. If it suits you, you interpret it one way; it does not suit you, you interpret it another way; and we saw a demonstration here this afternoon. That is a matter which is very serious, and as we go forward we will pay attention to it.

With respect to the other matters raised by the Member for Tobago East, the Acting Prime Minister, about the whole question of communities, I did hear it said that the 12 seats in Tobago should be reviewed because there is a possibility that we can have a 6/6 tie during an election and end up in—[*Interruption*]

Dr. Moonilal: That will not be possible.

Dr. K. Rowley: You will not influence that. Do not worry.

In Trinidad and Tobago, we used to have 36 seats in the Parliament and I think when it went to 41, I want to believe that the idea of going to 41 was that we do not end up in a situation at some time with an even number on both sides of the results. Tobago is now in that situation where with 12 members in the House, mathematically—if not politically, it might once again be 11/1 in our favour—it is possible that you could get a 6/6 result and then end in the kind of confusion that we had in the 18/18. But if we end up with 13 seats—I do not think anybody will want to go to 11. So I thought I did hear that argument being made somewhere. But also in that context, I want to raise the point about communities and the EBC not splitting up communities.

If you go to Tobago, Mr. Speaker, from the time you come out of the plane and drive to Scarborough, pretty much you will be in continuous development. If you go along Shirvan Road as far as to Les Coteaux or Arnos Vale for that matter, you will be in continuous development; and if you go along the North Side Road from Scarborough to Mason Hall, you are pretty much in continuous development. What happens then is when you divide the number of voters in Tobago—people of voting age—by the number of seats, that is the formula you will use to determine how many people should be in a seat. There is an upper limit and a lower limit where it should not be more than 10 per cent either way.

When you use that formula it does not matter what you do, your boundaries are going to run between communities. To the best of my knowledge, I think the EBC tries to make boundaries based on roads, or watercourses or ridges, natural boundaries insofar as they are presented. But in some areas you do not have that, and to try to reach the next natural boundary, or the next highway, or the next main road, you will have too many people within the district because the EBC is required to have a limited number of persons established by the mathematical outcome of that division of the number of persons by the number of seats.

So even if they would like to take the boundary up to the next main road to have a clear boundary, or the next ridge to have the community all in one seat, to do that, may very well mean that they will end up absorbing too many voters in one seat and too few in the other. That is what happens when boundaries are being amended. Sometimes you have population growth in one area and population movement in another area, and it is the EBC's job on an ongoing basis—not for any particular election—to monitor the growth and movement of the population, so as to make sure that the formula—which is applied at the time when seats are being reviewed—gives a result of the average number of persons per seat, plus or minus the 10 per cent margin that is allowable under the law.

So I really do not think that is too much of an issue especially in Tobago, where in one part of the island the population is quite concentrated and then in the eastern part of Tobago you have distinct villages and, in many cases, each distinct village cannot by itself form an electoral area. You need to go beyond the confines of the village to get the required number of voters to form the electoral area and, therefore, you find that you have to link a piece of Delaford to Roxborough to get the number or a piece of L'Anse Fourmi to Charlotteville, and the EBC has been doing a fairly good job of getting that done. I do not really have a major complaint. All I can say though, to the extent that politicians in political parties have any issues of this nature, it would be helpful to the EBC that such issues are raised with the EBC, not only when an election is called, but pretty much that we as politicians, and our parties should be in touch with the Elections and Boundaries Commission on an ongoing basis.

I remember there was a time when I served as Deputy Political Leader of the PNM, and one of the things I had to do in that job was to meet with the EBC from time to time to discuss matters of this nature. They would indicate to you what the thought process was, and if you had concerns—you could bring new concerns to them; you may have experienced at the last election that a boundary could have been better drawn; you could have seen a village or a community being separated by a drain that could have been shifted to a main road or something like that; and

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what I have found is that the officers of the EBC are opened to those discussions. So it might very well be that this is not something that should allow us to be casting aspersions on the electoral process, but with greater contact with the EBC, we should be able to minimize any kind of concerns of this nature.

I want to point out, Mr. Speaker, that in Trinidad and Tobago, we have taken the position by our own deliberations that the EBC by its composition, is completely without involvement in its make-up of politicians or political parties. Some people feel that is the only way it should be and it is the only way it can work. However, the Elections and Boundaries Commission in Jamaica, I think has representation of political parties on the Commission. I think they could have done that because Jamaica has always had two parties. I do not know if there were instances of a third, fourth or fifth party.

So, being in an area of a tradition of two political parties, the PNP and the JLP—whatever the election, those two parties are in fact the political divide—it was easier for them to agree to put politicians on the EBC. I think there were two from each party, the Governor General nominates four—that is eight—and then there are some more agreed upon by both parties. I think that is the formula they use to put their EBC in place. But they could have done that because of the culture of a stable two-party system.

In Trinidad and Tobago it is the opposite, where each election generates not only parties, but fetes, and the current arrangement is a good example. I do not know what the numbers will be next election, but we can look forward to some kind of change. Change being a constant in the politics in Trinidad and Tobago, we have not agreed to have politicians on the EBC. What we have agreed to do is to have an open door at the EBC to allow political parties of any age, size or ilk, to interact with the Commission, so that many of what they call minor matters can be dealt with on an ongoing basis.

I would like to recommend that they be dealt with outside of the election, because during an election these things take on a complexion of some importance, where people might feel that there is something terrible happening, and sometimes some things terrible do happen. But one of the things that we can be satisfied with here, in Trinidad and Tobago, is notwithstanding what we might want to say about ourselves, we do have a good record in the conduct of elections in Trinidad and Tobago. If we do not appreciate it, there are many countries to which we have provided electoral support as far away as East Africa, and they are grateful for the support that they got from Trinidad and Tobago, coming out of our Elections and Boundaries Commission. So we have a proud record there. We

should cherish that record and not seek with the lift of a hat to cast aspersions on, or to create doubt when none should really exist.

Mr. Speaker, the Bill closes a process which completes our efforts to rectify an innocent problem. I do not think any person can be held responsible and say, “Well, look, somebody acted improperly in this matter.” It was a small oversight in law. It did not have any negative effect on our conduct of elections. As far as I am concerned, the 2009 election in Tobago was very well fought. It was a very clean election and there was an aggressively done campaign. We had the result, the THA is in place, there is a majority and a minority party in office, Tobago is being managed, the EBC is intact. Mr. Speaker, I do not think we need to complain, other than for the records, for the legal archives to have this done so that no one can use this oversight, this legal aberration, to challenge the integrity of the electoral process in Trinidad and Tobago.

Mr. Speaker, as I said earlier on, it is not my intention to prolong this debate in any way. I think there will be other times for us to go into other matters—*[Interruption]*

Dr. Moonilal: Some urgent matters to deal with.

Dr. K. Rowley: Oh yes, we have some very important matters later, like leaving early. It sounds to me like my friend, the Member for Oropouche East, would like to visit us this weekend. The Opposition is meeting—*[Interruption]* That does not exist—in a very quiet place this afternoon. If he shows up at all, Mr. Speaker, we will encourage him to participate in the discourse which will be along the lines of an effective Opposition as part of the Government of Trinidad and Tobago.

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

The Minister in the Ministry of Tourism (Hon. Dr. Delmon Baker): Thank you, Mr. Speaker, for allowing me the opportunity again, to contribute to this debate on a Bill to validate the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50.

Mr. Speaker, let me pause a bit to congratulate my colleague, the Member for Tobago East, on her appointment as Acting Prime Minister. *[Desk thumping]* I would like for the record to note the pride that Tobagonians felt as the Acting Prime Minister traversed the two constituencies, Tobago East and Tobago West, dealing with some of the concerns of the residents in these areas. Let me also take

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the opportunity to say thanks for all of those concerns. I got a lot of calls over the last week and a half because, as my good friend, the Member for Diego Martin West had alluded to, I did speak in the Senate last Tuesday on this said Bill.

3.15 p.m.

We may differ in that and I have to caution the Member that he may be impugning some dangerous and negative words on the President of the Senate for acting in the manner he did. He needs to be very careful. It was the Chair who gave permission for the Minister who, under the Constitution, has the right to speak in both Houses, and, as my gracious colleague, the Member for Diego Martin West, is apt to allow his fellow Tobagonian an opportunity to give his contribution in the House.

As I was saying, last Tuesday I had indicated that I was ill—I did not know that the Parliament Channel was such a popular channel—and after I had indicated to the Senate that I was ill, I got a huge number of calls seeking my best interest. In fact, yesterday being my birthday, I got over 300 text messages and MSN messages wishing me a happy birthday. I must take this opportunity to respond to those well-wishers, even my colleagues from the House here.

Sometimes in the House debates, because of the Westminster system, we move into the realm of antagonism and we fight each other; but we must point out the good things when they happen and show that there is still quite a lot of camaraderie in this honourable House.

I, too, will not be long on the topic, but lest it be known that in discussing the Ninth Report of the EBC and any other matter on which I am to discuss, the views I present are those of the Members for Tobago West and East.

The Government of the People's Partnership wants to note and commend the hard work and efforts of those honourable ladies and gentlemen in the Elections and Boundaries Commission (EBC) who, at the core of their responsibilities, have the formidable task of ensuring that the electoral process that is the core of our democracy is preserved in a manner that seeks to uphold the integrity of the process.

Arguably, sometimes these officers operate under adverse conditions when one has to consider the time and the circumstances under which they have to operate. As the Member for Diego Martin alluded in the validation of the Eighth Report, there was some difficulty in fixing the lacunae at the time in which the House of Assembly was dissolved and then had to face an election with some boundaries being altered.

The EBC generally executes its responsibility in a manner that we on both sides of this House would feel proud. From time to time, they have shown their savvy in bucking the State when it seeks its political interest. They protect the privacy of the individual voter and try their best to maintain the integrity of the process. But if we are to regard our democracy as having some value, then the processes that have been developed over the years, and the constitutional arrangements that have created these commissions are something that from time to time—even the very act of bringing this Bill to the House gives us hon. Members the opportunity to examine the processes for which the EBC operates and for which it manages the elections, in particular the electoral process for the island of Tobago.

It was the third American President, Thomas Jefferson, who said that eternal vigilance is the price of democracy. Besides preserving democracy, we are also in a never-ending struggle to create and expand our rights. So it is a struggle between expanding rights and preserving our democracy.

Therefore, it gives us, every time a Bill like this comes, the opportunity to ask a question. I am a pragmatist at heart. We believe that because we have seen the results of an activity, action or legislation, we can then, because we have the gift of hindsight, go back and correct some of those changes. As a doctor, we are now moving into the area of evidence-based medicine. We would have treated a large number of patients with this medication; we would have seen the outcome of such a treatment modality and because we understood the side effects, we can then go back and recommend that this treatment modality be taken.

If one takes this Bill at its face value, at the numbers as the EBC has outlined, one would say that the EBC's policy of maintaining the electoral districts at no more than 25 per cent between the highest number and the lowest number was maintained. Therefore, for those who do not understand the implications of this legislation of the people, they would say: "Well done" and they would close the book, vote yea and validate the action of the EBC and nothing else would have been spoken. This is the pragmatic view.

Before you take a position on something, you must understand how that legislation affects the people. I am happy I belong to a particular organization which at its core has—and the Prime Minister says it so well—a motto that says: Serve the people; serve the people; serve the people.

Mr. Imbert: What does that mean?

Hon. Dr. D. Baker: You do not know what service means, Member for Diego Martin North/East? If at this stage you cannot tell me what "serve the people" means, then you are good in opposition and will continue to be in opposition.

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Mr. Speaker, in validating the Ninth Report, we seek to do several things. I am going to be very clear on them so that there is no confusion. We validate the Commission's right, under the Representation of the People Act, to recommend those changes. We bring it in line, in terms of bringing it up to date, the acceptance of the Commission's report because the law provides that the report must be validated with no less than two years and no more than four years from the date of the last report. By the process of validation, we accept the conclusions that the commission made in its report that there are no adjustments necessary to the boundaries in any electoral district in Tobago. That is what we are doing by voting to validate this report.

It is the custom that reports of the EBC are treated—and I agree with my colleague, the Member for Diego Martin West—in an apolitical manner, in that we see the EBC's effort to bring in alignment each of the electoral districts according to the legislation that they are working under. But the beauty of democracy is that no institution is allowed to go without scrutiny. It is the view of this Member of Parliament—and I am sure that I can get the support from my colleagues—that we in Trinidad and Tobago are not to allow any institution to be considered a sacred cow and untouchable. We are to consider all the processes.

The idea of oversight is that before we seek to empower these institutions, commissions or organizations, we look at their processes; look at the effect of those processes and come to a conclusion that this is in the best interest of all the people. Where there are faults, by the debate we correct those faults. Where there are inadequacies, the Westminster system allows that several points of view be raised and that those great thinkers who sit in this House get the opportunity to go back to the drawing board and fix those inadequacies.

If that is the spirit to which we come to do our duty every day, then when our birthdays come around or we fall ill, we will continue to get telephone calls from our constituents seeking our interest because we would have sought after their interests.

I want to make a point. What affects me as a Tobagonian affects me as a citizen of Trinidad and Tobago. If it affects me, it affects my colleague from Fyzabad, my colleague from La Brea and my colleague from Oropouche West.

This matter was dealt with initially in the other place because it is from Tobago. It was a small issue. We passed it quickly and moved on and that is not the way we are to approach matters like these. If it affects me in Tobago; it affects all of us in Trinidad. We have the rules. We know the results of those rules. We know the processes we are speaking about and, therefore, today the debate can happen.

In the Eighth Report, the Commission noted in section 4, page 9, that it compared the electorate of 2000 and 2004 and found that the highest electorate exceeded the lowest by 33.7 per cent and, therefore, as mandated by the legislation, it had to act to bring those numbers between the 25 per cent delineation. Thus the Commission went about its business and tried to alter the boundaries in Tobago to ensure that those electoral districts fell in line.

I pointed out—I was at pains to make this argument in the Senate—that I was not saying that the EBC necessarily collaborated with any political party or colluded with the then government and acted in a manner that caused the PNM to win the THA. I said it this way: That because an election happened at the same time the boundaries were changed, the perception came to the people of Tobago that there may have been some mischief at the EBC. I went to pains to point this out; that it then became the responsibility of the EBC and their officers to come back to the people of Tobago and explain to them what happened.

It is good that the Member for Diego Martin West, recognizing that these two events occurred at the time they did, may have led to a perception that may not have been favourable to the EBC and that we as a democracy must ensure that the integrity of these institutions are upheld and the thing must not just be right. In this country, the thing must be perceived to be right, otherwise we would have lost the yardstick by which we would have said to the people that the process was valid; confidence falls and, therefore, you have a system that tends toward anarchy.

3.30 p.m.

I went to pains to describe if we can scrutinize, give suggestions and make the changes, then we would have improved the system. I am going to give you some details as we go. With those two events occurring as they did, the report from the EBC comes out and it goes to the hands of the Minister of Local Government. Therefore, right away, you have one side having information about a boundary change, that it has no obligation to pass to the other side.

Secondly, the Tobago House of Assembly was at the time dissolved. As we pointed out in the Senate, even though the Bill did not have to pass through the THA, because it so profoundly affects those Assemblymen who would run under that new legislation, they should have been given time to understand the new rules under which they are playing. There is one way to win a game; you write the rules yourself and on the day of the game you say: “Partner let us play with my rules.” So, the person coming into the game at the first point has an obvious disadvantage.

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If you know what the boundaries are, when you select a representative, you look for the person, the man or the woman who, in your opinion, best has the community views, aspects and vision, so that when he goes forward, he then becomes an easier candidate to be accepted. If you do not know, or you are in the dark, then you would be at a disadvantage, because if you pick somebody from Bethel—this is where I was born and grew up—but you change the constituency boundaries and you include more people from Mount Pleasant, then obviously the candidate that comes from that area has an advantage. I am going to be very slow, so that those who can listen, the public, will get exactly what these changes mean. That is one.

Secondly, the EBC's responsibility is to make sure that it uses, to the best of its ability, natural boundaries, roads and rivers, and it tries not to separate communities in a way that you would not have been able to form a particular consensus, if a decision is to be made about that community's development. For instance, Mason Hall, the place of birth and from where the Member for Diego Martin West hails, was divided into three, like a cake, along one junction. If yesterday, you were in the constituency of Mason Hall—I am trying to get the full name—Providence, the next day you found yourself in Scarborough/Calder Hall. Families were divided into three ways, cutting the pie.

We have a situation in Tobago where some roads go past family properties dividing a family property in two. If it took a year to go to the polls, then it would have been easy for people to have gotten accustomed to the new boundaries and then go to them. But, within the short space in which the boundaries were changed and the election was to be called, you could imagine the confusion that some people found themselves in, on election day, not knowing where to go. If there is confusion, there is the possibility that the voter becomes disenfranchised and seeks to opt out of the process.

Low polls do two things; they strengthen an incumbency, so that it is more likely that the party in power stays in power, because the poll is low. The second thing that it does is that it sends the signal to future generations that this is not a process which you are to be concerned about. Nobody has the interest in the process. It may seem as a matter of coincidence, but even coincidences have significant effects on the way in which a population behaves. The Elections and Boundaries Commission ought to be very careful the next time it seeks to address these issues.

When you look at the construct of the House—I am happy to see my friends, do not take offence—the fact that a Tobagonian is the Acting Prime Minister and

a Tobagonian in Opposition is by no means anything to trouble. It just shows that as a mature Trinidad and Tobago, any Member of this honourable House can aspire to be in any position under the People's Partnership Government. Some people go to Tobago and they pick a great leader's name such as ANR Robinson. By associating themselves with ANR Robinson, they figure they would have gained his integrity.

Mr. Speaker, when we campaigned in 2010, for the general election, we made it clear and you heard from the hon. Acting Prime Minister, the Member for Tobago East, Mr. Jack and myself, that for the people of Tobago, we wish to give them the constitution reform that they have been seeking for almost 54 years. When someone makes the argument that when we introduced this Bill, if we voted not to validate the Ninth Report, we were in effect—when you come to the House and make those statements you raise rumour to another level and you cast aspersion on the Government's side, just by mentioning it in this House.

As I pointed out again in the Upper House, written in the policy document were the views of Tobagonians to have constitution reform, and if an election results from reform, so be it. The will of the people will be observed. I said quite loudly, the only politician that is afraid of an election would be a politician that knows he is going to lose, or a politician that does not have the support of the people. I warn the Members on the other side, if you keep following this leader, you will go nowhere.

Let me do some more dissecting. I am happy for the process that allowed Tobagonians who are temporarily involved in activities in Trinidad. If you are a doctor and you live in Tobago and you are called across in Trinidad to do some work for a week; or you are a policeman and you have been transferred, you were on the island in your home for a period of 90 days; you were there and lived in your house 90 days before the election, but because of circumstances, you are asked to come and perform your duty in Trinidad, I agree with the EBC in allowing these Tobagonians to have the opportunity participate in the electoral process, to exercise their franchise. That is the democratic right that we in this House must protect at all costs.

If the EBC finds value in that process of allowing Tobagonians to engage and live in Trinidad, to vote in Tobago, then it should be fair to allow Trinidadians who, by the same reason, lived in Trinidad within the 90-day period but have to do the task in Tobago. They should have the same right to vote in Tobago for a local election in Trinidad. Is that not fair? Equity, reciprocity and fairness are the principles on which this Government is formed and based.

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I must point out a curious thing that the EBC did. When you give your address as Mason Hall, it is a thing that would keep coming up—Mason Hall, Bethel, but let us use Mason Hall—and you have the right to vote in Mason Hall and the EBC sends you a special ballot because you are in Trinidad, then your ballot, I think it is right, should count in the constituency called Mason Hall. Is that not fair? This becomes critical, when you consider Tobago.

If you look at the numbers in that Bill, most of these districts have no more than about 3,000-plus electors. That is significant, because a mere number of 40 votes with such small numbers can decide an election. When the EBC—I think it might be more out of convenience, rather than a deliberate act; let me try to be fair to them—picks what they call intermixing of stations and allows the ballots, no matter where those voters may have lived, to fall in those intermixed constituency polling stations, what they are doing in fact is taking a voter pool that lies outside of the constituency and pouring that pool into one area.

As I have noted before, in constituencies that number 3,000 that can be a very dangerous thing. It can even be seen in the light, as the Member for Diego Martin West implied, as voter padding. Think about it this way, if you take 40 votes from Moruga/Table Land, 30 from La Brea, 20 from Princes Town and 10 from San Fernando East, and you chose what we call a marginal constituency and you take some more and pour them in there, you would have in fact changed the dynamics of that poll.

I want to push you a little further, special electors—I am trying to bring in—imputing the—I am not going to follow the Member for Diego in that—servicemen, policemen, firemen and army men who generally make up the pool of special voters. The EBC has widened that to include anybody, almost, who has a previous complaint. They can write the EBC and ask to vote as a special elector. The EBC, based on their arguments, can give them the right. Generally, it is noted—and this happens in almost all countries—that servicemen usually vote to support the State. You could check. I am not saying that they did in this instance, or in the last THA election, but that is the trend. So, it again becomes the advantage of the State to have special ballots being poured into constituencies where they know that they are weak. *[Interruption]*

Mr. Imbert: Would the Member give way? I thank the hon. Member for giving way. My understanding of the Representation of the People Act is that special ballots come from within the electoral district that the persons belong to, not from without.

Hon. Dr. D. Baker: I could correct you. My constituency, Tobago West, had an unusually high number of special electors, over 1,000, of which 400 voted.

Because of the process—this is what I mentioned—of intermixed stations, they were not sent to all the polling stations. They were sent to particularly intermixed polling stations. He does not know it because it does not happen in Trinidad.

3.45 p.m.

So what happened was that ballots from outside were sent to three or four stations, in particular, Tobago—let me finish the argument that I am making—and, therefore, in the mind's eye of the population, let us see what happened on the night of the last Tobago House of Assembly election. The numbers were trending against a particular incumbent in the district of Scarborough/Calder Hall to the point where when you looked at the votes outstanding—the votes cast and the differences of the votes—it was nearly impossible for the challenger to be beaten by the incumbent.

Mr. Speaker, by the end of that night, when all the ballots with the inter-mixed ballots and special votes were counted, the result suddenly changed. So at eleven o'clock people were hearing one result from the radio station, and by midnight suddenly the result changed. There arose a question in the minds of the Tobagonian population, especially the voters in that area, as to what had happened. When the question was raised nobody from the EBC took the time to sit and explain the process. Therefore, if no explanation came, the perception is allowed to grow that there is something faulty with the electoral system under which we operate.

Mr. Speaker, at this juncture, without the fear of censure or somebody on the other side proposes—you know, sometimes they credit themselves with more than they actually did, but I would give more honour than they actually deserve. Even my former teachers, their judgments, I can bring them into question, because the principle of a good teacher is to ensure that his or her students become either equal to him or her or better than, and I would let the population make a judgment on that when an election is called.

The system is in need of review and reform. I am not afraid to speak as the MP for Tobago West. We on this side do not have the creature you called a stool pigeon. A stool pigeon sits in waiting, looks for the opportunity when his leader can get thrown out of a party and then assumes leadership position. That is a stool pigeon. [*Desk thumping*]

Hon Members: Ohoooo!

Hon. Dr. D. Baker: Mr. Speaker, in seeking to bring in line this present report, the People's Partnership Government is ever mindful of the wishes of the

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people who elected us into office—Tobagonians would love this expression: Think not that we have come to diminish the autonomy of the Tobago House of Assembly, for we have not come to diminish but to fulfil. [*Desk thumping*] You see, we promised Tobago greater autonomy; law-making powers; and that it would stand side by side with its partners in Trinidad—

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

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. A. Roberts*]

Question put and agreed to.

Hon. Dr. D. Baker: Mr. Speaker, thank you. You see, this House must ensure that when significant changes are made in the future that all parties be informed in a reasonable time so as to allow for critical examination of these changes before entering into a decision.

Let me point out one thing. Do not mind what is going on between the Member for Diego Martin West and myself. As I pointed out in the Senate, I would make a revelation today and that is by marriage, he is my cousin. So, it is one family here. [*Laughter*] We have other opportunities to discuss this matter elsewhere.

We promised that the voices of the representatives would be heard. As we validate this Ninth Report of the Elections and Boundaries Commission and the boundaries of the electoral districts in the electoral area of Tobago under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, we are fulfilling the promise to Trinidadians, Tobagonians, and to the new phrase “Trinbagonians together we will rise.”

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

The Acting Prime Minister and Minister of Tobago Development (Hon. Vernella Alleyne-Toppin): Mr. Speaker, thank you. The People's Partnership is committed to developing Tobago side by side with Trinidad. [*Desk thumping*] Therefore, when we listen to the Member for Diego Martin West, and we hear his arguments that the Tobago House of Assembly election should have voters who are sitting in Trinidad voting, and yet the Local Government election in Trinidad should not have people who are in Tobago sitting in Tobago, we understand how he argues in respect of things like UDeCott. We understand that what is corruption in Trinidad is not corruption in Tobago; where UDeCott operates in Tobago and the same thing applies, it is not corruption.

Mr. Speaker, I am talking about the boundaries for election. We submit that we validate the Bill, but if a person is living in Tobago, who wants to vote for his constituency in the Local Government election in Trinidad, this should be addressed. The People's Partnership in the 21st Century is committed to a country where governance speaks to inclusion and involvement of all of the people in the decision-making process.

Mr. Speaker, we are raising this issue now that it is not election time. We are sure that now is not election time. The Tobago House of Assembly election is due in 2013, but the hon. Member for Diego Martin West, I am sure, is seeing an election coming sooner than that. [*Laughter*] Why is he saying then that we must not speak about this at election time? We are speaking of these issues for 2013 not 2012; not 2011 and not 2010 but, perhaps, if the election comes whenever it may, like a thief in the night like the last one came, as when your leader made a sporting declaration—

Dr. Moonilal: A Sober's declaration!

Hon. V. Alleyne-Toppin:—maybe the leader in Tobago will, again, make a sporting Sober's declaration. Maybe he knows that his leader is about to make a sporting declaration; maybe he knows that somebody again will move another vote of no confidence somewhere. Maybe they will move a vote of no confidence in Trinidad or maybe they will move a vote of no confidence in Tobago, in which case, we may have a new Leader of the Opposition and we may have a new leader of the Tobago House of Assembly. [*Desk thumping*]

Mr. Speaker, the last Tobago House of Assembly election, as my abled colleague, the Member for Tobago West, said small numbers make a difference; very small numbers make a difference. When the Tobago House of Assembly election was conducted last January, on the day of the election, the ferry came to Tobago and it could not dock. The ferry carries 800-plus passengers. It could not dock, and the excuse was that the sea was too rough. Not a single car could have come off the ferry. Mr. Speaker, hundreds of voters were sitting on that boat and could not come off. Very small numbers are reflected in our election.

My husband who was a candidate for Roxborough/DelaFord lost by 60 votes, and for the entire day we were trying to get people off that boat and we could not. The ferry came back to Trinidad with all those passengers on board.

Hon Members: Shame!

Hon. V. Alleyne-Toppin: You can check the record. Mr. Speaker, when we speak from Tobago, we speak for Trinidad and Tobago. [*Desk thumping*] Should

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the time come in the next Tobago House of Assembly election, whenever it may come, now that we have a People's Partnership Government in Trinidad, should ballot boxes float from Trinidad and the result becomes 12/nil in favour of TOP, what would be the comment? [*Desk thumping*]

Mr. Speaker, we are talking from this side of the House of building a nation where there is integrity and fair play in high places. [*Desk thumping*] Therefore, since we are not in election mode, let us now organize ourselves in such a way as to have consultations with all of the people of Trinidad and Tobago. Let us sit in Tobago and vote for our constituency in Trinidad and let our ballots count; let us sit in Trinidad and vote for our constituency in Tobago and let our ballots count; and let us not have situations as in the case with Dr. Baker and Scarborough/Calder Hall where it was alleged that 200 ballots came in and three were spoilt and 197 were cast in favour of one candidate, who had in fact—it is alleged; that part that I just said was alleged, but this is fact—lost in every polling station in his constituency. How can you lose in every polling station in your constituency and then a box comes from somewhere? Therefore, where is the argument of the hon. Member for Diego Martin West? Where does the argument cotton that if you live in the area, you should vote in the area where you live? If his argument is not skewed, tell me.

If you vote in the area where you live, then your votes should be counted in the area where you live or in the area where you are registered to vote. [*Desk thumping*] How then can you live in Trinidad, and you are registered to vote in Bon Accord, but your votes are counted in my constituency of Tobago East? Mr. Speaker, there is clear reason for examination of this whole principle. [*Desk thumping*] The reason is clear.

Mr. Speaker, when the shoe is on the other foot it is always too tight. What is good for the goose is good for the gander. In order that in the next Tobago House of Assembly election there should be a fair 12/nil win in favour of the People's Partnership—[*Crosstalk*]

Dr. Rowley: Mr. Speaker, this is a serious matter that is being raised by my colleague, the Member for Tobago East, and I am thankful that she gave way. I want to ask her, since she is making this allegation for the second time this afternoon, how did she determine that votes/ballots destined for Tobago East ended up in Tobago West to be counted? How did you establish that?

Hon. V. Alleyne-Toppin: What is your question? You can ask me the question again, so that I can answer you clearly. I must understand you clearly.

4.00 p.m.

Dr. Rowley: Mr. Speaker, the Member for Tobago East said that special ballots were cast in Trinidad, transported to Tobago, ended up in Tobago West, that were meant for Tobago East or vice versa. All I am asking is that after special ballots have been cast, taken to a constituency under the control of the EBC that would take it based on the constituency in which the registrant would have voted, how do you as a candidate determine that the counted special ballots in one constituency belonged in another constituency? [*Crosstalk*] She is saying it as a fact. It is being said that this happened and all I am asking is how did you determine that happened. [*Crosstalk*]

Hon. V. Alleyne-Toppin: Mr. Speaker, when I spoke of ballots being counted in a different area, I was talking specifically about the THA elections. I was talking specifically about—[*Interruption*] [*Crosstalk*]

Dr. Rowley: You said “my constituency”.

Hon. V. Alleyne-Toppin: In relation, as an example, supposing and how could it be that way.

Hon. Member for Diego Martin West, I am also from Mason Hall; many people do not know that, but you know that, because we went ABC and second year together, same class, same teacher. [*Crosstalk*]

Dr. Rowley: You have not answered the question.

Hon. V. Alleyne-Toppin: I have answered your question.

Dr. Rowley: That is an extraneous matter.

Mr. Speaker: Order!

Hon. V. Alleyne-Toppin: I am saying that in the THA elections this is what happens. I am telling you that when the election comes again, let us make sure all these things I am raising and all the things that you are raising do not happen again. I am sure you agree that there should be reciprocity. I am sure you agree that we should have equal opportunity.

Mr. Warner: 12/0!

Dr. Rowley: How did you determine that special ballots— [*Crosstalk*]

Hon. V. Alleyne-Toppin: Mr. Speaker, we speak on this side for honesty, fair play and integrity in public life. [*Desk thumping*] [*Interruption*]

Dr. Rowley: Do not tell me, show me.

Hon. V. Alleyne-Toppin: We speak in concert with the Member for Diego Martin West, who agrees that there should be fair play, integrity and honesty in public life.

Mr. Speaker, I beg to move. [*Crosstalk*]

Mr. Speaker: Could we have silence, please.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee. [Interruption]

Mr. Speaker: Let the members of the public remain; there is no need to clear the gallery.

Clauses 1 to 3 ordered to stand part of the Bill.

Preamble approved.

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

House resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to Friday, October 22, 2010, at 1.30 p.m. That will be the first occasion that we will have Private Members' Day. The Opposition has served notice that we will be addressing Motion No. 1 dealing with the OPVs.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.09 p.m.