

*Leave of Absence*

*Monday, August 11, 2014*

# **HOUSE OF REPRESENTATIVES**

*Monday, August 11, 2014*

The House met at 10.30 a.m.

## **PRAYERS**

[MR. SPEAKER *in the Chair*]

## **LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from one Mrs. Patricia Mc Intosh, Member of Parliament for Port of Spain North/St. Ann's West who has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

## **SESSIONAL SELECT COMMITTEES (APPOINTMENT OF)**

**Mr. Speaker:** Hon. Members, with regard to the appointment of Sessional Committees, I would like to revert to this matter some time later on in the proceedings.

## **NEW STANDING ORDERS**

**Mr. Speaker:** Hon. Members, as we go along with these new Standing Orders, I will be interjecting to guide Members until we all become familiarized with our new Standing Orders.

In accordance with Standing Order 22(2), a Minister presenting a paper may, if he so wishes, make a short explanatory statement lasting no more than three minutes of its contents, but no debate shall take place on any such statement. I now call on the hon. Minister of State in the Ministry of Finance and the Economy. [*Desk thumping*]

## **PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Juan/Laventille Regional Corporation for the year ended September 30, 2002. [*Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Juan/Laventille Regional Corporation for the year ended September 30, 2003. [*Hon. R. Indarsingh*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Juan/Laventille Regional Corporation for the year ended September 30, 2004. [*Hon. R. Indarsingh*]

*Papers Laid*

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4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Juan/Laventille Regional Corporation for the year ended September 30, 2005. [*Hon. R. Indarsingh*]

*Papers 1 to 4 to be referred to the Public Accounts Committee.*

5. The Value Added Tax (Amendment) to Schedule 1) (No. 2) Order, 2013. [*Hon. R. Indarsingh*]

#### PRIME MINISTER'S QUESTIONS

**Mr. Speaker:** Let me again—I think Members are familiar with this segment so I do not have to detain you any longer. I recognize the hon. Leader of the Opposition. [*Desk thumping*]

#### **Carenage Fish Market (Construction of)**

**Dr. Keith Rowley** (*Diego Martin West*): Thank you very much, Mr. Speaker. Is the Prime Minister aware that absolutely no construction work has been done on the Carenage fish market for the last four years?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Thank you, hon. Speaker. I was not so aware until the question was raised in accordance with the Standing Order, but I am very happy to advise the hon. Member that a contract at a cost of about \$20 million has been awarded, and work on that facility at Carenage would commence in the next several weeks. I thank you, Mr. Speaker. [*Desk thumping*]

**Dr. Rowley:** Is the Prime Minister aware that significant losses have taken place on the site with respect to materials having been stolen. And now that the Government is returning to the site, would the Government take any steps to try and identify the persons who removed those materials and ensure that public property is protected?

**Hon. K. Persad-Bissessar SC:** I thank you, hon. Speaker. Certainly, hon. Member, Government will always be paying attention to where it is that materials may have been siphoned from a source. I am sure that we will all take due cognizance of that. I know that the Minister with responsibility for this matter visited the site along with other officials, and those matters would be taken on board. Thank you. [*Desk thumping*]

**Mr. Speaker:** Any other?

**Petrotrin Oil Spills  
(Safety)**

**Dr. Keith Rowley** (*Diego Martin West*): Given the recent oil spills that took place in La Brea and Marabella and the general concern that there are serious management issues at Petrotrin, is the Government prepared to have a thorough in-depth enquiry into the total safety considerations at Petrotrin with respect, particularly, to the refinery and its operations?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC)**: Thank you, hon. Speaker. A complete audit of Petrotrin's assets is expected to take place very soon. Once that audit begins, the question of the integrity of the assets of Petrotrin will become important and therefore issues of either maintenance or replacements will be raised and dealt with. In addition, PricewaterhouseCoopers Advisory Services Limited has been appointed as the independent auditor to investigate the cause/causes of the oil leak at the refinery.

Mr. Speaker, I think that should satisfy for the moment given the only two minutes that I have to answer the question. I thank you.

**Dr. Rowley**: Is the Prime Minister aware that there are serious concerns as to whether significant aspects of Petrotrin's assets at the refinery are in a position not to meet OSH considerations? And is the Prime Minister concerned that this situation could pose a danger to workers and the community?

**Hon. K. Persad-Bissessar SC**: Thank you, hon. Speaker. Mr. Speaker, any issues of health and safety will be of concern to every one of us in this Chamber. With the audit, those matters will be taken on board, and based on the audit where we can identify specific issues we will deal with those. I cannot verify at the moment—the hon. Member said that there are concerns about OSH matters, I cannot verify whether this is so or not, but certainly when the audit is done, and during the course of the audit those matters will also be taken into account. There have been concerns—I am sure the Member is aware, and is asking if I am aware—that had been raised in various fora on the blogs or in the newspapers, but I cannot verify that unless we have further discussions with the agency.

**Dr. Rowley**: While we understand that an audit of the assets will take place, is the Prime Minister prepared to tell us now that that audit will also include the review of the management arrangement at Petrotrin, where the problems that we are talking here now have some of their roots in the whole question of unqualified persons holding sensitive positions in Petrotrin?

**Hon. K. Persad-Bissessar SC:** Mr. Speaker, it is not that the Prime Minister or the Government will now look into those matters. Indeed, action has already been taken with respect to management issues and will continue to be so taken. Indeed, the board of Petrotrin has addressed their minds and will continue to address their minds to the management aspects. We would have learned that certain members of Petrotrin have in fact been put on suspension, those relate to management issues.

**Dr. Rowley:** Is the Prime Minister aware that there are persons in Petrotrin who are holding positions that are very sensitive to safety and other considerations, and who, in any audit, should be identified as a matter of urgency and be removed from those positions?

**Hon. K. Persad-Bissessar SC:** Again, one would need to verify the allegations being made by the hon. Member, but I am sure if there are persons who would have been found guilty of wrongdoings, malfeasance or otherwise, that those persons will be dealt with. As I have said already in the interim, persons have been suspended for and upon what transpired at Pointe-a-Pierre.

**Mrs. Gopee-Scoon:** Thank you hon. Speaker. Could the hon. Prime Minister please tell us why no executive management was held accountable or put on suspension for the La Brea oil spill?

**Hon. K. Persad-Bissessar SC:** Hon. Speaker, the Member is asking why no member of executive management has been put on suspension or otherwise held accountable. I think the hon. Member is being premature. We, in this country, subscribe to the rule of law and to natural justice, where it is in the interim that there have been some findings made and suspensions have come forward, I think it will be foolhardy and, in fact, in violation of the principles of law and natural justice to move instantaneously to fire people or hire people or whatever it is the Member is suggesting, be done to be held accountable. I give the assurance that should such be found, this Government would do what it can within the parameters of the law to ensure that these persons are held accountable. [*Desk thumping*]

### **Invader's Bay Lands (High Court Ruling)**

**Dr. Keith Rowley** (*Diego Martin West*): Given the landmark ruling of Justice Seepersad in the matter before the court on the JCC lawsuit, is the Prime Minister, in the face of the concerns being raised and identified in that matter—is the Prime Minister prepared to have her Government proceed to distribute the land at

Invader's Bay even while there are such serious concerns about the process by which that distribution is taking place?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** The ruling of the hon. Justice in the High Court in the matter of the JCC with respect to Invader's Bay, Mr. Speaker, that ruling did not impugn, in my respectful view, the distribution of the lands or the process. It was related to a freedom of information application, and therefore the judgment does not preclude the follow-through with the process that was put in place.

Further, that matter is under appeal and therefore the least said on it—it is sub judice—the least said would be better for us at this point in time. So this question really comes on two limbs: one, it is predicated upon the limb of the ruling of the High Court, but the ruling of the High Court in no way impacted upon the distribution or the process for the distribution of lands.

Further distributions, Mr. Speaker, I may let this honourable Chamber know, further dealings with those lands will now be the purview of UDeCOTT, because the lands originally had belonged to UDeCOTT and are now to be transferred, conveyed back onto UDeCOTT as the implementing agency.

**Dr. Rowley:** Would the Prime Minister not accept that that interpretation of the Government about the basis of the lawsuit is their story and, in fact, that the root of the matter that went to the court is whether in fact the dispensing agency had in fact complied with the law, namely, the Central Tenders Board Act—that is the root of the issue, and would the Prime Minister accept that?

**Hon. K. Persad-Bissessar SC:** Thank you. With the greatest of respect, my understanding of the judgment of the High Court is not within the parameters of what the hon. Member is suggesting. That ruling was predicated upon a freedom of information application. In the freedom of information application certain documents were asked for, certain were given; one was not given, namely a legal opinion and the judgment was predicated on the freedom of information action and not on process. Should someone wish to file on process, they are so welcome to do. I thank you, Mr. Speaker.

**10.45 a.m.**

**Dr. Rowley:** Is the Prime Minister saying there is nothing that stands in the way of distribution of those lands with respect to good governance in Trinidad and Tobago and, therefore, the Government would proceed without any hindrance?

**Hon. K. Persad-Bissessar SC:** Hon. Speaker, at this point in time I cannot say yea or nay. What I can say, the hon. Member—the foundation of his question was the ruling of the judge in the High Court. Given that ruling, the hon. Member is expressing the opinion that something is wrong with the process. At this point in time, there is nothing in that judgment, hon. Speaker, that precludes the Ministry from proceeding with their process.

**Ministry of Sport  
(Special Forensic Audit)**

**Dr. Keith Rowley** (*Diego Martin West*): Now that it has been confirmed that large sums of public moneys have been systematically mishandled in the Ministry of Sport, is the Government prepared to call on the Auditor General to conduct a special forensic audit in the Ministry of Sport, particularly with respect to that Ministry's distribution of public moneys to individuals and/or agencies?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Perhaps, yet again, the hon. Member needs to understand how the system works. Whilst the Auditor General does have jurisdiction to undertake an audit, the Auditor General can do that with respect to a Ministry. I am told that the Sports Company (SPORTT) is an agency and not a Ministry and, therefore, questions may arise which I will have to check as to whether the Auditor General has the jurisdiction in law to undertake an audit of this agency.

That, notwithstanding, there is an established system which we support fully, and that is the work of the Auditor General with respect to her jurisdiction. In addition, you will recall, hon. Speaker, that these matters were referred to several independent agencies: the DPP, the Commissioner of Police, the Integrity Commission, the Head of the Public Service. These independent institutions, Mr. Speaker, have the powers to order a forensic audit—

**Hon. Member:** Unrestricted.

**Hon. K. Persad-Bissessar SC:** Unrestricted—and therefore what the Member is asking can be undertaken by these respective institutions. There is further the issue of the capacity of the Auditor General, as well, to undertake such a forensic audit but, certainly, the police, the DPP, they can so engage should they deem it necessary.

**Dr. Rowley:** Is the Prime Minister telling this House that the DPP that has no investigative powers, and the police that have limited investigative powers and a very weak track record, have a better ability to investigate, forensically, what is

happening in the Ministry of Sport, as against the Auditor General's department? Is that what we are being told?

**Hon. K. Persad-Bissessar SC:** Again, you know, this is like a sleight-of-hand that we are attacking independent institutions. We are saying the police do not have the ability, or otherwise; the DPP does not have it; the Integrity Commission does not have it; and, therefore, that is one issue by itself. *[Interruption]*

**Mr. Speaker:** Please, please, please. Continue, hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** If it is that the forensic audit can be undertaken by these independent agencies, I do not understand why the Member is insisting it should go elsewhere. Again, that is a matter of opinion, but the matters are in the hands of competent, independent authorities in the country who can, should they deem it necessary, seek a forensic audit such as which the Member is requesting.

**Dr. Rowley:** Given the gravity of the situation and the tremendous loss of public assets in that Ministry, is the Prime Minister expecting that any, or all of these agencies will, in fact, embark upon forensic audits of the Ministry of Sport?

**Hon. K. Persad-Bissessar SC:** If my memory serves me correctly—and I stand subject to correction—I believe that this has already happened in other matters where a forensic audit was undertaken through independent agencies. Again, I stand subject to correction, but I think with the airport matters, there was the Linquist probe and I believe that was ordered by the police, the DPP and maybe by other agencies. So there may be precedent for such to take place.

**Dr. Rowley:** Finally, given the Prime Minister's confusion as to the role of the Auditor General—*[Interruption]* Given the Prime Minister's own expressed confusion about the role of the Auditor General in the Ministry of Sport—in the Sports Company—is it the Prime Minister's understanding that the Sports Company is not an integral part of the Ministry of Sport?

**Hon. K. Persad-Bissessar SC:** First of all, let me disabuse the mind of the hon. Member. I am not confused about the role *[Desk thumping]* of the Auditor General. In fact, having read the law with respect to the matter, this is where I make my statements. The Member may have an opinion, as he is entitled to have, that everything we say and do is wrong—that is his opinion—but my reading, and the question asked of me, in my respectful view, the position I have advocated with respect to the Auditor General's role and the power over an agency, that is what I have seen and have been told with respect to the law. Anything else, hon.

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Member, on this matter? [*Interruption*] You had enough already? You are at your limit? I could answer many more.

**Mr. Speaker:** The hon. Member for Chaguanas West.

**Prison Litigation Probe  
(Status Update)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. Can the Prime Minister provide a status update on the prison litigation probe?

**Mr. Speaker:** The hon. Prime Minister.

**The Prime Minister** (**Hon. Kamla Persad-Bissessar SC**): Thank you, hon. Speaker. Prison litigation probe—that probe, as I think we will all recall, is being undertaken, again, by independent agencies—institutions—of the State, that is to say, the police and the DPP. Therefore, I think the Member for Chaguanas West, as a former Minister of National Security, should well be aware and should know that when a matter is being investigated by the police and the DPP, it is not within the hands of the Executive of the Government, and that matter being before the police/DPP, I am not in a position to give a status update. That would have to come from the police, hon. Speaker. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Chaguanas West.

**Mr. Warner:** As a former Minister of National Security, I could understand vacillation, Mr. Speaker, hence the second question. Is the Prime Minister aware that on June 02, officers were made available to Assistant Commissioner of Police, Donald Denoon, to start the probe in the prison litigation matter and as of this morning, up to one hour ago, some two months later, no prison officer has been questioned, the prison doctor has not been questioned, nor any of the officers—

**Hon. K. Persad-Bissessar SC:** What is the question?

**Mr. Speaker:** This is not to give information but to seek information. So could you rephrase your question?

**Mr. Warner:** Is the Prime Minister aware that as of this point in time, nothing has been done so far in terms of the prison litigation probe?

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** Hon. Speaker, it appears that the hon. Member for Chaguanas West is well-informed. In seeking an answer to this question he seems to have more information. Again, hon. Speaker, the matter is a criminal



investigation. The Government will be out of place should it interfere in criminal investigations. [*Desk thumping*] I think the hon. Member for Chaguanas West will be the first one to say that we are interfering in police business and DPP's business. Therefore, again, I make the point, this matter, being the subject of a criminal investigation, I am not in a position to give the update required by the hon. Member.

**Mr. Speaker:** The hon. Member for Chaguanas West.

**Mr. Warner:** Prime Minister, as head of Government, does it not bother you that—

**Mr. Speaker:** No, just deal with the question. Continue, hon. Member, please.

**Mr. Warner:** Prime Minister, are you concerned that the report is taking a long time?

**Hon. K. Persad-Bissessar SC:** What?

**Mr. Warner:** Are you concerned that this probe in the prison litigation is taking a long time?

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** I cannot, at this point in time, judge what is a long time. I know we would all want to have the report in our hands. I do not know the constraints, I do not know how deep the probe will go or how wide it will go, and therefore how long or how short is a relative term, given all the circumstances of the matter. Yes, any one of us will be concerned to get the report as fast as possible, but then we would not want to get a rushed report. Again, in relative terms, what is rushed—that will be inadequate or insufficient to deal with all the matters that may have arisen.

You may remember that this probe goes back to way before we even assumed office, dealing in matters that arose long before we came into office, and therefore, the length of time, again, will be within the discretion of the Commissioner of Police and the DPP. I look forward to getting the report as soon as possible. I thank you, hon. Speaker. [*Desk thumping*]

#### STATEMENT BY MINISTER

#### **Eradication of Poverty (Government's Policies)**

**The Minister of State in the Ministry of the People and Social Development (Hon. Vernella Alleyne-Toppin):** Thank you, Mr. Speaker. Mr. Speaker, on Monday, August 04, the Member for Diego Martin West made claims which appear to have been intended to call into question one of the Government's most important policy tools in eradicating poverty in Trinidad and Tobago. Hon.

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[HON. V. ALLEYNE-TOPPIN]

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Members will recall that the issue raised was the Targeted Conditional Cash Transfer Programme (TCCTP) and RISE-UP. It is important that I give a brief history of the evolution of the Targeted Conditional Cash Transfer Programme and its rehabilitative component, RISE-UP.

At the 13<sup>th</sup> annual conference of the Social Network of Latin America and the Caribbean in August 2006, representatives of some Caribbean countries demonstrated a keen interest in learning more about the programme and developing capacity of social protection actors in an effort to apply some of the best practices of the Puente to their respective countries.

At this meeting, members approved the Port of Spain Declaration which includes, inter alia, a commitment “to continue intra-regional partnerships and strengthen cooperative links to ensure a timely and full realization of the Millennium Development Goals, specifically those relating to the eradication of poverty...”

A subsequent workshop was held in Jamaica in 2006 to inaugurate the technical transfer of the Chile Puente Programme in three Caribbean countries: Trinidad and Tobago, St. Lucia and Jamaica. Moreover, the workshop represented an opportunity for beneficiary countries to elaborate their unique social protection needs to ensure that the training modules to be developed were adequately adapted to those needs. This internship in Chile allowed for a first-hand experience of the Chile Solidario and the Puente Programme for technical officers during the new programme.

In Jamaica, their conditional cash transfer programme is called the Programme of Advancement through Health and Education (PATH). In St. Lucia they call it Koudemain Ste. Lucie, which means, “Helping Hands”, and in Trinidad and Tobago, STEP UP was implemented.

So you see, Mr. Speaker, senior technical officers, and even the then Minister of Social Development, the Member of Parliament for Diego Martin Central, were very instrumental in the design and implementation of the Targeted Conditional Cash Transfer Programme.

Hon. Members, I am here today to present the facts with regard to RISE-UP and the TCCTP since this Government has come into office. In December 2010, Rights of Individuals to Social and Economic Security, Universal Prosperity, (RISE-UP), formerly called STEP UP by the Member for Diego Martin Central, was re-branded as a sustainable poverty reduction rights-based approach. As the programme continued to evolve, it drew learning experiences from the rights-based approach

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to social protection existing in the Chile Solidario/Puente system. The acronym RISE-UP was therefore coined and the rights-based approach was twofold:

1. Right of the State to provide social protection to the poor, indigent and vulnerable households.
2. Rights of the individual accessing social transfers in the social safety net to work towards improving their income-earning capacity and social conditions by accessing all the developmental offerings under the programme relevant to their needs.

Mr. Speaker, I want to note that in 2010, the present administration inherited the TCCTP which, according to the Auditor General's report in 2010, pointed to gross mismanagement on the part of the previous administration. In fact, the Auditor General found in the 2010 report:

- that critical components of the TCCTP were ignored;
- the self-sufficiency of beneficiaries was not realized; and
- the debit card monitoring and evaluation received insufficient priority.

The report also recommended that the Ministry should revisit the approval process because 633 cases of duplication among processed applications were not detected since March 2008. This means that two debit cards were produced for each of these persons, a clear indication of mismanagement of public funds, negligence and corruption by the previous administration. All must note that the Member for Diego Martin West who made a series of allegations was a senior Member of the Cabinet at the time. He was there. He would have received a Cabinet Note and would have been part of the approval procedure and subsequent monitoring reports.

Furthermore, it was revealed in the 2010 Auditor General's report, the previous administration had, in fact, spent \$228.5 million on 17,000 people transferred from the Social Help and Rehabilitative Effort (SHARE) Programme to STEP UP in just two years.

#### **11.00 a.m.**

Mr. Speaker, this administration—the current administration—is currently spending \$223 million on approximately 50,000 families annually. [*Desk thumping*] This corresponds to approximately 150,000 clients, with an average of three persons per family.

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Each applicant for the TCCTP is screened and given a follow-up home visit by a liaison officer, who accesses whether the applicant qualifies for the programme through a means test. Currently, there are three categories of the TT Card:

- a household consisting of one to three persons is allocated \$410—26,000-plus persons are cardholders in this category;
- \$550 is allocated to four to five persons in a household—13,916 are in receipt of this category;
- \$700 is allocated to households with six and more persons—9, 000 in receipt of this category.

In addition, this Government is continuing its efforts to enhance the clients' experience and further strengthen the transparency of the eligibility process and ensure that state funds are properly accounted for—duplication issues prevalent under the PNM administration and wastage of funds.

Mr. Speaker, I also wish to remind this honourable House that under the PNM administration, in three consecutive budget speeches, they promised to deliver a smart card that is fraud-proof and protects the public purse. They failed to deliver this. The previous administration focused on the food card aspect, which were handouts and no emphasis was placed on the developmental aspect of the programme.

At present, this administration and the Ministry of the People and Social Development is currently preparing to launch the Biometric Smart Card System, "The People's Card". This system will combine an identity platform with a financial platform to harmonize and streamline the delivery of social services grants. This smart card will contain both a smart chip on the front and a magnetic strip on the back. Biometric smart cards use unique biometric data, for example fingerprints alongside state of the art technology to provide more precise identity authentication, reduce fraud and improve security data.

Mr. Speaker, this system will have the ability to verify individual identities, transmit real-time updates surrounding card usage and monitor client transactions. Key benefits of the system will include:

- monthly ease of access to funds;
- the elimination of life certificate for clients;
- faster and more accurate decision-making by the Ministry of the People and Social Development staff regarding the delivery of the services.

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Initial social service grants to be delivered on a platform include the Targeted Conditional Cash Transfer Programme “Food Card”, public assistance, disability grant, senior citizens pension and general assistance grant.

We are proud to say that the biometric enrolment process has already begun and the biometric card distribution is envisaged to begin during this year. Mr. Speaker, I am trying to go very fast. It is a lot of information.

**Mr. Speaker:** Well you have time. Take your time.

**Hon. V. Alleyne-Toppin:** Hon. Members, our mandate envisions a country in which the poor and vulnerable would enjoy preferential access to a range of financial, social and psychological services that are delivered by different service providers through a variety of delivery channels.

In recognition of the need to ensure that all citizens living in social exclusion are brought into the formal social safety net and are socially included, in 2010 the newly created Ministry of the People and Social Development sought to move from a demand-driven paradigm (waiting on clients to come to the Ministry’s door) and instead move towards a supply-driven paradigm (taking the services of the Ministry of the People and Social Development to households and communities throughout the country).

As a result, this administration through the Ministry of the People and Social Development initiated Direct Effect and Direct Impact, whereby officers go directly into communities to provide immediate relief and support to persons in need of this assistance. This means that we are reaching out to households by actually going into communities to understand the needs of the individuals.

My dear colleagues, we all know the proverb that says, “If you give a man a fish you feed him for a day”—but—“if you teach him to fish you feed him for a lifetime”. The TT Card programme promotes self-sufficiency and, by extension, sustainable economic development.

Mr. Speaker, we have approximately 200 success stories coming out of the TCCTP. Through the RISE-UP intervention a total of 8,388 families during the period 2010 to August 2014 successfully graduated out of the programme.

In addition, Mr. Speaker, and in response to allegations as reported in the *Newsday* dated Wednesday, August 06, purportedly—[*Interruption*]

**Mr. Speaker:** You have about 30 seconds to wrap up.

**Hon. V. Alleyne-Toppin:** Mr. Speaker, through Cabinet Minute 391 of February 2014 we have extended the programme, and the process of selecting the

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staff for the programme is ongoing. We have a report in the newspaper that says that the Prime Minister is handpicking activists and that is absolutely not true.

I thank you. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, just to remind the Members as we go along. When a Minister makes a statement, the two parties in Opposition to the Government, each party can raise through its Member one question, 15 seconds, for elucidation. So the floor is now open.

**Dr. Browne:** Mr. Speaker?

**Mr. Speaker:** The hon. Member for Diego Martin Central.

**Dr. Browne:** [*Desk thumping*] Thank you, Mr. Speaker. Given the indication of the importance of a non-political nature of this programme, can the Member explain the change of name from STEP UP to RISE-UP which appears to have a strong political connotation? [*Desk thumping*]

**Mr. Speaker:** The hon. Member.

**Hon. V. Alleyne-Toppin:** Thank you very much, Mr. Speaker. The STEP UP name that was instituted by the previous administration came in 2006, close to the 2007—[*Interruption*]

**Dr. Browne:** That is not true.

**Mr. Speaker:** Please, you cannot speak whilst the Member is on her feet.

**Hon. V. Alleyne-Toppin:**—election following on an advertisement that says “We are stepping up with Prime Minister Manning”. [*Crosstalk*]

#### CONSTITUTION (AMDT.) BILL, 2014

**Mr. Speaker:** Before I call on the hon. Prime Minister to speak on this Bill’s second reading, again, may I inform hon. Members the mover of a Bill will take 45 minutes to present the Bill to this honourable House without any interruption from the Chair. And when it comes to the hon. Members who are going to make their contribution thereafter, you speak for 30 minutes, and before you conclude your contribution, you seek an extension; and upon your expiration or the expiration, I should say, of your 30 minutes, I will then put to the House your desire and the House will have to agree for your 15 minutes extension.

So I just want to remind Members of the procedure when it comes to the actual debate. The hon. Prime Minister. [*Desk thumping*]

**The Prime Minister (Hon. Kamla Persad-Bissessar):** Thank you very much, hon. Mr. Speaker. I beg to move:

That a Bill to amend the Constitution of the Republic of Trinidad and Tobago be now read a second time.

Mr. Speaker, as I pilot this Bill on the Order Paper standing in my name, the Constitution (Amdt.) Bill, 2014, I think what we have seen demonstrated in the Parliament today is another manifestation of what it is we seek to do with the Constitution (Amdt.) Bill and, that is to say, that we give greater meaning to accountability and transparency in governance, whilst at the same time—and I will come back to that in my conversation—we demonstrated very clearly today that the voice of the minority is respected [*Desk thumping*] whilst we acknowledge the will of the majority, and that was very clear.

Nowhere else in our history would you have had the hon. Leader of the Opposition, a minority, and the Member for Chaguanas West as one Member of Parliament from another party—one—being afforded the opportunity to stand up in real time and seek answers to questions posed to the Prime Minister. [*Desk thumping*] Mr. Speaker, that is because of these new Standing Orders, and in many other ways the provisions contained in these Standing Orders reflect the philosophy of our Government, the thrust that we are making towards bringing more power to the people, and ensuring that we respect in every regard the democracy of which we function and within which we function.

So the Standing Orders I commend, and I will come back to these as today, historically, we see a clear example of the minority voices in this House being given expression for the first time in the history of our nation. [*Desk thumping*] There will be many other examples, Mr. Speaker, and we will deal with those in due course. And so, as we come to this Bill before this honourable House today, I want to say firstly that this is about keeping promises. This is about promises made by those of us on this side and the Bill seeks to give effect to deliver on the promises we made when we sought the franchise from the electorate in 2010. [*Desk thumping*]

We promised, Mr. Speaker, at pages 15, 16, 17 of our manifesto, this manifesto, the 2010 manifesto, which was our pledge, our contract to the people. This document subsequently became government policy and indeed was laid in the Parliament, and in this document we promised many things, but today I will deal with the aspects relating to constitutional reform. One of the things we promised was for consultations with respect to constitutional reform and the establishment of a constitution commission. Promise one on page 15, Mr.

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Speaker, that is a promise that has been kept. [*Desk thumping*]

In 2013, we appointed a Constitution Reform Commission to undertake a series of public consultations. That commission, Mr. Speaker, promised when they met that they would return to the population to get feedback on their report and then they would submit their final deliberations to the Government for review. That commission, Mr. Speaker, held in total 21 consultations throughout Trinidad and Tobago. I am satisfied that the commission has discharged its duties faithfully in preparing its report dated July 27 and its report dated July 18. This is the report from December 27, and thereafter, the addenda which came in July of this year.

I take this opportunity to thank all the commissioners—the hon. Minister of Legal Affairs Mr. Prakash Ramadhar as chairman of the commission, Dr. Merle Hodge, Dr. Hamid Ghany, Madam Justice Amrika Tewarie, Mr. Carlos Dillon, and for the time that he served Mr. Justice Sebastian Ventour—to thank them for their hard work, their dedication to duty in providing Government with two unanimous documents out of which the Government is able to prepare this Bill that is before this House. [*Desk thumping*]

We also promised in our conversations in 2010 that we would provide for term limits for Office of the Prime Minister. Mr. Speaker, clause 9 of the Bill before this Chamber reflects the provisions for term limits in this Constitution (Amdt.) Bill. Again, we have kept that promise that we made in 2010. [*Desk thumping*] We promised also in 2010 and in the manifesto that we would give constituents an opportunity to recall their Member of Parliament. Mr. Speaker, today, we are delivering on that promise. Clauses 6 and 7 of the Bill makes the provision for the right of recall for non-performing Members of Parliament. [*Desk thumping*] We promised also to respect the voices of the minorities—and today we saw a demonstration of that—whilst we acknowledge the will of the majority.

Mr. Speaker, we are keeping that promise through the provisions in clause 8 of the Bill, which deals with having a majority vote for a Member of the Parliament in the constituency. [*Desk thumping*]. In this provision, no longer will a Member of Parliament represent a minority of the persons in the constituency.

**11.15 a.m.**

I will come back to this whole issue because we are being distracted about run-off elections, but we are forgetting that the basis on which that run-off comes from is that we are giving, for the first time in this country, a right to voters to have a



Member of Parliament elected by the majority of the voters in the constituency. [*Desk thumping*] That is the first one. That is the crux of the matter on which the run-off is based. I would come back to that. Another promise kept then: the majority vote.

All these provisions that are mentioned—the term limits, the right of recall and the majority vote for MPs—require a simple majority, and let me clear that up because there are still some who are not so clear. In fact, this morning I heard a Member of Parliament on the radio saying they were concerned, so that some are saying simple and some are saying special. I know the former hon. Chief Justice who was President of the Caribbean Court of Justice has expressed the opinion: only a simple majority is required. I saw Dr. Masson of the EBC has also expressed the opinion: only a simple majority is required. I have read that—there was a third—[*Interruption*]

**Hon. Member:** Martin Daly.

**Hon. K. Persad-Bissessar SC:** Mr. Martin Daly, Senior Counsel, has also expressed the opinion, only a simple majority is required and there are others, but we can do that very easily. Any Member of this House, whom many have been in here reading law and making law, will know that section 54 of our Constitution makes provision for when and what majority is required, for which provisions in the Constitution. Section 54, firstly, lists all the sections, if you were altering, that you would need two-thirds majority. So that is 54(1) and (2). And then 54(3) lists—specifically lists both these things, listing specific sections which require a three-quarters majority, 75 per cent of Members. And nowhere within this Bill, Mr. Speaker, which seeks to amend several sections of the Constitution, we are amending—section 3 is amended. In section 54, which gives us the right to amend with a special majority or not, section 3 is not expressly provided to get a special majority. In section 54(3), again, three-quarters majority, again, no expressed requirement for that special majority.

Further, we are seeking to amend section 49. Once again, we look at section 54, nowhere in section 54, are we required to get 49, but there is a bit of difference. In 54(3), section 49(1) requires—any amendment requires a special majority vote. But thereafter, within our own Constitution, there is a change to section 49, when the famous crossing of the floor came into being and you added the section 49A, and the hon. Minister, Errol Mc Leod, Member for Pointe-a-Pierre, tested the constitutionality of section 49A up to the Privy Council, and the Privy Council ruled that there was no special requirement majority to insert a further section in section 49.

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It is 49A which gives a right of recall—49A, that new section before us, gave a right of recall—and that is the provision that was triggered when the then Member for St. Joseph, his seat was vacated. It was a right of recall but only placed in the hands of the leaders of political parties. So right now, there is a provision for recall in our Constitution which is section 49A but it only empowers leaders of a party to come and say, “A Member was expelled or resigned, and therefore his seat should be vacated”.

What we are seeking to do now is to amend 49 to give voters, to give constituents, the right to recall a non-performing Member of Parliament. [*Desk thumping*] So we take the power out of the hands of the politicians sitting here and we place that power in the hand of the voter and in the hand of the constituent. So if your Member of Parliament is not performing, you can trigger a petition for a recall and therefore a by-election that you can then change your Member of Parliament. To me, I can see nothing that could be wrong with giving the persons who voted for a man, or a woman, to be an MP to give them that power in their hand to say, “Look, you are not performing, I am coming to take you out, we are going to have a recall legally under the Constitution”. That is what we are doing there [*Desk thumping*] and that is where we amend section 49.

Section 67 is amended. Again, nowhere in the Constitution, section 54, does it require a special majority to deal with section 67. We amended sections 73 and 76. None of these that are expressly stated within section 54 require a special majority. You may want to say they are implied amendments, and therefore, you think that is the case, you can have an opinion, then show us where. But nowhere in this Bill are there any expressed, direct or implied amendments being made that would require a special majority in this Parliament, and by the Members voting in this Parliament.

Further, Mr. Speaker, we are speaking of one concern raised about special majority and so on. I am speaking further to bringing these provisions, and we did so on the recommendation of the commission, the reform commission, which said that some of the things that we want to change in the Constitution will require a special majority. Some of those, these three provisions that we have here now, do not require the special majority and so, bring them separately and pass them. And then the ones that require a special majority, those can be brought subsequently in other Bills, and this is what we have done. And what we are doing is not the end of the constitutional amendments, there are many other things we promised. There is more to be kept. We promised, for example, procurement legislation. That is a promise being kept [*Desk thumping*] because right now on our Order Paper is the

procurement Bill. We promised to strengthen our parliamentary representation, the committee system, and to have parliamentary debate on controversial issues.

Again, in the Standing Orders, we now have where if there is an urgent matter requiring attention, Members opposite can bring it before the Parliament. Urgent questions can now be brought. Before you had to give 21 days' notice before you could get a question answered. Now, you could bring a question on the day of the sitting as urgent and have it dealt with. So strengthening parliamentary representation, strengthening the committee system, and you will see what we have done with those, and full parliamentary debate on controversial issues. We kept that promise in the Standing Orders. [*Desk thumping*]

We promised the establishment of a Ministry of the people. [*Desk thumping*] We kept that promise as well. We promised the establishment of civil society boards. The hon. Minister of National Diversity and Social Integration, Mr. Samuel, is engaged right now in the process for setting up these civil society boards. We promised an economic development board. Promise made, promise kept, and there is more to come in other Bills that will require the special majorities. For example, we have spoken of referendum. The commission has recommended that and that will be brought subsequently. The commission has recommended proportional representation for the Senate; that, too, will be considered to be brought in another Bill that requires a special majority. [*Desk thumping*]

There have been recommendations for strengthening the office of the DPP, but again, special majority vote; that will also be brought. So there are several other things contained in that report and in the addendum to that report which will continue. Because you see, the Constitution is a living document. It is a living document. It must at all times serve the people of our nation and no Government should allow rules and procedures to fossilize and fall out of step with the needs of the present. So what was good, our Constitution framers saw good in '62, and thereafter in 1976—all well and good.

This is over 50 years later, so much has changed. We are in real time. As I speak here now and as you sit there, right now, this is being streamed live thousands of miles around the world. It cannot be that we must do the same thing that we always do because if we want change, if we want to improve, we cannot continue to do things in the same way that we did before. [*Desk thumping*] And so the Constitution is a living organism. It must evolve, it must develop when the needs of people change. Development must never cease and so the reforms in this

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Bill should not bring an end to the debate on constitutional reform, but further Bills will follow in their wake. And so we bring these Bills requiring a simple majority.

Mr. Speaker, again, I want to demonstrate that my Government is committed to respecting the voice of the minority whilst at the same time acknowledging the will of the majority because in a democracy, it is the majority that would make the decisions and guide the way forward. And so today, I want to indicate that I am releasing all Members of the Cabinet from the doctrine of collective responsibility on this matter. [*Desk thumping*] Mr. Speaker, in the circumstances, when the final vote is taken on this Bill, all Members on the Government side will not be bound by collective responsibility when recording their vote, but instead will take a conscience vote, be guided by their conscience, as to whether they vote yea or nay.

I do this because of the very fundamental important changes that we are making to enhance our democracy, and so I give all Members that leverage to vote according to your conscience rather than be bound by collective responsibility. I said this, do you know why? Because there is something called a “Westminster moment” that when it is you break the collective responsibility of the Cabinet, then you either resign or be fired. Today, I am saying I give you that leverage and that leeway to vote as you think best, as you think best, as to whether you will seek to keep the promises that we made and the manner in which you would keep those promises, and what other mechanisms you may suggest. So what this means is that when the final vote is taken, I will call for a division so that each Member—no division is required because it is not a special majority, but I will ask for the division and therefore each Member can then register their vote according to their conscience.

Mr. Speaker, I move further. We made and kept these promises contained in the Bill because we firmly believe in placing more power in the hands of the people so that we can strengthen and deepen our democracy by seeking to be a true Government of the people, by the people and for the people.

So, two core principles contained in the Bill, they underpin the reforms which we seek to bring about. Two core principles: one, power should be concentrated in the hands of the people of the Republic and not in the hands of the politicians; and secondly, the people of the Republic of Trinidad and Tobago should be entitled to the very highest standards from their Government and from their elected representatives. [*Desk thumping*] So today, we continue to renew, refresh and revise the power of the people of Trinidad and Tobago.

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Half a century ago, our nation gained independence from the United Kingdom. In the early years of our history, our Constitution, our political infrastructure, drew very heavily from that legacy, the colonial legacy that we had. Much of that legacy remains today. But again, over 50 years later, people no longer wish to be mere legatees, they want to be the makers of their own fate. They wish to and should change, take charge of their own country through effective representation. We have recognized this. We have recognized this call and we have the courage to act.

And you know, I see some people are being very kind to me and taking the time to warn me that with this, I may stumble and fall, taking time—I am reading the commentaries and some of the columnists, like they are feeling very sorry for me and seeking to warn me that, with these Bills, with this Bill, that I may face, in 2015, the wrath of the electorate. I am telling you, and I am keeping my promise, I will do so, and I have no fear of what the electorate will do in 2015. [*Desk thumping*] For those who are writing their columns, some of whom have never had one single good word to say about this Government in four years, are now warning me, “Listen, if you want to win, do not proceed with this Bill”.

### **11.30 a.m.**

These were people who never, ever, in four years, had one good word to say, who are now telling me: “careful, doh lose. Stop the Bills, so you will not lose.” I want to say these are promises we kept. We are keeping the promises because they make for better governance and they make for empowering, placing more power in the hands of the people. [*Desk thumping*] We take comfort from the fact in pursuing this course, that these were promises endorsed in the manifesto and these were promises that came forward from the widespread consultations from the people, from the National Commission in the consultations.

Now, we have had tentative steps previously for constitutional reform and it is a sorry tale, with all that the plus-50 years since independence, that none of the reports of those commissions have seen the light of day. We start with the—there were six of them: the Wooding Commission in 1974; the then Prime Minister, Dr. Eric Williams rejected the majority of the proposals placed in the 1974 Wooding Commission Report on Constitution; the Hyatalli Constitution Commission Report 1990, again, nothing happened; the draft Constitution of the nine Independent Senators, the forum for Constitution reform, nothing done with it; the Sir Ellis Clarke draft Constitution, August 2006, which was then jettisoned. Nothing was used, after all that work, jettisoned and replaced by the draft Constitution by the Manning round table, January 2009, again rejected.

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So today, it is with great pride that I say that my Government is the first, which has had the political courage to bring about substantial reforms to the Constitution for the people of the country. [*Desk thumping*] We considered the Constitution legacy. We identified the many positive characteristics of that legacy, but we have also identified ways in which the people of Trinidad and Tobago can benefit from breaking away from that legacy and have it properly given to them that which is their right, namely power. So half my time has gone on that. Let me get to some of the issues themselves in the Bill.

Mr. Speaker, I discovered, to my dismay, that the very things that we are proposing in this Bill are contained in a body of documents put forward by those on the other side; the very, very matters that we are proposing today. I did not think I would ever have to pick up one of these documents in this Parliament, I did not think so. And that is why, Mr. Speaker—[*Interruption*—I am sorry, you want to see it?—I say no more. It is an oxymoron for some to profess all the dangers of the measures that we have placed in this Bill, when for their own party it was all well and good. Do you know there is an expression: what is good for the goose is better for the gander? There is an expression, Mr. Speaker, and sometimes you think—the other expression: Methinks he doth protest too much. [*Desk thumping*] So there is this document of the People's National Movement.

There is another document, *Conversation With The Political Leader On Constituencies On The Presentation Of Views* collected by the party's constitution review committee. So this would have been consultations by the PNM. We then have a report of the party's constitution review committee and that review committee was headed by none other than the distinguished former Attorney General, Bridgid Annisette-George, with other members on it. I would come back to these because, you see, the hypocrisy from some, the hypocrisy and the doublespeak on matters that are so important for the benefit of the people of this country must be exposed. [*Desk thumping*] The hypocrisy must be exposed. [*Desk thumping*]

And finally, Mr. Speaker, this document, this one. This document, *Proposed Amendments To The Party Constitution For The Consideration Of A Special Convention*, Sunday, December 02, 2012, St. Augustine Secondary School, and so on. It is the People's National Movement's proposed amendments to the party's constitution at a special convention that was held prior to the holding of the internal elections of the People's National Movement in 2013. This was the one. That is when the one-man one-vote, and so on, was dealt with. So let us take it,

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starting from the very first document. The conversation with political leader and the constituencies presenting the findings of the consultation, the pages are odd numbered but it is listed as paragraph two, and hear this one:

#### Removal of an Unpopular Leader

A synonym for removal of an unpopular leader is recall of an unpopular leader. [Desk thumping] And it says:

There was significant support—[*Interruption*]

Members will have a lot of time, because we will be here today for this debate. [Desk thumping] And it says:

There was significant support for the view that there should be a mechanism for the removal of an unpopular leader. There was discussion revolving around an independent mechanism for gauging fall in popularity and the attendant expenses.

And it continues about moral suasion and so on. But significant support for removal of an unpopular leader, also known as recall. So, within this first document, I am not stopping here because I hear somebody mumbling that was just a discussion paper, and so on. Okay?

Let us move on. Also contained in this conversation with the leader, and so on, coming out of the consultation, paragraph under “duration of term of officers and term limits”, it says:

#### Term Limits

Is that not what we are talking about here? Is that not what is in this Bill, term limits for a Prime Minister? It says:

There is no existing provision in the party’s constitution regarding term limits but there appears to be significant support for the view that the holder of an office should be limited to two/three consecutive terms.

This is not my document. The hypocrisy. This view included all office holders, including the political leader. Performance of the view for the inclusion of term limits based this view on:

1. It provides for succession planning.
2. It allows for greater inclusion of the party’s membership.
3. It prohibits the domination of the party by an elite group.

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Term limits. Domination of the party by an elite group. Those two are contained in this first document, which was culled from consultations and they list the dates and times of the consultations that they had with all their constituencies, and so on. The next step, it says the committee felt it prudent to report to the party on its findings and seek advice of the general council, and so on.

So let us come to the second document. There are several others but, again, because of the time. There is a report of the party's constitution review committee and this report states, and this report, I think, was dealt with at this special convention in December 2012. It says:

The Chairman of the committee, Mrs. Bridgid Mary Annisette-George, presented the final report of the constitution review committee at a special general council meeting, Saturday, 08 September, 2012, which was circulated...

—and so on.

After the presentation, the chairman invited members to make their comments. After much discussion on the one-man one-vote, the following recommendations were put to the vote for formal adoption:

I am not going to read all of them, because again I am concentrating on these three within our Bill. The second one says:

The recommendation for a run-off as amended was unanimously passed.  
[Desk thumping]

Further, the recommendations listed under the removal of officers—that is the one I am saying also known as recall—that was also unanimously passed. And, thirdly, the recommendation and term limits were unanimously passed.

This is the report and in that, the general council says: okay,

Be it resolved that a special convention for delegates be convened on the 2nd December, to consider and approve the aforementioned amendments to the party's constitution.

So we go now to the special convention where the amendments were approved. Let us deal with it.

Election and removal of officers. This has to do with what I mentioned about recall. So let us take the recall. With respect to that, it dealt with Article 18 of the Constitution of the PNM and I had to go back and look at what Article 18 said, and they agreed that Article 18 already covers the recall provision and therefore they will keep the Article 18. So here is the recall. In Article 18(4):



All officers shall be elected by secret ballot...  
and so on, and then 18(5):

The general council may, by resolution, recommend to the annual convention that any officer with the exception of deputy leaders, party and election matters policy...

and so on,

...shall be dismissed from office and the matter shall be decided on a Motion duly passed at an annual convention.

So here you have the mechanism for recalling the leader. What we are seeking to do in the Bill is to have the mechanism for recalling a non-performing Member of Parliament. How we do it? Not by a resolution Motion inside the party, but we are doing it by a petition triggered in the constituency with a requisite threshold of voters signing that petition. That is the recall mechanism we are presenting. So they may say it is different, but what is the result? The result is the recall of someone you do not want there, whether they are non-performing, whether it is that they are breaking the law, whatever the reason, bad behaviour. Whatever the reason, the majority says—because that is when you vote in that convention—look, we want to recall you. I do not want you as my leader. I do not want you as X officer, I do not want you as Y. So we go to that.

Coming back to the special convention. We deal with now—

**Miss Mc Donald:** Like this is a PNM thing?

**Mrs. K. Persad-Bissessar SC:** Yes it was clearly a PNM thing. Clearly a PNM thing. Most definitely a PNM thing. [*Desk thumping*] And, therefore, I cannot see that those on the other side have the moral authority or even consultative authority to not support these measures before this House. [*Desk thumping*]

On page 24 of the special convention document—[*Interruption*]

**Dr. Browne:** You are practising as Leader of the Opposition.

**Mrs. K. Persad-Bissessar SC:** I was there before, Sir. I do not have to practise to be there. I was there. I hope that you remain there. [*Desk thumping*]

Now, in the *Express* we come now to the issue of the run-off. In an *Express* article carried November 30, which is prior to this convention, the then Chairman of the PNM talked about the changes, and they are talking about PNM doing away with maximum leader style and he spoke about changes that would be made and I deal with—there are several—but the run-off issue and he said:

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For the election of the position of political leader there would be a run-off system. If, for instance, there are three contesting and candidate A gets 40 per cent, candidate B gets 35 and another gets 25, the PNM does not want its political leader to be a minority leader and, therefore, candidate C would drop out and a run-off between A and B would take place.

[*Desk thumping*] What is the difference? What is the objection and the acrimony, when we are saying that a Member of Parliament should not be a minority Member of Parliament and the two highest scoring MPs will have a run-off and then you will have a majority representative. Again, Khan said:

Sunday would be a true red-letter day.

He said:

While the PNM Constitution remains robust and profound, which has stood the test of time, the time had come for some major changes.

So they signalled that they would have the run-off on the Sunday thereafter. First they were saying—notice what happened here. He said 40 per cent. If you got less than the 40 there would be a run-off.

**11.45 a.m.**

By the time they came to the convention, they were saying run-off voting for the office of political leader: where no one candidate for that office obtains 50 per cent or more of the votes cast, then the two candidates with the greater percentage of votes shall be involved in a run-off election—[*Interruption*]

**Mr. Speaker:** Member for Port of Spain South, your back—

**Hon. K. Persad-Bissessar SC:** Sorry, Sir.

**Mr. Speaker:**—is towards me. I want to see your face. [*Laughter and crosstalk*]

**Hon. K. Persad-Bissessar SC:** She does indeed have a very pleasant smile on her face. [*Laughter*] I come back to page 24 on run-off voting. Here now, instead of a 40 per cent majority, they are now proposing a 50 per cent majority vote. [*Crosstalk*] So what is good for the PNM, they do not consider it is good for the rest of the people of Trinidad and Tobago. [*Desk thumping*] They do not consider that it is good, and come to plant fear—when you hear the rantings and ravings of some, it is a whole fearmongering that is taking place, to seek to panic people and telling them rise up.

You know, Minister Toppin talked about a RISE-UP Card, but I saw that Members of the Opposition were talking about telling people rise up. So what is wrong with rise up? [*Crosstalk*] Toppin, your RISE-UP Card, Minister Toppin, just

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a few days ago I saw objections to the name, and now we are calling on people to rise up and creating this panic. Look, there are several things that other speakers will deal with them that are total fabrications, total fabrications as to what would happen should this come into place. Let me deal with just a few of them in the moments I have left.

First of all, let us disabuse our minds that the provisions that make for a second ballot are only concerned with a run-off election, that it will choke a member, a constituent, a voter from exercising their freedom to vote, what utter—what foolishness! What nonsense! [*Crosstalk*]

**Dr. Gopeesingh:** “Restrain yuh self right now.”

**Hon. K. Persad-Bissessar SC:** I have to restrain. Because you have your ballot, your first ballot, which you go to win. You think you are going to come second, third and fourth? [*Crosstalk*] You go forward on your ballot first of all as we do now in a general election, and you go, whichever party you want to vote for, that is your right to exercise, your right to vote for the party of your choice, that is not taken away. Your freedom is not taken away, and should it be that the candidate that you voted for gets the majority of votes, you have nothing to worry about. So your candidate and your party must canvass not to come second, and third and fourth, but they must campaign to go to win. [*Desk thumping*]

And if you cannot win with a majority vote—and as I am sure even the PNM for their leader, they want a majority leader—then, contrary to the view that the second and third and fourth parties are lost, contrary to the view. At the moment, in first past the post, when you vote that first ballot, minority person goes in, you are done; you are gone, end of story; go home. But now, you are being given a second chance to mobilize every single vote in your favour in the second ballot, in what is being termed as the run-off. So you are given a greater chance of democracy and participating in a democracy. It is only when you do not have elections—I cannot understand how people are saying having elections is a dictatorship. [*Laughter and crosstalk*] Having elections is a dictatorship! Having elections is the essence of a democracy. [*Desk thumping*]

A dictatorship comes when you do not have elections, which is the modus operandi of that side, when for local government elections, postponed year after year after year. Mr. Speaker, this Government has held every single election when it was due—[*Desk thumping*] every single election. Last year we faced several of those, for the good or the bad, but that is we kept the democracy, for the good or the bad, the democracy was more important than the win. And we will hold those

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elections in 2015 when they are constitutionally due. [*Desk thumping*] The Parliament will prorogue, dissolve, in June of 2015, and those elections cannot be held after September 2015. Take note, you know!

So those who are saying calling elections now and November, think twice, because those were the same ones saying we were calling it in six weeks, in six months, in the first year, in the second year. I will run the term of this Government as long as the law permits, [*Desk thumping*] within the law. So when the Parliament dissolves in June according to law, the elections can be held anytime thereafter, but not later than September 2015. So those of you who are getting antsy and so on, make sure and stay within the law because we intend to follow the law in every regard. [*Desk thumping*]

[*Mr. Speaker signals the Prime Minister.*]

Five minutes, yeah. [*Crosstalk*] I would have liked to spend a little moment in the five minutes to deal with the issue about third parties, because there are some people who are saying that it is the death knell of third parties, it will kill third parties. Nothing is further from the truth. And people are saying this because they have not examined the empirical data on this matter. Because if you look at the records, if you look at the empirical data, then you will come to a totally different conclusion. Because this system will give a greater opportunity for third and fourth and fifth parties to remain in the electoral system and to actually gain seats in the Parliament.

So let us look at the statistics. In 1961, the possibility—if you used this system, there would have been one run-off. 1966, three; '71, zero; '76, six; '81, 10; '86, three; 1991, 11; 1995, one; 2000, one; 2001, two; 2002, zero; 2007, 14 run-offs; 2010, none, because everybody got their majority votes. So there has been a lot of speculating, a lot of pontificating that this will damage the third parties. Let us look again.

In 1981, the ONR got over 90,000 votes, but did not win a single seat. The ULF got 62,000 votes, they won eight seats, they formed the Opposition in Parliament. If there was a run-off election, the NAR would have had a chance, would have featured in at least three run-off elections in Nariva, Pointe-a-Pierre and Oropouche. The NAR in 1991 was obliterated from Trinidad as it failed to win a single seat. The result: PNM 21, UNC 13, NAR 2, but should we have had a run-off system, that third party, the NAR, would feature in two run-offs. Win or lose, we do not know which way it would go, how the vote would go, but that third party would have been given the chance, a second chance in the run-off. There would

have been a run-off between UNC and PNM in Barataria/San Juan, Ortoire/Mayaro, Pointe-a-Pierre and Tunapuna.

The COP in 2007—because I understand the angst of my colleague and my partner in Government, that there are some Members of the COP who are very concerned that this will kill the third parties. Nothing is further from the truth. In 2007 they received 148,000 votes but, like ONR, not a single seat. Had you had the run-off, there would have been run-offs in two constituencies. The data shows that contrary to mischief and misinformation, the run-off system would have allowed critical third parties to survive by winning seats in Parliament. The time will not permit me furthermore, but I want to make it very clear, more elections can never be dictatorial. We have two elections. The end result will be that a constituent will be represented by a majority representative, fairer representation, no dictatorship.

In terms of the transition of power, some are alleging—time please—some are alleging that this will impair a smooth transition, that whilst you are waiting on the 15 days, some people will run and loot the Treasury. People are actually saying that, [*Crosstalk*] they get the fear that people will run and loot the Treasury. You were there for how many years, you will use this 15 days now to run and loot the Treasury. I want to ask if that is what the PNM did when Panday and the UNC won the election, and we had to wait so many days before the President appointed a new Prime Minister. Again, when we had the 18-18, 14 days—one minute—14 days. Did anybody run and loot the Treasury in those 14 days? So right now in our system there is a transition, a smooth transition provision in the Constitution that we have not attempted to alter, which is to say that the—[*Interruption*]

**Miss Mc Donald:** Mr. Speaker, just a small intervention. I thought that the 45 minutes were up.

**Mr. Speaker:** No, no, no. [*Crosstalk*]

**Hon. K. Persad-Bissessar SC:** The Member has now taken away half of my one minute. [*Interruption*] [*Crosstalk*] So there is precedent here. We are not changing the provisions, and I want to make it very clear that with respect to the appointment of a new Prime Minister, the President has the power under the Constitution yes, the President has the power under the Constitution right now, and will continue to have, that if there is a clear winner, that is 21 seats or more, you do not have to wait 14 or 15 days. He will appoint the Prime Minister. Where it is that there is a situation like 18-18, where it is uncertain, you would have the run-off within the 15 days.

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Mr. Speaker, I commend this Bill to this honourable House. I beg to move.  
[*Desk thumping*]

*Question proposed.*

**Dr. Keith Rowley** (*Diego Martin West*): [*Desk thumping*] Thank you very much, Mr. Speaker. I have heard this Government for over four years. I have seen them at work for over four years, and the one thing that has been very consistent with this Government is that whenever it finds itself having to explain its actions or its policies or its scandals, it resorts to telling you, the PNM did that too. I was absolutely amazed to discover that the Government is taking the position today that the reason why they are pursuing this line of argument in these amendments is because the PNM did this in Balisier House. [*Crosstalk and laughter*]

**Mr. Speaker:** All right, all right Members. Order please.

**Dr. K. Rowley:** So, Mr. Speaker, the Prime Minister spent a lot of her time with PNM internal discussions and discourse, confirming one thing: that the PNM has been involved in serious internal discussions about its party's constitution, and I dare say, Mr. Speaker, if she had brought other documents, she would have been able to show what our discussions have been on the country's Constitution.

However, Mr. Speaker, all that she was able to demonstrate was that we can speak with authority on these matters, because we have discussed them at depth, at length, and what we have accepted is in the context of also taking into account the downsides of many of these things. And if what the Government is telling us is that what is good for the PNM mirrored in running a political party, it is good for the country, mirrored in running the country. Well, then that is what she said. But we are not going to be taken by the sweet talk of the Prime Minister and her advertisements, you know. We will quote the Prime Minister from September 2013, where we understand the basis from which these amendments are coming and it is this. Let me quote for you, Mr. Speaker:

“Third parties always help the PNM. It did during the ONR time, it did so during the time when the Team Unity fought the UNC and again when COP and UNC fought separately and, it has the dangerous potential of doing so now,”

Mr. Speaker, that is a quotation from the Prime Minister of Trinidad and Tobago. [*Desk thumping and crosstalk*] And notwithstanding any description and sugar-coating about deepening democracy and participation of the people and power to the people, that is the driving factor behind what is before us in this House today.

But, Mr. Speaker, I only have half an hour today to contribute in this debate, and I would ask you, I am putting you on notice, Mr. Speaker, I will ask for an extra 15 minutes as the Standing Orders require. So I have maximum 45 minutes, but that is not enough time to discuss in detail. So we will continue the discussion in this House, outside of this House, because the one thing that is not going to happen is that the people of Trinidad and Tobago would be encouraged to swallow this on any sweet talk by the Prime Minister in Parliament for 45 minutes. This is a matter for the people and the people will be told about it.

**12.00 noon**

Mr. Speaker, all of this talk about the Constitution and the Prime Minister's vocalization, let me explain to you how we went about this. The Prime Minister wrote the Leader of the Opposition a while ago and invited me to send two names to her to put on a commission that was going to be given an assignment to review the Constitution and conduct consultation and so on.

I was quite happy because this is something that has been before this country for a long, long time and we have had many instances where there were consultations and no amendments or new arrangements came out of it. So, as a new Opposition Leader, getting that from the new Prime Minister, I was very happy. I wrote to her asking her for clarification and the clarification I sought was—I asked: Prime Minister, is it that you are going to put a commission in place with a number of people and two of those positions would be reserved for the Opposition to make the appointment; or, is it that I am required to submit two names to you where you may choose both or you may choose one or you may choose none. Please clarify for me so that I could proceed.

The Prime Minister never responded. Never responded, so I was not in a position to carry out the responsibility that I should have. But, I immediately suspected that there was no trust to be engendered in the treatment with the Prime Minister and her Government. Next thing I know, the Prime Minister appointed a member of her Cabinet, who is the leader of a minority party in her coalition, to chair a commission and that commission proceeded to work. Some people went before; some did not go.

But the bottom line is that the Government now created an expectation of consultation and I am putting this Government on notice that there is a legal consideration to that. Once you embark on the consultative process, there is settled law as to how that consultation should proceed, if it is to satisfy the rubric

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of consultation.

Arising out of that consultation, we are here in the middle of the vacation time. Mr. Speaker, I have been in this Parliament since January 1987, and throughout, and even before that, this country knew that during the month of August, our Parliament does not sit. But this Government has found it necessary to find this matter so urgent and so extraordinary that we are here today.

As we are here, Members who had expected to be on vacation are busy at airports trying to make their way back to this Parliament to get here today to take part in this debate because this Government has seen this so special to get us here today, notwithstanding what Article 14 says, of this new Constitution, which I dare say, the Prime Minister takes credit—and I give her credit for leading her Government—but the new Standing Orders are also the work of the Opposition. We were involved in that as part of this House. [*Desk thumping*] So any amount of chest beating about it; yes, we all did it; we, in 2014, accepted new Standing Orders and we worked to put that in place.

It is—I do not want to say a travesty—that Article 14 says there shall be no sitting of the House at this time of the year, but we are here because the Government sees it fit to bring us here under these circumstances.

The Government created the expectation of consultation and out of the consultative process would come the Government's proposals for the rest of us to bite into.

Up until Monday, when we came here for the opening of Parliament—like all other openings, we came to Parliament and it was a short session and the Government would lay its Bill. We got ambushed by the Government who, in this document from the Ministry of Legal Affairs, the *National Consultation on Constitutional Reform*, a Bill is before us to make three significant changes, not to the Constitution, Mr. Speaker, not the all-encompassing result of any consultation. What the Government has embarked upon is reform amendment, change, adjustment to the electoral system of the country, [*Desk thumping*] in a season where elections are upon us.

Let me read section 35 because they have a problem with section 30s—this same Government distinguished itself in section 34 in the Administration of Justice (Indictable Proceedings) Bill. Section 35 of this consultation, which was published on the Government's website and we all were led to believe that we could trust the Government; trust the Prime Minister. Listen to what it says and I



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crave your indulgence to read section 35 in its entirety. It says, and this is the commission speaking to us; not just the Government because taxpayers paid, I think it is \$14 million or more.

**Hon. Member:** Less.

**Dr. K. Rowley:** Less? All right, \$4 million; \$4. Taxpayers paid for the Member for St. Augustine to go around the country and produce this and this is what we are guided by. Trust the Government. It says:

“The Commission is ever mindful of the fact that its recommendations will have to be converted into a Bill or separate Bills to be debated in Parliament and that, once these are successfully passed by the required majority or majorities in the Parliament, there will be new constitutional provisions for the country. For this reason, a deliberate decision was made to provide the country with a philosophical document that explains the rationale for its recommendations to provide a new constitutional formula. This is done with the understanding that the drafting of a new constitution will require resources not currently available to the Commission. Additionally, there will need to be political consensus on the new constitutional formula before drafting can proceed.”

I want to repeat that, Mr. Speaker.

“...there will need to be political consensus on the new constitutional formula before drafting can proceed.”

But we come to the Parliament on Monday, get Bills in front of us, being rammed down our throats; come back here in a week's time, in our vacation time, and we are going to debate it, and all the Government loudmouths out there saying we are going to pass it, totally disregarding the commitment by the Government that there will be political consensus; and I tell you, how can there be political consensus unless, of course, they mean political consensus inside their organization, the PP? And even there they do not have any because this morning we are hearing that the COP is saying, “we are not with them”, and the PNM that leads the largest body of people in this country in the political arena we are not part of the discussions.

But you commit yourself after using taxpayers' money to go up and down the country and say the next step is political consensus before drafting and we have a Bill now to pass into law. Interestingly enough, law by a simple majority, which means that 15 of them, once the Parliament has a quorum, 15 of them can change

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the country's election system and that is being justified on the altar that the PNM have that, too.

The PNM has run-off for the leader, so a simple majority of them who so untrustworthily are setting about to change the election system in the country is what they are asking us to accept and when we object to that, they accuse me and they accuse us on this side of fearmongering, "whey we 'fraid all yuh".

We have good reason to be afraid of you because if you would not reply to the country's Opposition Leader asking for clarification as to what is required of me to make a nomination to your commission, then I have a right to be afraid of you. And you proceed to do what you have done and today you are in a war, an unseemly war with members of your own commission creating discord in the country, denigrating people, decent citizens who serve the country.

You have the Attorney General attacking them and presenting them in the worst possible way. That is the Government's behaviour. You were well paid so why are you objecting to the Government now? It is because you were supporting Dookeran and Dookeran lose. That is "all yuh" business, but do not tell us that we are to follow you and accept your simple majority of 15 people. Because simple majority means that the Government has one more than the Opposition. That is all it means: They need one vote more than the Opposition.

Once the Parliament is in quorum sitting, it is Members voting, not the House, you know. The House has 41 Members. On the day when they want to pass with a simple majority, once there is a quorum in the Chamber and the Government has one more person than the Opposition, it passes and the country's election system would have changed. Does that sound reasonable to you, Mr. Speaker? So, that is what they are pushing down our throats.

Then, we do not have time to go into the details of the cover for this because I do not want to do that now, I will do it later on. Because they are telling us this urgency which brought us here today, this urgent sitting, this extraordinary sitting is to make sure that no Prime Minister gets more than two terms. Okay, fine, there is an argument for that and against it. There are two sides to that argument because, of course, they have not told us how we will proceed if a vote of no confidence in this Westminster model is passed in a Prime Minister; how that relates to the fixed term for the elections.

Do we have a Prime Minister—I am not assuming anything; I am just asking. Do we have a Prime Minister? You have a fixed date for election under law and then the Prime Minister cannot command a majority in the Parliament well before

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that date, what is the procedure? What is going to happen then? Tell us and let us weigh both sides and see where we are. Do not just tell us, “Trust me”, because we have no trust in you. [*Desk thumping*]

Then, of course, only today—look at my predicament—we hear the Prime Minister of Trinidad and Tobago saying that she was unaware that for four years her Government has not completed a project which was under way in my constituency, an important project. [*Interruption*] Mr. Speaker, Mr. Speaker. [*Mr. Speaker consults with Clerk*] [*Member sits and rises again*]

A very important development project in the western peninsula, not just Carenage, the western peninsula, this Government met it under construction and for four years could find no reason to continue it, even though it was raised in the Parliament on numerous occasions; even though on one occasion, when the Government was pleading more money, the Parliament approved additional moneys and identified that project as a project to be funded by the additional moneys.

Yet the Prime Minister could come here today and say she was unaware that for four years her Government has not done the project. Yet, under those circumstances, I would expect that the Prime Minister and her friends would come to my constituency and tell my constituents to recall me because I have not built the fish market. That is what it is, but that is another debate we shall have another time. It requires more time, except that I would say that is a story that has two very wide sides and we simply say what the Government is offering of this recall in year four is a nonsense because year one, year two, year three will be subject to the same thing and there is nothing special about year five and to say that the PNM has recall in the PNM, so therefore we cannot object to what they are offering as our parliamentary system and our election system is just so much to be dismissed.

**12.15 p.m.**

So, Mr. Speaker, we come to the run-off which is the real reason for this. [*Desk thumping*] The run-off is what the Government wanted to get at because I had told you before the Prime Minister’s primary concern is that in a three-way fight the PNM could win, but when there is a one on one, the Prime Minister believes that her team can win. So these amendments are meant to enforce, to create an environment, not legislation for the population, it is legislation for the UNC. It is legislation to treat with the UNC’s understanding of the local politics. It is legislation to treat with the UNC fears of the outcome of the next general

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election, and that legislation puts in the forefront the interest of a political party over the interest of the national community.

They want to know why we are afraid of them, and why we believe that 15 days should be a concern to us. Mr. Speaker, they are saying that it happened before, and it is normal for after an election that it takes days to have a Government put in and so and so. That might be true, but there is no comparison between a situation where you have 15 days of electioneering and campaigning going on after an election. We have never had that—whether it is the 18/18, the 17/17/2 or whatever. After election day the elections are over, and what happens with the results—whether it is one week, two weeks—that is a different story.

What this proposal creates and allows is for the election, for the campaign to continue to another date to another election. There was never any other day for another election for a Prime Minister to be appointed in the 18/18. The results of 18/18 were set on that last election day. In 17/17/2, no other election was on the horizon, so the Government spending the whole Treasury would not have changed that result, but now they create the environment for 14 days of splurge and bribery and chaos to try and change the result. [*Desk thumping*] That is what they are offering, and they are boldfaced enough to come to the Parliament and ask us to vote for that. Well, if the Leader of the COP, our friend from St. Augustine, is the turkey who is prepared to vote for Thanksgiving, the PNM is not voting for that. [*Desk thumping and laughter*] If after he has brought it to the Parliament and laid it here as the way to go under the guise of that national interest, he has to go to his own party and be told: “We do not want it, stop it”, that is for him.

I want to point out to you, Mr. Speaker, how it is dealt with in the UK Parliament where our Parliament has taken its template. Mr. Speaker, there is a coalition in the UK that came into office two weeks before this Government. Their election was in the first week of May 2010 and our election was May 24, 2010. The coalition there was Labour, the Conservatives and the Liberal Democrats. It is called the Lib Dems. The Lib Dems and the Conservatives got together to form the Government, and they started trumpeting this thing like they are doing in Trinidad and Tobago. “This is the era of coalition and coalitions are here to stay”, even though in the ’20s and ’30s coalitions were an established practice in the UK and left a bitter taste in many people’s mouth.

Coalitions came about in the UK again in 2010, and they start telling us it is something new that we have evolved to that. But what they did, Mr. Speaker, they had the same difficulty that this Government has, which is a concern about what will happen in the next election. Immediately they came into office, the Lib Dems

and the Conservatives, particularly the Lib Dems, had a concern as to how they would fare in the next general election. So what they did, Mr. Speaker, they got together—*[Interruption]* Mr. Speaker, I would like the Prime Minister to give me some quiet, please.

**Mr. Speaker:** Yes, hon. Members, could you give the hon. Leader your undivided attention? Continue hon. Member.

**Dr. K. Rowley:** I do not mind not getting the attention, I mind not getting silence. *[Laughter]*

Mr. Speaker, so what did they do? In England, the Liberal Democrats and the Conservatives, just like the COP and the UNC here, came up with the bright idea that since we are not sure or that we are scared of what is going to happen to the general election, what we will do is we will change the election system to give us a survival mode. So the Lib Dems and the Conservatives set about to put to the British people a new system called alternative voting. And if I crave your indulgence, Mr. Speaker, how much more time do I have, could you tell me?

**Mr. Speaker:** For the first 30 you have until 12.26.

**Dr. K. Rowley:** Thank you. Well, let me take the six minutes and take you through what happened in Britain, but the interesting thing here, Mr. Speaker, is that the British parliamentarians had the decency to bring this matter to the population in 2011. In May 2011, one year after they came into office, they embarked upon their attempt to change the voting system to favour the incumbent coalition. So there was a referendum in England on alternative voting. Let me take you through. I am quoting here from a couple of British newspapers summarising the stuff.

#### Britain Says No to Alternative Voting

“Plans to change the way MPs are elected have been overwhelmingly rejected by voters. More than two thirds...voted to reject the Alternative Vote...system in the first UK-wide referendum for 36 years.

Under”—alternative voting—“voters would be able”—

I ask Members and the population to look for the similarities between what happened in England in 2011 and what is happening here now. Just put the actors in the correct places.

“Under”—alternative voting—“voters would be able to rank candidates in order of preference. If a candidate receives a majority of first-preference

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votes, then they are elected.

If no candidate gains a majority on first-preference votes, then the second-preference votes of the candidate who finished last in the first count are redistributed. This process is repeated until someone gets over half the votes.”

And what is the view of the minority party, whether you like the party or not or the MP? They said this is worse than the first-past-the-post system.

“Had it been adopted, it would be even more difficult for non-established parties...to win representation.

In a speech accepting his side’s victory”—that is the minority party that led the no campaign Mr—“Matthew Elliott said the result was a clear signal from every part of the country that people want to keep simple, fair and effective system for electing MPs”.

But, of course, he also said this is not a vote that is saying that the first-past-the-post system is perfect and it is the best or you are voting first past the post. What it was, it was a vote against what was being offered as the alternative, as we are doing here now in Trinidad and Tobago. I am not saying that first past the post is perfect, but we are saying what you are offering is worse. And, of course, in Britain, 19 million people voted against this concoction of the incumbent coalition. And, of course, the chairman of one minority party said:

“It’s a worse system than the one we have!”

And then it goes on to point out that:

“...is fundamentally unfair to smaller parties like us.”

And it is costly. And it goes on further to describe the action of the Government coalition as a sleight of hand; a sleight of hand directly against millions of people for their own benefit, and it accuses Mr. Cameron who is head of the Conservative Party, who is now the Prime Minister and Mr. Clegg, who is head of the Lib Dems party, he accuses both of them of doing a desperate act and are desperate to undermine democracy even further.

So this—what was offered in the UK, which is identical in many ways to what is being offered here now—was described in the UK by objectors as desperate to undermine democracy even further and, of course, they called for a “no”. And then, of course, Mr. Speaker, when it was lost, the commentary in the *National Party* paper said:

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“I’m delighted that voters buried the”—alternative voting—“and dealt a humiliating blow to the opportunist Liberal Democrats. They were only interested in bringing in a system that gave them a bigger share of the cake.”

Mr. Speaker, do you see any similarity between those comments and what we are experiencing here now? And there is a long commentary which I must read into *Hansard* because we always look up to the mother of Parliament in the UK, and our system is based on the UK Westminster system. So what they tried in England it is important to know what the reaction was there in England, the home of parliamentary democracy. It says—and they are talking now about after they got the comeuppance. They are talking about the action and the attempt and the sleight of hands of the Lib Dems and the Conservatives to change the voting system under the guise of it reforming the Constitution, but at least they were honest enough to call it what it was—changing the voting system—and they were respectful enough not to bring a Bill to the Parliament, but to go out to the people and have a referendum [*Desk thumping*] but our home-grown variety dismisses their own recommendation in the report, and brings a Bill which they drafted at midnight on Friday into Saturday into the Parliament. They must get up and tell us when that Bill went to the Cabinet because half of the Cabinet heard it for the first time in here last Monday.

**Miss Mc Donald:** And when it went to the LRC.

**Mr. Deyalsingh:** It never went.

**Dr. K. Rowley:** And not for the first time the Member for St. Augustine, who is head of the LRC, has brought matters to the Parliament where he had a personal involvement and we have questions about how it went through the Cabinet.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Diego Martin West and Leader of the Opposition be extended by 15 minutes.

*Question put and agreed to.*

**Dr. K. Rowley:** Thank you, Mr. Speaker. Let me continue to read the reaction of the British commentary to what they tried in England, and it says:

“The abiding defence of 10 years of Thatcherism has now become the kneejerk response of the Liberal Democrats to attacks on their decision to join a coalition with the Tories. The almost certain resounding no to the alternative vote shows clearly that the voters think otherwise.

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The Lib Dems have no one to blame for this result but themselves. Last year they attracted the largest number of votes for their party since its creation, with the promise of a new politics. But in the end they settled for a squalid little deal stitched up behind closed doors.”

Mr. Speaker, just replace Lib Dems there with COP and it reads:

“Last year they attracted the largest number of votes for their party since its creation, with the promise of a new politics. But in the end they settled for a squalid little deal stitched up behind closed doors.”

It goes on to say:

“They now claim they must stick with this unpopular government, not to save their skins, but to prove that ‘coalition politics’ can work.”

Is that not familiar in Trinidad and Tobago?

“Indeed, they have simply reinforced all the fears that have made the majority of ordinary British people traditionally hostile to coalitions. The national coalitions of the early 20s and 30s...have left a legacy of deep suspicion of the policies of such governments.

But the Lib Dems have also undermined the democratic argument: that a reformed electoral system would extend representation beyond the declining numbers of the two tribes which have dominated postwar governments, and re-engage disillusioned voters with the political process. Instead of an end to the revolving door of Tory and Labour governments, what the Lib Dems offer is continuation of the revolving door with a permanent place in government for themselves.”

Do you see any resemblance between the Lib Dems being so described and the COP? And, of course, it goes on to say:

“...see this as a democratic abomination.”

And, of course, they attempt to sell it and describe it in nice terms in the UK. It was described as:

“Sound and fury signifying nothing. In the end, nothing mattered to voters at these elections other than punishing those who would inveigle their way into power with false promises.”



**12.30 p.m.**

Mr. Speaker, the *Guardian* column of May 05, 2011, describing what happened to the UK referendum of this same matter, Mr. Cameron and Mr. Clegg's attempt, the "Lib Dems are to blame if"—alternative voting—"is rejected", and it says:

"If the British public vote against"—alternative voting—"it is to punish a party that has betrayed its principles, and undermined the idea of coalitions"

And, of course, as the leader of the Lib Dems still tried to sell this and carried on a campaign of "There is no alternative"—that was their campaign, "There is no alternative"—it is described here as "the last refuge of a political scoundrel".

Mr. Speaker, scoundrel is not a parliamentary word I would use to describe any colleague of mine in here, I simply quote the *Guardian* describing the British experience which we are now being encouraged to experiment with in Trinidad and Tobago. I must tell you, Mr. Speaker, Britain does not have the inherent problems that we have as a significant plural society with all the dangers that entail. If a Government plays fast and loose with the election system and claims a victory that a large proportion of the country believes is a victory that was stolen. Britain does not have that, and they so resoundingly rejected the equivalent offer from Mr. Clegg and Mr. Cameron.

Today, I ask the people of Trinidad and Tobago to do like the British people of 2011 and reject the offering [*Desk thumping*] of this Government of this matter, they are offering nothing. We do not have to invent any wheel here, we simply have to learn from what has gone before because what had happened in Britain is exactly what they are attempting to do here now, hoping that this population is less sophisticated than the British, and what Mr. Clegg and Mr. Cameron could not get away with in England they could get away with it here. But I will tell them, Mr. Speaker, as long as the PNM is in Trinidad and Tobago to educate the people, they will not succeed with their foolishness in Trinidad and Tobago. [*Desk thumping*]

They want to know why we do not trust them. Mr. Speaker, we left here and went to Tobago, this Government awarded a contract in central Trinidad under dubious circumstances to their favourite contractor, and the ink was not dry on the contract, the contractor was in Tobago, take over the Cove hotel, and was running the TOP campaign in Tobago. They spent tens of millions of dollars in Tobago, and they were so sure they were going to win that they changed the protocol list to put the Chief Secretary above the Opposition Leader on the protocol list,

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expecting Ashworth Jack as Chief Secretary, but he did not even change his seat. So now Chief Secretary London is on the protocol list above the Opposition Leader because they were expecting Ashworth Jack—welcome Orville London. [*Desk thumping and laughter*]

That was Tobago, all right. The next thing you know there was a by-election in Chaguanas, which we in the PNM viewed as an internal—[*Interruption*] Mr. Speaker!

**Mr. Speaker:** Please! Please! Members, please!

**Dr. K. Rowley:** The by-election in Chaguanas, we viewed that as an internal UNC fight between candidate Jack Warner and candidate Khadijah Ameen, outgoing chairman and ingoing chairman, but the Government got in there. The Government got involved in that. Outgoing chairman and incoming chairman were fighting in Chaguanas West. The Prime Minister led her Government into Chaguanas West and there were contracts like rain being awarded in one part of Chaguanas West. I am telling you, 117 contracts in Felicity, and they sprinkled money, they dug up road, all of that. We saw it. The country grounded to a halt, the Government champed and, in fact, one Minister was driving so fast he broke a man's foot and he could not stop [*Laughter*] because election was taking place.

At the end of the day, the good sense of the people of Chaguanas West prevailed but the Government did not give up. They came to St. Joseph and, the same thing, they believe they could buy elections. The Sunday before election, they shamelessly put down a table in Aranguez and was giving away cash to people under the guise that they were compensating them. They were compensating them. [*Desk thumping*] This Prime Minister saw her Government put down a table in Aranguez and handed out \$2 million in cash.

**Mrs. Persad-Bissessar SC:** Mr. Speaker, on a point of order, 48(6).

**Mr. Speaker:** Yeah, I want to sustain that point and ask you to withdraw that, and do not impute improper motive, please.

**Dr. K. Rowley:** Let me withdraw what I have said, let me say it over, and I am talking to you, I am not talking to them, I am talking to you. The Government of Trinidad and Tobago, during the by-election in St. Joseph, had a distribution of cheques in Aranguez the weekend before the election, \$2 million worth of money. [*Desk thumping*]

**Mr. Speaker:** You cannot accuse the Government because you are talking about Members of Parliament, and all I am saying is that we cannot shift from one and cover all. So what I would say is that let us not impute improper motives to

any hon. Members of this House, and not, as I said, go under the broad rubric of the Government. So, I understand the point that you are trying to make but the language is not appropriate and it is in breach. Okay? So kindly not go there.

**Dr. K. Rowley:** Mr. Speaker, I do not want to be in breach of the Standing Orders, but I simply will rephrase it. If people are now accepting or owning up and saying that it was improper motive, improper, that is up to them, I am simply reporting news items defended by the Government. The Government explained that they were compensating people, they were compensating farmers for flood loss. That is a fact.

Mr. Speaker, it just so happened that the only time that could have been done was the weekend before a by-election in St. Joseph. [*Desk thumping*] And, of course, Mr. Speaker, the Government had a candidate at the other end of the constituency in St. Joseph who, in walking about there, was hearing from people, soliciting the needs for projects, and the next thing we knew there were Government ads in the newspapers saying that Ian Alleyne was delivering 25 projects and they were funded by the Government of Trinidad and Tobago. I am not making this up, that was in the newspapers. As a matter of fact, it is before the Integrity Commission. [*Desk thumping*] So if they want to complain about me repeating it, it is a fact that those things took place, [*Desk thumping*] I am imputing nothing.

I am imputing nothing, I am saying to you why we cannot trust this Government with 15 days of authority to be in office [*Desk thumping*] while an election is pending. That is what I am saying to you. In Britain, as I said before, when they wanted to use the ruse, they decently went out and had a referendum asking the people if they will support their ruse to try and stay in office in coalition politics. The people resoundingly said, no, right? And here in Trinidad and Tobago, we would do well to learn from Britain.

Mr. Speaker, what is it that drove this position? Why is it that this Government never found it fit to come to Parliament, encouraged by the Opposition, one day, any day, come to Parliament, let us abolish the arrangements for appointing a Commissioner of Police, which we all agree is an impediment to good order in this country? Criminals have taken over the country. The police service is adrift. A new Police Service Commission has been put in place, I heard the chairman gone. I suspect it has to do with him not being able to deliver what he thought he could have delivered as chairman. The Government will not come to Parliament for one hour with a guarantee for Opposition support that we could

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abolish that and put a simple thing in place, but the same Government will hold out to the people, that we care for you so much, we love you so much, we are keeping our promise so much that we are coming here in the vacation to change the election system for you.

Mr. Speaker, power to the people?—then the people are resisting this, and if this Government genuinely believes that what it is doing is giving the people what they want, I am saying to the Government today, do not come here and tell us you are going to call election next year September, you have brought a calamity upon us, that is why we are in this House now, call the election now and ask the people what they want. [*Desk thumping*] Call the election now and ask the people what they want. Do not pretend to be speaking for the people while the people are resisting. We did not ask you to bring this here and say it is the people who want that. You brought it here and you are now saying it is for the people and that is what the people want, and we are saying to you, “No. No. Ask them what they want”. Ask them what they want.

Mr. Speaker, you know—how much time I have left?

**Mr. Speaker:** You have three more minutes.

**Dr. K. Rowley:** Well, okay, as I said, Mr. Speaker, we are not going to spend a lot of time in this House trying to convince the Government that it is wrong, this Government is beyond recall, except to say that we, as parliamentarians and as citizens, take umbrage at the Government’s spokespersons casting aspersion on eminent citizens who have spoken up on this matter.

I think it is quite wrong and indecent for a Government Minister to be engaging Mr. Martin Daly in the way he has been engaged, and telling him, he who has served this country as an Independent Senator for years and is a distinguished legal luminary commenting on the Government’s position, and a Minister of Government tells him, “If you want to talk get a seat in the Parliament or find a Senate position”. It does not do the Government anything. The Minister is out of place, and as for the Minister, a Minister of Government, speaking to a commissioner like Merle Hodge, a former leader in the university, shaping the minds of our young people, but because she has a difference of opinion with the Government, and a difference that puts the Government in a very serious position, because the Government is being accused of dishonesty, because when the Government came into difficulty with what it put before the Parliament, and the question was, “Where did this come from?” The Government produced an addendum.

All of my years in dealing with texts and books, and whatever, I know an addendum is an integral part of what it is supposed to be added to. In this, Government gave us a report, no addendum. When you come under political pressure you produce an addendum that was created for your eyes only. The Prime Minister's eyes are not the country's eyes. Private and confidential discussions that did not form the report that was laid to us. [*Desk thumping*] It was not part of the website, and the same way they could come here and quote the PNM's internal discussions that did not form the amendments of our Constitution, we are asking you, why should we trust you when a commissioner of the ilk and high standing of Merle Hodge could be drawn out, to point out that what you have done is to present an addendum with a title to suit your political difficulty trying to tell us—totally untrue. So she is calling Merle Hodge a liar now—totally untrue, that is what she is saying.

**Mrs. Persad-Bissessar SC:** Once again, Mr. Speaker—

**Mr. Speaker:** Okay, PM.

**Mrs. Persad-Bissessar SC:**—48(6).

**Mr. Speaker:** First of all, it is unparliamentary to use that word here, and you cannot accuse the hon. Prime Minister of referring to someone as that, so could you withdraw that please?—and you know better.

**Dr. K. Rowley:** I withdraw my interpretation. If the Prime Minister thinks that Merle Hodge is not speaking the truth that—[*Interruption*]

**Mrs. Persad-Bissessar SC:** I did not say—you see, once again, Mr. Speaker, once again, at no point I said she was not speaking the truth. I said what you were saying is not true. [*Desk thumping*]

**Dr. K. Rowley:** Okay, I apologize to the Prime Minister if that is what she said. So the Prime Minister is saying that the Member for Diego Martin West is saying that Merle Hodge said that—[*Interruption*] Mr. Speaker, I am winding up, all right.

**Mr. Speaker:** Yes, let us calm the temperature. I think you are way over your time. I gave you two extra minutes, you were supposed to go at 12.41, but because the Prime Minister was supposed to stop at 11.53, and it skipped me and she went to 11.55, I added two minutes to your time, so you are now beyond your time, so I will give you a few seconds to wrap up, please.

**Dr. K. Rowley:** Thank you, Mr. Speaker. Mr. Speaker, I have been to many funerals and when you go to the, I think it is the Catholic funerals, somewhere in the service it says, “As we go to our grave we make our song, hallelujah, hallelujah”, this is this Government’s hallelujah. Thank you, Mr. Speaker. [*Desk thumping*]

**Mrs. Persad-Bissessar SC:** Mr. Speaker, I rise on standing order 44(8).

**Mr. Speaker:** Yeah. Okay. Well, hon. Members, if you go to your Standing Orders you will see what 44(8) means. The hon. Prime Minister has risen on that Standing Order and she has two minutes to just deal with the particular material part of her speech, which would have been misrepresented. Exactly two minutes, hon. Prime Minister, please.

**Hon. K. Persad-Bissessar SC:** Thank you very much, hon. Speaker. The two minutes, I thank you for that time but there were so many other points that were misrepresented, but I rise, in particular, with respect to what the hon. Member said in my contribution was saying, that the reason we are doing this is because the PNM had it in their documents. Nothing is further from the truth, and in my contribution I indicated we were doing it because we were keeping the promises and we believe in strengthening and widening democracy. [*Desk thumping*]

**Mr. Speaker:** I think it is a good time for us to have our luncheon break, so we will break for one hour. This sitting is now suspended until—now is 12.46—until 1.46 p.m.

**12.46 p.m.:** *Sitting suspended.*

**1.46 p.m.:** *Sitting resumed.*

**Mr. Speaker:** The hon. Minister of Legal Affairs and Member of Parliament for St. Augustine. [*Desk thumping*]

**The Minister of Legal Affairs (Hon. Prakash Ramadhar):** Thank you, Mr. Speaker. Let me just say how happy I am to contribute to this very important debate today. Before I get into the substance of my contribution, let me just ask a question to the learned Leader of the Opposition, the Member for Diego Martin West, because we are regaled, day in and day out, in every debate about what he stands against, and I think that it is about time this country knows what he stands for and his party stands for. [*Desk thumping*]

Mr. Speaker, through you, I ask the question, and I shall take my seat if necessary, if the response is immediate, and in any opportunity during my 30

minutes to begin with, if the Leader of the Opposition wishes to answer, I will certainly give way. Do you, Sir, and your party stand for proportional representation? One. Do you, Sir, and your party stand for referendum? I see there is no response. And that is not surprising. [*Crosstalk*] It is extremely—[*Crosstalk*] Gentlemen, please. I am going to ask you—Yes. Having failed to respond here, I am not surprised. Because what we are dealing with here is nothing other than a charade by the Opposition, [*Desk thumping*] an opportunistic effort to feast unfair. And the Leader of the Opposition has proven himself, time and time again, not unwilling to go into the dark and bring out the worst expectations in a society. To have heard him say that during a period between a possible election date and a run-off, that there will be a feeding frenzy of corruption of the most heinous of things, to steal an election, says more about “he” and his thought process—[*Interruption*] about him, he, whoever, you Sir, yes—and the process and the people of Trinidad and Tobago.

What is the reality that this country has faced in the past? We are reminded—and I want to congratulate the Prime Minister [*Desk thumping*] on a very lucid delivery—that this country has seen a period when there was no seated government in that way, between December 10 and December 24, and therefore, we have seen that this country is far more mature, far more responsible than the Leader of the Opposition says that it is or expects it to be, unless of course, he intends, as I say, it tells more about what he, him or whoever thinks, and whether it is their plan or their intention to lead this country down that route of an almost mob-like mentality. And we have seen many examples of that in the recent past, but my time is limited here today, and I shall not waste too much time on what the Leader of the Opposition has said. Let us deal with what he has not said.

He has not said what the PNM stands for in terms of constitutional reform. He demonizes every effort, puts suspicion on everything and therefore hopes that he will, as a friend in Barbados named Brian—and permit me to tell this little story. Very young fellas we were at university, and he had this habit of every young female he will “make a pass” at. So, I said, “But Brian, what is this about? Every woman so?” He said, “Skipper, if I do a hundred, I might get through with one.” [*Laughter*] And this is what we have from the Leader of the Opposition. He might get through with one. I am not forgetful of what happened in the emailgate scandal, where he took—was it the garbage bin?—or from his postbox, matters, and put it here as a matter that created a national crisis almost, and nothing has come from it.

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Let us not forget the modus operandi of what the Leader of the Opposition of a great party, the PNM—this is where we have reached. And today we are dealing with constitutional reform, and he has said nothing of substance, analyzing the very thing that he criticizes—this run-off part. I ask also, Sir, are you for fixed terms for Prime Ministers? You have not said yes or no. Are you for the power of recall? [*Crosstalk*] Mr. Speaker, I am talking to you and the country. He could heckle how much he wants. He could talk how much turkey he wants, right, but I will not be tempted to call anybody a vulture, to have destroyed their own and feast off it. [*Desk thumping and laughter*] I will not be tempted.

**Miss Mc Donald:** Yes, Sir, Standing Order 48(4). You cannot use insulting language. [*Crosstalk*] It is here, 48(4). It is in the new Standing Orders. He knew what he just said. [*Crosstalk*]

**Hon. Member:** You are assuming.

**Miss Mc Donald:** Look, you from Tableland, look eh. Your days numbered. [*Crosstalk*]

**Mr. Speaker:** Member for Port of Spain South, I know that you are a little warm under the skin. [*Laughter*] So, I will ask you to just—I did not get the impression that the Member for St. Augustine was referring to any Member. But if I, at any point in time, believe that you are referring to any Member in this honourable House, I will ask you to withdraw those remarks. But continue, please.

**Hon. P. Ramadhar:** I am sorry, but if it fell in anyone's garden, I will retrieve it.

So, Mr. Speaker, let me just put in context this issue of constitutional reform. As the Prime Minister had indicated earlier, the long history of promises and false expectations of this thing ever happening, had led to a sort of scepticism and cynicism that it would ever happen, but here it is. Today marks a very significant day in the history of Trinidad and Tobago. And as much as they will attempt to demonize, to diminish the moment, let me just say, what also historic happened today. The Prime Minister, knowing full well that the party that I represent had a view that has been publicized and communicated. Today, I do not know if the history of Trinidad and Tobago will reflect a Prime Minister taking the bold step—it is bold and it is audacious and it is to be welcomed—to free her Members of Cabinet to exercise a conscience vote in the Parliament of Trinidad and Tobago. [*Desk thumping*]



**Miss Cox:** So, how “yuh” voting? [*Crosstalk*]

**Hon. P. Ramadhar:** We will deal with the vote when it comes. [*Crosstalk*]

**Mr. Speaker:** Please, please, please.

**Hon. P. Ramadhar:** When that time comes [*Interruption*] sorry.

**Mr. Speaker:** I would really like Members to observe 53, which is very long and beautiful. Yet I would like Members to pay attention to this section or this particular Standing Order because I would not want to retire anyone too early. Let the Member for St. Augustine speak in silence, please. Anyone who does not want to listen, go to the Members’ lounge and have a snack. Continue, hon. Member, please.

**Hon. P. Ramadhar:** Thank you very much, Mr. Speaker. So, I was making the point of another very momentous event in the Parliament of Trinidad and Tobago. And that is why, when you look at the totality of what is happening in the country, the change that everybody spoke about and expected is happening before your very eyes in this very time. The country has changed, is continuing to change, and I want to say for the better. In the past, what we had were all the whitewashes in constitutional reform and many other things. When wrong went, the country knew about it, but there was no response, and therefore, people after a while decided, you know what, let me stay quiet because the country had grown to a position, where if you spoke out, you know, you were vilified, and sometimes persecuted, and sometimes prosecuted.

This new moment in our history tells us that the new politics which the COP stands for is alive and well, and it is happening here in the Parliament of Trinidad and Tobago today, against all the criticisms and some necessarily not the most perfect way of things happening, but we are doing the best that we can.

I was making the point about the scepticism that the country had started to feel about constitutional reform. And when we had put in our manifesto that we were going to introduce constitutional reform, and the many other promises, people said, “That is just—everybody says that. They are not going to do it.” But you know what? You know what? My party and this partnership, contrary to all of the criticisms, believe that a promise is a promise. It is a matter of honour that must be delivered upon. And to that end, to that end, I was given the opportunity to serve my nation, not just as a Minister, but also as the head of the commission for constitutional reform.

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There was great criticism when I chose to be the chairman of that commission. But let me explain now for the nation's benefit, I have already told my friends, [*Crosstalk*] and why—you know, Mr. Speaker, I would just ask, I am not going to be very long, and I do not interrupt others when they do speak. So, I am on the point of why I chose to be chairman [*Crosstalk*] against—we will gobble you up in the next election. Mr. Speaker, it was for this reason, when I went to very prominent citizens in the society, Merle Hodge was one who I had to convince over time that this—[*Crosstalk*] No, I am just allowing the country to listen to the childishness on the other side, the irreverence that they have for the most sacred of the business of the people. Shame! Shame! Shame on you! But I will not be distracted nor shall I be deterred in my purpose, and my purpose is to explain why we are here today.

Mr. Speaker, you know what? Several of the commissioners who then accepted, said, “No”, they have done this before. This is not going to happen. It is not going to be real. I am not going to be part of a pappyshow. I said, “I will tell you something. I will stake my political future on the promise of the People's Partnership to deliver constitutional reform, and we are having it today”. [*Desk thumping*] And it was on that basis, and for other things, that we came together, and what we did because if you read the manifesto it says that the Constitution shall come from the voices of the people of Trinidad and Tobago.

We did not do like others that created a framework, and went out and said, talk about this, talk about that. We did not limit it. In fact, when I spoke to the Prime Minister, I said, “Prime Minister, should I even limit it to what is promised in the manifesto?” The Prime Minister said, “No. You go have the consultation, and whatever the people say, you report on it and you make your recommendations”. And this is what we did. We did 17 consultations throughout the length and breadth of Trinidad and Tobago. [*Crosstalk*] Not just that. When we did these things from the floor, the people said, “You know what? Could you return to us when you have your report?” I got the permission of the Prime Minister and the Cabinet of Trinidad and Tobago for something that we did not even promise, but it enhanced the participatory level to go back out for further consultations, as a result of which the addendum, at the end of it, was prepared because—[*Laughter*] They will laugh?

**Mr. Speaker:** Members, please. Please. I seek your cooperation. Allow the Member to speak in silence. Please, continue.

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**2.00 p.m.**

**Hon. P. Ramadhar:** Thank you very much. I was making the point that we had to decide after all those consultations, after the recommendations we had given in December of 2013 and then the further consultations, as to how we were going to actually achieve constitutional reform where the Leader of the Opposition has said publicly that he will not support constitutional reform. So we knew, then—*[Interruption]*

**Dr. Rowley:** I rise under 48(6).

**Mr. Speaker:** 48 what, Sir?

**Dr. Rowley:** 48(6).

**Mr. Speaker:** I think he is making a statement and if you are denying the statement you can rise and deny it.

**Dr. Rowley:** A pleasure, Mr. Speaker. Nowhere in the public record of Trinidad and Tobago can any other person allude to a statement like that coming from me. I have made no such statement. On the contrary, I have advanced the position that the PNM is engaging, has been engaging and will engage, and we have made, in the same debate here, 10 points of areas where we believe that there can be amendments of our Constitution. So while the Member is confused he should not quote me and ascribe to me anything that I had not said.

**Hon. P. Ramadhar:** And that is why I posed the question again today for clarity, will you support proportional representation? Will you support referenda, because wherever we went in the country, those were the two most important things apart from the others, that the people said we wanted to empower ourselves as a people. And we get the games here about whether he will support or not, but not saying it here when he has the opportunity to put clarity to the issue.

**Dr. Rowley:** You could not say it for me.

**Hon. P. Ramadhar:** With all due respect, and therefore we as the commission had to decide—*[Interruption]*

**Dr. Rowley:** You have not apologized to me.

**Hon. P. Ramadhar:** I apologize to you, Sir. I am sorry if it is that you are supporting proportional representation referenda.

**Dr. Rowley:** I did not say that.

**Hon. P. Ramadhar:** Thank you. So that we had to decide, sitting as commissioners, how were we to deliver constitutional reform assuming then that we would not get the support of the PNM, and therefore the majority required to deliver on those things. And we took a very practical approach that we will deliver what we can without the help of others, and it is as a result of which we decided to split this thing into parts, the first of which is before us today—the right of recall, that was a burning desire of the people. Fixed terms for Prime Minister, that was a burning desire of the people. And you know what was also a very burning desire of the people?—this whole thing about minority winning in constituencies and in Government. And the people said to us that they require some system by which that matter could be resolved. And the one system that we analyzed that could deal with that is proportional representation for which we do not have the majority. But how do we fix this thing without proportional representation was the question that led to the issue of the run-off coming about.

We have had situations where in the past, and I shall not regale you with all of them or even bother to tell you that it is wrong, because I do not think anybody here could disagree that it is not democratic for a minority holder to hold office. And under the present situation that we have, under the present law, on election night, every general election night those who do not win, lose. The one person who wins is he or she who has the greater number of votes in that constituency, and whether the majority of that constituency who would have voted for many combination of parties or whatever, the person who had the most votes would have won. And the country will agree that that is not the best way, and we had to improve upon it.

So, we came up with a mechanism of the run-off, and what this says is this, nobody prevents any party from going for gold, going for win as my former leader of my party, the COP, in 2006 had the foresight, he had the belief in his vision that the country needed the creation of that new vehicle. And because of the help of many and the wisdom of a lot, and the hard work and commitment, and I see some of them here in the public gallery—I am sorry—yes, who worked because they believed in this thing, we went to win. And that was with the ambition of any party that wants to participate in the governance that, of course, under the present law, because if you do not get first place there is no second or third. That is the reality. Winner takes all, selfish, greedy or whatever, but that is the system that we have. We had to improve upon that without proportional representation.

So what do you do? The run-off, and no one here, no one on the other side, no one in the public domain has taken a moment to really analyze this thing, because

as I say, the other side is fantastic, if it is one thing they are good at, is propaganda. One thing they are good at, is creating fear. One thing they are great at, is to misrepresent things and put sinister and suspicious motives to very noble ideas and ideals.

The run-off—permit me to explain a moment what it is. You go to an election, any party, 1, 2, 3, 4, 5, 6, go to an election in a constituency, you go to win; election night you lose everything. So, we said you know what, that allows for a person with a far less number to win. How do we fix that without proportional representation? The answer, not the best, but a practical solution was a run-off. So those two main contenders, when I say two main contenders, I mean those who have the two highest number of votes have a run-off. So the voters have a second option to vote again. But you know what it does?—when I hear this disseminated misinformation that it suppresses second and third parties, I say just the opposite is true. Let me explain why I should say that.

We have seen in the past campaigns run on a split-vote campaign, a vote for X is a vote for Y. So you will have a party that may not belong to the two known classic parties and persons who want to support that third or fourth or fifth party will be afraid to vote for their party of choice that they love and they want, because they figure if I vote for that there is a possibility that X would go into Government a party I do not want to see in Government because of the failed history in the nation. I am just giving you an example. What this does is that if you do not make the 50 per cent up front and there is a run-off, you are entitled to vote for your party of choice in the first election without a fear of a split vote. And therefore, that empowers that third party, because those who want it will vote for it without that fear factor. If you do not succeed in going for first and you are either second or third there is a run-off position.

Now, let me—something that nobody has spoken about, do you know we spoke about participatory democracy? Anybody ever attempted on the other side to explain what that means? In developed nations you have interest groups and in this country we have civil society who have issues that they want ventilated in the political space. And thank goodness that there was a party called the Congress of the People, that we had consultation on all sorts of things, something called “mashwara” in Islam, where you consult with all the stakeholders in the society, what do you want?

In our manifesto of 2007 it was created from these consultations from interest groups, and therefore what this new provision provides is that you could have these interest groups creating their own political parties in constituencies and in

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particular, where there may be marginal constituencies where you are par of a couple hundreds could determine the outcome of the election.

So it gives now a political light at the end of the tunnel for those interest groups to participate in the governance of the country by getting involved in the politics, so that when there is a run-off and you as a first or second contender in the run-off you will necessarily have to speak to those persons, and right now you could turn your back and shut the door on them and ignore them. They could create parties and you will then coalesce as to a force that goes to the run-off election. So it empowers everyone, and if there is a different point of view I am waiting to hear it. But everybody speaks about the death of third parties. This is an enlightenment of the democracy, this is putting flesh on all that we spoke about, about participatory governance, but they demonize it because you know why, what we have seen from the other side is that they want to return to what they call gate-keeping politics, where the fear factor is a split vote and your vote for one is a vote for the other and therefore you have just two main contenders and nobody else coming into that political space. That is what they would like to see.

I want to say in the consultations, in the consultations throughout the country, I want to congratulate and compliment Miss Penny Beckles and also the Member for Diego Martin Central. A quality person if there is one in the PNM. [*Laughter and crosstalk*] I shall not say who, because they both, and the reason why I am singling them out, they were the only ones who participated in the consultations on constitutional reform, [*Desk thumping*] Penny Beckles and the Member for Diego Martin Central, and you were so welcomed and your contribution was well respected. Your presence—when I speak I speak about you and Penny. So when we talk about consultation and they talk about how much money spent it was not a consultation for anyone, it was the people's consultation that everyone had the opportunity to participate in, but of course—and we keep hearing about breaking of vacation and so on, a lot of those consultations were during vacation so I am not surprised that I did not see the Member for Diego Martin West and others.

So, Mr. Speaker, what is at hand here is a very simple but necessary move. And I could understand the hysteria created by the other side because you know why, my father taught me, he said that, “you doh wait for a plant to get big and then you try to straighten it, you know”, but the philosophy on the other side is simply this, they want to nip this thing in the bud, demonize the first effort for constitutional reform, say it is wrong, stop the vote, stop the vote, right, so that it will be just an effort of failure again so that we will not get to vote on this and it

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should go into abeyance and that once again the Constitution shall not be improved upon. But I want to say this, they are misguided and misunderstanding of the population. The issue of constitutional reform has taken root and nobody is going to stop it. [*Desk thumping*]

The criticism that we have is designed for that purpose and for no other. Because when you truly analyze it there is nothing wrong with this law, nothing, but certainly the voices against it would be loud. The fury against it will be enormous, but the light in it is here, and they believe in leading by fright and not by light and that is the problem that I have with my colleagues on the other side.

The debate has started, this debate is critically important not for the sake of politicking but for the enlightenment of the population that needs to know more about this thing, what it represents, how it came about and what it will do. The benefit or the burden, whether it is good or it is bad. The debate does not end here, whatever the vote is, whenever it is taken, does not end here.

In our present Constitution there is a requirement for it to be also passed by the Upper House, where there will be further debate, so that to suggest that, you know, we should stop debate, no. I say that debate is always good, the more debate the better, and it is not necessarily a function of time alone but of quality and the repetition of criticisms out of fear is no debate at all. So I implore all those who shall speak to please truly analyze the merits or demerits of this thing so that the population that is looking and listening will be better able to understand what we are doing here today.

**2.15 p.m.**

Mr. Speaker, may I enquire how much more time I have?

**Mr. Speaker:** You have just under two minutes of original time, so continue.

**Hon. P. Ramadhar:** May I indicate I may require further time? [*Mr. Speaker nods head*] Thank you.

So, the whole purpose of the attack on this thing is to ensure that the train does not get out of the station because once it starts moving, once it starts going, for the first time in 40 or 50 years, there is no stopping it. It is out of the station, and therefore their first effort, I am not surprised, is so forceful, using all the resources of their friends of the people and throwing up smoke, throwing up dust, and you know in that process, because our society is now very suspect of politicians, that well-minded, well-intended people are getting caught up with it, and that is why clarity is critical.

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In terms of the time limit for Prime Minister, no one here on the other side would have acknowledged—

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the Member for St. Augustine and Minister of Legal Affairs be extended by 15 minutes.

*Question put and agreed to.*

**Hon. P. Ramadhar:** Thank you very much, Mr. Speaker. Fixed term limits for a Prime Minister—you hear criticisms that the country changes Prime Minister so often. That might be so, but let us put that as our standard, that you shall not serve more than 10 years and six months at most. Because we are overlooking a reality that the law that we make is not just for today but for the future, and what we want is leadership that looks not to the next election but into the next generation, as we keep making the point. If you do not have a fixed period, you would have those who have the ambition, as long as they have been in the Parliament, to be Prime Minister, and therefore they want to be Prime Minister for as long as they live, and therefore not looking after the real interest of governance or the future of the country, but how they will win the next election. When you fix the terms, you know what date at best—and as popular as you are—that you must exit as Prime Minister, and that is a very, very powerful motivation to look after your legacy in terms of what you can do for your country, not what your country can do for you.

In terms of the power of recall, it is important that the population knows that they have authority between election dates, and that is why I keep asking about referenda, and I ask about referenda for several good reasons, because—oh, my goodness, it is possible, unlikely as it is, but we must always imagine sometimes the ugliness that could come, of the return of the old order, that you could imagine the Leader of the Opposition being Prime Minister, for example.

**Hon. Member:** No, we cannot.

**Hon. P. Ramadhar:** Oh no, I know. You have to live a nightmare sometimes, and I need to know now whether the issue of smelter that we fought against, whether they stand for it; whether the issue of the property tax, which they have indicated they will return, whether we as a people [*Interruption*]—“Axe the Tax” and the “racket” rail, whether the population will have referenda in its grasp in future governments to say, “you see that, I do not want that. I do not have to wait for four or five years for the next election to tell you, go, take your plan, take the rapid rail and get out of here”. We do not want that.



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We want an empowered population that could tell a government that this is not what we voted for you, and we have seen in the past surprises come from a government that was elected, and as soon as they are elected they ignore the very people who voted for them and create their own programmes and their own systems that had nothing to do with what they promised, and that is why when this Prime Minister and this Government and this Partnership laid its manifesto as its policy in the Parliament, that was a most empowering thing in the history of this nation. [*Desk thumping*]

They could criticize it how much they want, but what I speak is the truth here and everybody knows it. So, that is why I want to hear about referenda; I want to hear about proportional representation, so that no vote in this country is lost. As small as you are in whatever corner of the society you belong to, when your vote is given it should be counted in terms of who shall choose leadership. But you remain silent on these issues but attack a run-off that is a very poor but necessary substitute for what we really want—proportional representation. And that void, that silence from the other side is deafening and the country waits to hear from you, either here or in the political space, as you continue with a mischief, to answer those questions. These are the issues that need to be answered and not the condemnation and the suspicions that you raise.

Mr. Speaker, I want to close, that leadership must never be by fear; leadership is about vision; leadership is about commitment; and leadership is about fulfilling promises. And I am reminded that when Franklyn Delano Roosevelt said, “the only thing we have to fear is fear itself”. I want to add to that, “the only thing we have to fear is fear itself and also the fearmongers among us”, because when they put fear into the society, we lose our ability somehow to be rational, to be reasonable, and therefore we are subject to the possibility of mob rule and a mob mentality, and we have seen too many examples of that in the recent past building up, calling for election now. You will have your elections, but you will not have a Government terrorized by your propaganda.

When the elections come we must clear the air and what is true must be known and what is false must also be declared. Not by what is happening in society. [*Interruption*] You reminded me about Turkey. Remember Brian—“skipper, I do ah 100, I geh through with one”. He was real, and I am seeing the very same thing that mud and attacks are pelted in all directions repeatedly in the hope that some would stick, and some has stuck and we need to fix this and we need to fix it fast. [*Interruption*]

**Mr. Speaker:** Please! Please, Members!

**Hon. P. Ramadhar:** Change is upon us. I am proud that change has come in a meaningful way. The very purpose, and I speak here not just as a Member of Parliament for St. Augustine, not as a member of the Congress of the People, not just as its leader, but also as a citizen. Growing up in the society we always heard about change. Mr. Dookeran spoke about it. His vision captured us—

**Miss Cox:** Nah, nah, nah; leave Mr. Dookeran out.

**Hon. P. Ramadhar:** But what is happening here—Mr. Speaker, they could cackle, they could groan, but what is happening here is that the very change that has been spoken about is here, and I was reminded of a statement by Woodrow Wilson—*[Interruption]* You see, they could shame, they could what, but listen what Woodrow Wilson said many, many years ago; “if you want to make enemies”—hear this one—“try to change something”, and that is what is happening here.

I want to say, as I take my seat, that the other side clearly shows that their leadership is about looking in the rearview mirror, not to see where they have come from, you know, but to put us in a reverse gear and to take us from where we have come. I say leadership is about looking forward. Looking where we are going, so that we could chart a way with open eyes, and that is why this debate is so important. There is nothing to hide in this. There is nothing to hide in this. If there is please bring lucid and reasonable arguments. But as I take my seat I want to make one comment to the Leader of the Opposition: you have, Sir, made a rightful place in the history of the politics of Trinidad and Tobago. You have. And that is where you belong—not to its future.

Thank you very much. *[Desk thumping]*

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. Mr. Speaker, and I want to give notice that I would like my additional 15 minutes.

In 2010 in the heyday of the UNC, I was in those days a big UNC “sawati” as you call it. *[Interruption]* Many of those who are here today under UNC were not even there in those days. They would have been ashamed to be called UNC then. In those days my first son—in 2010 when the PNM was supposed to be at its lowest, my son joined the PNM, and I could not understand it. So, I went to him and asked him, “Daryan, how you could join the PNM now, your father is a Minister, this is the party in power” and so on. He said to me, “dad, out of the mouth of babes and sucklings will come wisdom and one day you will understand”.

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And today, when I heard the Prime Minister of this country and political leader of the UNC regaling the virtues of the PNM, and taking a PNM draft document for discussion, and coming to this House and telling this House and this country that because the PNM has a document where they discussed how they should run their party business, this is the way we should run the country. I could not understand. *[Interruption]* More importantly also—*[Crosstalk]*—when I finish talk you will come to FIFA and CONCACAF. You do not have to face off, you have the Member for Oropouche East to come after me.

Yes, I also, Mr. Speaker, could not believe that I would have come here to be told all the reasons why somebody should join the PNM, coming from the political leader of the UNC and Prime Minister of this country, and I ask myself, I wonder where is Basdeo Panday today? Is he listening? I wonder where are all those UNC people who are listening, who would have ever thought that they would have heard that today? I wonder where are all those people who are thumping the desk, I wonder if they understand the UNC history of struggle, as Basdeo Panday called it: blood, sweat and tears—and I am coming here today.

Mr. Speaker, I have friends who are PNM, from time to time I have shared PNM sympathies on various issues, but never in my wildest imagination did I ever think that I would have come here to be regaled by the political leader of the UNC about the virtues of the PNM and the PNM will prevail. PNM *praevalere* I heard this morning. And what is even worse, Mr. Speaker, is that they are coming here this morning to talk and to listen for more than 20 minutes about PNM business, but nothing about UNC business, *[Interruption]* where the business is even more critical today, where past a year no elections have been held of any kind.

**Miss Cox:** Two years.

**Mr. J. Warner:** Where institutions have fallen to pieces, nothing is heard about that. And we are told today about the PNM. The PNM can take care of itself, and they are doing so quite well too.

**Miss Cox:** Aye, yes. *[Desk thumping]*

**Mr. J. Warner:** Quite well too. And what is even more bothersome, Mr. Speaker, is that I am told about the elections, and how elections are better for a democracy. And I ask myself, if elections are better for a democracy, as I am told by the Prime Minister and political leader of the UNC, how come the UNC does not have its own internal party elections? Since elections are so good for a democracy, would charity not begin at home first?

I left there a little more than a year ago. I left an acting chairman, I think she is still acting chairman. I do not know when they are having elections and so on.

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That is not my business, but I am saying when you come to talk here about other political parties, look at the mote in your eye and take it out. And then the Prime Minister went on to tell the House that these amendments are consistent with the promises which the Government made to the people. That the amendments are consistent with her Government keeping its promises. But, since that is the case, let me remind the Prime Minister of some promises which they have not kept, since she forgot, apparently.

**2.30 p.m.**

I would not take all, Mr. Speaker, just a few because if I were to take all, my 45 minutes here would be consumed. Mr. Speaker, one of the promises we had was “Checks and balances to safeguard against the abuse of power”. That has not been kept. “A free press unfettered by Government intimidation and uncompromised by Government preference.” That has not been kept. “Integrity in public life.” That has not been kept. “Containment and eradication of corruption.” “It eh contain, it eh eradicate.” That has not been kept, Mr. Speaker. “Mandatory provisions for making local government an integral part of the governance process.” That has not been kept. And the list goes on and on.

But let me take some easier promises, which are more visible, which you could touch and feel. One of the promises that was made was that we will settle crime in 120 days—120-day crime plan. I have not seen anything about that. I tried for 35 days and then I got moved. But I have not seen anything about that.

Mr. Speaker, we said that we will fix the Red House and put the Parliament back to where it belongs. After four years we do not even have four “coat ah paint on de Red House; not a trowel”. That has not been kept. All those empty buildings all over Port of Spain which the last administration built and which, for some reason or the other, have not been completed, we have given a fella called Watson Duke and the PSA relevance today because had they been completed, we would have no problems today.

Mr. Speaker, you recall the Legal Affairs building where the AG had to remove his office, we were told that in the first year this would be done. And the list goes on and on and these things have not been kept. So you cannot be cherry-picking promises and pick those that you think are relevant, and those that you think not relevant, you want, of course, to put in the background.

Mr. Speaker, but what I felt was even more pathetic and what pained me with the Member for St. Augustine just now, is the Prime Minister said here that she has freed her Members and they will not be bound by the burden of collective

responsibility. You know, the Prime Minister always likes to give the impression that she comes at the last minute, and she comes like Florence Nightingale and she saves the country and so on, so therefore, of course, the Members on the other side can vote according to their conscience. But that was not a gift. That was a concession. The Prime Minister had to concede following the meeting of the COP last night. [*Desk thumping*] And to come here and to give this House the belief that this illusion of a gift, a kinder and gentler Prime Minister, “unprecedented, unparalleled”. You heard him—the Member for St. Augustine? Let her “did’n say so, nuh”, and see what will happen.

But worse yet, all over the land rumours are being made that there will be no vote today. So what is the concession then? What is the gift, if that is true?

**Hon. Member:** Empty.

**Mr. J. Warner:** Empty promises, of course, no doubt. But, of course, the Prime Minister has to look magnanimous. But what is even worse in all of this—I do not want to spend too much time with the Prime Minister, you know, because I have other things to talk about—is that the Prime Minister is telling us that we must accept these amendments based on trust. “Have no fear. Be not afraid.” The Member for St. Augustine could not even be original in his warning: “Be not afraid” he also says. “Have no fear, because trust us.”

Mr. Speaker, at one point in time I used to be a heartbeat away from the Prime Minister and I trusted her then, you know, and I could not understand why the Member for Port of Spain South used to keep saying continuously, “We do not trust you all”. I could not understand it. But gradually it became clear to me, and one day I said publicly: “You know, when this Prime Minister kisses you, it is a kiss of death.” I said so publicly, and then I want the people to know that I understood now what it meant.

Mr. Speaker, I say here today, if anybody knows why this Government should not be trusted, I do. [*Desk thumping*] I do! And I make this point clear today, this is a Government that cannot be trusted, and therefore, to come here and say that we are here until June 2015 and after June, you have until September, it could be December, it could be March, it could be February. Who knows? And I am not prepared to take any kind of statement merely because the Prime Minister says she should be trusted.

Mr. Speaker, I do not have much time to say—but let me just spend two or three minutes on the last speaker, the Member for St. Augustine. At one point in time I had planned not to say anything about him because he did not say much,

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but then I could not allow some things to slip by, and I want to make this quite clear that—I repeat—the Member for Diego Martin West could speak for himself. He is very eloquent, very articulate. I am here for a few years in terms of the amount of years he has experience here. But when I heard the Member for St. Augustine asking some questions, and he asked the question: “what does the Member for Diego Martin West stand for?” I want to say to the Member, the issue is not about Diego Martin West, the issue is not about the PNM, the issue is not about the ILP, the issue is, you came here with some amendments which were rushed—hurried—and which, we believe from this side, are not in the country’s best interest.

But instead of asking that of the Member for Diego Martin West, let me ask the Member for St. Augustine—and in his absence his colleagues could tell him for me. I want to ask him what has he done, or what has he failed to do so as to enlighten, in the first case, his constituents in St. Augustine about the virtues of these amendments? Has he met them? The answer is no, and he said so. Has he met the executive? The answer is no. And until yesterday afternoon, if I asked him about his party, the answer will also have been no.

I could not understand, for the last couple days I have been watching television and I saw a plethora of persons going from TV to TV: the AG, unelected; Hamid Ghany, not elected; Christlyn Moore, not elected; a PNM person called Powell, not elected; a “wannabe” national security minister, Sturge, not elected, and I kept asking myself: “Why is it that this whole plethora of people are going on TV to explain these amendments and the chairman of the commission, the Member for St. Augustine, this distinguished chairman of the commission, is not going? But listening to him today, I understood why. He did not have a clue. [*Desk thumping*]. He does not have a clue. He does not even understand.

Mr. Speaker, one of the things he says about run-off—and I will jump this gun to come back—he, of course, gives the impression that run-off is no big thing. But his argument is flawed. It is specious because he failed to recognize that the system of run-off election demands that for a party to win, the people who rejected the party in the first case have to now go and vote for it in 15 days. He did not say that. He did not understand that.

What is even worse also, he said this as if, of course, cost is not a factor, as if the Government or the party that has the majority so far would not be important. Mr. Speaker, I was a victim of the most vicious form of attack and abuse by erstwhile colleagues who I had in Cabinet. In fact, since last year July to now, I

have refused to eat with them. I “doh” go upstairs because I do not know. I take a coffee next door or I read a book, because I could not understand how these are the very same guys who could have supped with me, talked with me, smiled with me and in the Chaguanas by-election—one seat—I had the most vicious campaign ever in Chaguanas West—the whole state machinery.

One day I remember passing down on Caroni Savannah Road, I saw poor—the Member for Caroni East, Dr. Tim Gopeesingh and the Member for Fyzabad, Sharma, walking down. They were lost. They “doh” know where they were. Rain was falling. I had to guide them to a place to shelter because they did not know anywhere in Chaguanas West. *[Laughter]* I had to tell them, “Well, doh come here, go there”, and so on. They were lost.

**Hon. Member:** “What dey was doin there?”

**Mr. J. Warner:** Fyzabad coming to Chaguanas West to fight. And I am telling you, Mr. Speaker, you could multiply that by three or four or five times when you have a run-off in election.

But, Mr. Speaker, worse yet, this run-off stratagem concoction, as they call it, this formed no part of the report from the Constitution Commission. Let us go to page two. This is the report. This very fantastic chairman we have here—on page two, hear what the report says. The report says:

“General Elections

- The House of Representatives should continue to be elected as it has been since independence — voters in each geographical constituency electing a representative by the first-past-the-post method.”

**Dr. Rowley:** “Ah didn’ hear it.

**Mr. J. Warner:** I will say it again. I mean, something has to be wrong. I will say it again. This document which the chairman uttered, which the Members sat on the Cabinet and so on, hear what it says. This document says, page 2.

“The House of Representatives should continue to be elected as it has been since independence — voters in each geographical constituency electing a representative by the first-past-the-post method.”

Where is the run-off? Where is anything about majority and 51 per cent? Where they get this from? Mr. Speaker, I will tell you something, you know. I do not know if you recall during the era of the local government election, after the

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election in one of the Prime Minister's lighter moments, when she was speaking to the nation she was saying, "De green man gone! He gone! He gone! De green man gone! [*Interruption*] That was the green man. But the green man might go, but the green man party here, and "dey eh goin a place". And the fact is, if anything has been a concoction so as to marginalize third parties, that is. And how anybody, except the Member for St. Augustine, sees it otherwise, bedevils me.

Mr. Speaker, before I lose my time, let me tell you the three major issues in these amendments that are worrisome. In the first case, the question of a candidate having to earn more than 50 per cent of the vote, I have just shown that has been debunked. But what is even more critical is that when a party, or a candidate, or a party has a candidate elected on a three-party system or a four-party system in a constituency and you eliminate all the parties except the top two, how do you pick a Senate? If your Senate is to be picked on proportional representation, as it says here—it says here that your Senate would now be based on proportional representation. But if you knock out all the other parties except the two topmost parties, how do you pick a Senate? Or is it that the Senate will comprise only those two persons?

**2.45 p.m.**

And, Mr. Speaker, in any event, if I choose to follow—there are some people who have been voting Butlerite right up to today and there is no Butler party. There are people who are voting NJAC up to now and NJAC has not fought an election in umpteen years. There are people, Mr. Speaker, who, of course, back a party and a cause because of their belief. If I choose to vote for the ILP or the COP, that is freedom of choice. You cannot deny me my freedom of choice. Why it is you must tell me that you must now discard my two parties or three parties and the top two parties are the ones that you consider? And in such cases, always the second party historically. Look at the facts. Historically, the second party always does better than the first. I do not have time to go into all the details now.

So in the first case, therefore, the argument is flawed. But to go further in terms of this scheme, I am asking: where did this scheme come from? I am told that this is the addendum as the Member for Diego Martin West said earlier on. What is this addendum? I could not find it anywhere at all in this document. Mr. Speaker, the document was given to the Prime Minister—I want to repeat—as a private document "for your eyes only", and that secret document which never formed a part of the consultative process is now the document being used to justify a run-off, Mr. Speaker. And if I was not sure, in the *Sunday Express* after



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having read Dr. Hodge's—and let me say it very early. I want to publicly, and for the *Hansard*, disassociate myself from the comments and the criticisms levelled against that lady by the AG. It was coarse, it was base and was in poor taste.

**Dr. Rowley:** No, crass.

**Mr. J. Warner:** Very crass. And if, of course, because you are handsomely paid means I must talk for you, then do not pay me.

But, Mr. Speaker, back to the point I am making. When I saw the article in the *Express*, it is then I realized where the contraption came from. What did Dr. Hodge say? On page three in the *Express*, Sunday, August 10, 2014:

“Hodge defends against AG's attack.”

And you see, the elegant language used to attack the AG. Oh, beautiful. [*Member kisses his hand*] Lovely. She said, I quote:

“The run-off provision did not come from the people...”

Dr. Hodge said, this run-off provision, this thing that they [*Member knocks desk*] are about and so on. This gift, “Power to the People”, borrowing a mantra from 1970 to now since the NJAC days. I am sure they have gotten no permission to borrow the NJAC mantra, “Power to the People”. Power to which people? Which people? When? When? Where? Why? How?

Mr. Speaker, she says:

“The run-off provision did not come from the people...”

I continue:

“and it was never revealed to the people before Monday, August 4, 2014...”

This is a document that is changing the whole electoral pattern, the whole voting process, and from last Monday to this Monday we are given a document and we have to now come here and vote. We do not have to consult our constituents. I have an obligation to consult Chaguanas West. If nobody else on that side has for theirs, I have for mine and I must talk to Chaguanas West in marching, and in Freeport, and in Felicity, in Charlieville and Monroe Road. I must talk to them and explain to them what is involved. She continues:

“it was never revealed to the people before Monday, August 4, 2014, one week before it was to be debated in the Parliament...”

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She continues, Mr. Speaker:

“It is therefore dishonest to claim that the people were consulted on this provision...”

This Government that talks about consultation, participatory democracy, new politics, well, of course, Member for Tunapuna, by now you know this is not new politics. But this is new politics. This, of course, is supposed to be a whole different plane, a whole different order. She said:

“It is therefore dishonest to claim that the people were consulted on this provision, especially as the Government is turning a deaf ear to what the people are saying about it during the week.”

This is the document that we have to now deliberate upon about the run-off system, Mr. Speaker. A document that was “for your eyes only”. The question one could ask: how much did this document cost; was there an additional cost for this; who were the people who were consulted on this; who were signatories to this document; what was the consultative process and so on? And then the AG comes out in another one of his crass public statements and said, I quote him:

If parties fail in an election, the Government’s proposed run-off poll system will allow their supporters to be unshackled and free.

Mr. Speaker, the reverse will be the case. They will be shackled and they will be unfree. And in any case when the AG tell me to run, I will stand up. When he say sit, I lie down.

**Dr. Rowley:** When he say truth?

**Mr. J. Warner:** When he say what?

**Dr. Rowley:** When he say truth?

**Mr. J. Warner:** If he say truth? Truth? [*Member steups*] The point I am making therefore, Mr. Speaker, is that the AG had missed the point completely—and not for the first time either—by trying to justify the amendment. Now he is saying you are free to choose, but you must choose from the choices we give you. Four parties, knock off two, keep the two topmost parties. We give you two, now choose. Do not talk about, of course, if when you choose, you still do not get more than 50 per cent—what happens? He said a third run-off.

Mr. Speaker, the other point that gives cause for concern is the one about the right of recall of a Member of Parliament. Mr. Speaker, on paper it sounds good and I guess when they brought this to the Parliament, they thought that this would

sweeten us because this is what the public is talking about. There are some MPs here—I do not have to call names—who, of course, the last time they saw their constituents was last year Christmas. There are some MPs who do not service their constituencies. People know this. They talk about it. That is not my business. They will either rise or fall on that, and therefore, people know that this will resonate nicely in the public's mind and ear, the right to recall, not because of the reasons given by Prime Minister about the PNM's constitution and draft document. The right to recall because Members, they say, do not perform.

So I am saying on paper it sounds good, but, Mr. Speaker, when you look at the method—Mr. Speaker, I would like to have my time extended please. When you look at the method, the method makes this whole right to recall a toothless tiger. Why? Let me fast-track and give some practical examples, and because of the practicality of the examples I will use—*[Interruption]*

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Chaguanas West be extended by 15 minutes.

*Question put and agreed to.*

**Mr. J. Warner:** Thank you, Mr. Speaker. Mr. Speaker, to fast-track it and to show the practicality of the whole situation, I will use two examples of two constituencies. Obviously, I will take first the constituency of Siparia, St. Augustine, and I will say—let us take St. Augustine for a start, 2010, and let us see about this right to recall.

Mr. Speaker, in 2010, of the number of persons who were eligible to vote in St. Augustine, that figure was 25,582. The total number of votes cast, 19,284. Prakash received then—and I say then, eh—15,271 of those votes. If this system is put in place, all Prakash had to receive—the Member for St. Augustine, sorry—is 9,642. Fifty per cent plus one. Fifty per cent plus one of the votes cast. So therefore, he gets 50 per cent. But, Mr. Speaker, to take him out you have to have 17,054 votes. You have to have two-thirds of the electorate. So it is easier to get him in but it is almost impossible to get him out, and all you have is one year, and therefore, this is a farce. It is to give people the illusion of a recall and to say we brought the right to recall. This is trickery and deceit at its worse.

Mr. Speaker, I go to another constituency. I was going to go to Pointe-a-Pierre, you know, but since the Member for Pointe-a-Pierre will not be there the next time I will not go there. I could, of course, go to Siparia. Let us take Siparia. Mr. Speaker, in Siparia, the number of persons who are eligible to vote, registered voters, 26,657. In 2010, the total votes cast, 19,825. Of that, the Prime Minister

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received 15,650. Under this system, all she is required to win is 9,913. But, Mr. Speaker, if you have to get her out you have to have two-thirds of 26,657—17,771 signatures. You have to have more people—this thing is so—

So, Mr. Speaker, I am just showing the fallacy of this thing. That is correct. Not even a by-election will give you this. Do you know what is even more bothersome? This is done in the third year. In the third year, 60 per cent—after you have spent 60 per cent of your term in office, only then and after that you can get the person out, and you have one year to do it. And, Mr. Speaker, to add to this, this is a Government that says you hit the ground running. I repeat, we have a 120-day plan. We have the first 100 days and so on. Why should it take a man three years for people to know that he is no good? Three years, and there is nothing she said here either about a by-election if one was to take place or have to take place.

Mr. Speaker, I want to also make another quick point to find the time. This document that was so regaled by all on that side so far said that in the third and final year before an election you must not have a referendum or you must not have any tinkering of the Constitution. It says it here. Why then, Mr. Speaker? Why then? What is the hustle? What is the haste to do it now if this is the recommendation? You paid \$45 million for this document, you know, and I want to tell this House, but I will say it now. When the Member for St. Augustine was appointed as head of this commission he was a reluctant bride. I was in Cabinet then. He was a reluctant bride and the Prime Minister had to, of course, rough him up, not literally, but speak to him sternly several times to get it moving, and he gives the impression now that this was some gift he had from upstairs.

So the fact is therefore, Mr. Speaker, at the end of the day I am making the point that it said you should not have referendum because it said and I quote from this document:

“In attempting to ensure that the constitutional reform process should have the widest public participation when it comes to making the final decision on a new draft constitution...

There was a clear recognition that any referendum on a new Constitution for Trinidad and Tobago should not be treated as a party political issue. Thus there should be some distance between the holding of a referendum and the holding of a general election.”

**3.00 p.m.**

There must be some distance between the general election and the holding of a referendum. It said so here. Why did you go against that? What happens when the Senate has to be appointed? How do you get your proportional representation? Therefore, I am saying, why the rush? Why the rush?

Mr. Speaker, the Prime Minister also made the point and she quotes several sources where a simple majority is required. I am no lawyer, nor are you, several of us on this side; what I do know, however, is that there are several legal luminaries out there who have different points of view on whether it is simple, whether it is two-thirds, whether it is three-quarters. All I am saying, if you have people—and, of course, the Prime Minister called those persons who thought so, but I will tell her also, there are those persons on the other side, like Ramesh Lawrence Maharaj, right, and of course, my deputy political leader, Rekha Ramjit, and of course, Mrs. Oudit and others, who felt otherwise.

Miss Rekha Ramjit sat down with me and went through it with me with a fine-tooth comb to show me, of course, where this was not the case. Now, I do not know who is right or wrong. All I am saying is if you are in doubt, go through the courts, let the courts decide. There is a feeling outside there that says that we should go for judicial review. You cannot go for judicial review until after the fact. I heard a talk show host trying to kill the Member for Port of Spain South the other day, they did not understand. Judicial review is a review only after the fact. So, if it passes here and it passes in the other place, right, then, of course, you say, “Fine”, and in that context, therefore, I am saying before you do all of that, and to realize that all of this is an exercise in futility, Mr. Speaker, let us go and get an interpretation from the court.

Mr. Speaker, I want to end by saying that this is a blatant attack on third parties. I cannot understand—and let me also say, too, I called two Members on the other side—my friends in a way—and I asked them, “Did you really vote for that?” One, of course, said, “No” and the other one said he did not know. Mr. Speaker, even in the Cabinet matter, he did not know. These are Members in Cabinet. I called them. I am not calling their names. I said, “Did you vote for that?” Because I said to them, “This is the death knell of your party. Can you not see that?” Can you not see that this is an attempt to subsume your party?—I am finishing now, Mr. Speaker. How much time again? Two minutes?

**Mr. Speaker:** No, you have until 3.09.

**Mr. J. Warner:** All right, thanks. I said, “Can you not see that this an attempt to subsume your party into this monolithic UNC body? Can you not see that?” I said, “Sit down and think”. And all these grandiose ideas and so on and so on are not acceptable, but again, a word to the wise is enough.

Mr. Speaker, as such therefore, I want to say that this Bill is a recipe for chaos, additionally, the cost. The cost, both in terms of the Government to hold these different elections, run-offs, as you call them, and the cost on the candidates and the parties, Mr. Speaker, no thought has been given to that. Mr. Speaker, no thought has been given to the kind of badgering of the psyche of the electorate that will take place. This means a frustration of the will and aspirations of a people who have expressed their will already, and therefore, let the chips fall where they fall. When the elections are held, let the chips fall where they fall, and if it means that today, you are here and tomorrow you are not there, then so be it, I am saying. But the fact is this country cannot take this.

In conclusion, I would like to say that it is important for us to get the courts to interpret this. Unless it is a deliberate ploy—and I am not saying it is—by the Government to buy time, constitutional time, for the elections, I do not think so. I think, of course, it is a matter of poor advice. Mr. Speaker, I will tell you something, you know. You know how I know that the Prime Minister has not been well advised? I recall, when I used to be there, I used to talk to the Prime Minister and tell her things. Whether she liked it or not, I would tell her the truth, and most times, I would tell her and she would take it in good grace. But I have realized of late that the Prime Minister has been poorly advised. I saw a flood in Debe recently where the Member for Oropouche East was there surrounded by three or four of his jefes and so on, and I am saying to myself: where is the ethnic mix? How could the Member for Oropouche East allow this to be on television?

I saw the Minister of Trade, Industry and Investment have a trade commission. Again, I ask myself: where is the ethnic mix? I say, “Guys, what you all are doing—[*Interruption*]

**Miss Cox:** “They doh care.”

**Mr. J. Warner:** But time will tell—what you all are doing, in a sense, dividing this country. I looked at the sport company that was fired by phone, again, same thing. What this will do is to increase tribalism [*Desk thumping*] and this rainbow country that you and I, and all of us here, came to know and love, will be there no more. They could, of course, take that into one and say, “the ayes

have it”, no problem. When I take my seat, they could talk about FIFA and CONCACAF [*Laughter*] and Soca Warriors, that is okay. I made my contribution in the distinct belief that a word to the wise is enough.

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

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, thank you very much and I assure my friend, the Member for Chaguanas West, I would not be making any statements about FIFA, CONCACAF and those matters because I know he is a bit tired of hearing that.

It is a pleasure to join this debate at this time and to contribute on this very critical matter before us, the Constitution (Amdt.) Bill. We have heard so far two Members of the Opposition: the Member for Diego Martin West, the Leader of the Opposition, and the Member for Chaguanas West who represents his party in the Parliament. There are some thematic issues that have arisen which I would like to deal with, because I think both the Member for Diego Martin West and the Member for Chaguanas West were saying the same thing. They were saying the same thing so I can respond to both in one. It will not be required—I do not have to respond to them individually.

Mr. Speaker, we are here at a historic moment in the Parliament—in the history of the Parliament. This morning, the Prime Minister, the Member for Siparia, became the first Prime Minister in the Commonwealth Caribbean to stand in the House of Representatives and field questions from the Opposition. [*Desk thumping*] The Leader of the Opposition became the first Opposition Leader to field a question to the Prime Minister as part of the historic Prime Minister’s time.

The first question, we will always remember, had to do with the fish market in Carenage. So long as we live, we will have to remember that fish market in Carenage. It was the first question ever filed to a Prime Minister at question time. The Member for Chaguanas West, representing a political party with one seat in the Parliament, had an opportunity to speak directly and call the Government to account by questioning the head of Government. That is a historic day and I would like to congratulate all Members of the House, the Government and Opposition, for arriving at this day that we can bring Government to account to the Parliament in real time.

I am assured by the Minister from La Horquetta/Talparo that that fish market in Carenage will be built and will be dealt with, notwithstanding that the Member for Diego Martin West has been there about 25 years, has spent over 10 years in Government, and could not build this fish market in Carenage, so we will deal

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with that. I am sure we will. But you see, Mr. Speaker, this is a bigger debate than the fish market in Carenage. It is bigger than this issue.

There are several statements made by the Member for Diego Martin West which I need to respond to, several issues. He spent a lot of time telling us about the Liberal Democrats in the United Kingdom and so on and that experience there, but did not tell us in 2011, the British introduced a Bill on recall. In the Parliament, they introduced a Bill to recall and to sack Members of Parliament who did not perform. They are engaging the society in the United Kingdom on this debate. In India, the largest democracy in the world, they are also considering the right to recall, because in India, similar to an experience in Trinidad and Tobago in the early '90s, or late '90s, I believe, you also have in India, cases where people are elected and they simply do not go to Parliament. We had a case of that in Trinidad as well. So he did not tell us about that but went on with the Liberal Democrats and gave us some party history over there.

You see, I want to make it very—this debate is a very interesting debate. We have lined up two sides in this debate, and we have a run-off right here. Those who support majority rule and those who support electoral apartheid. Those who support minority rule and those who support majority rule. But apartheid under any guise and to any degree is wrong. [*Desk thumping*] It is wrong. To support the rule of a minority is wrong.

I want to make reference to my good friend, the Member for St. Joseph, but I am using the seat of St. Joseph, not the individual. That individual from St. Joseph is our colleague. But we have a Member of Parliament, and we may have others too, who are here because the majority of people who went to the poll decided I do not want you, but they find themselves in Parliament. So that the will of the people who came out to vote, that will is defeated. So there are Members of Parliament who are in the House who defeat the will of the majority, and they sit in the House for five years or whatever, conduct public business, may even conduct Government business. Today, we are saying it is the end of minority rule, it is the beginning of majority rule, [*Desk thumping*] the will of the majority.

Now, why do the Members of the Opposition and the Member for Chaguanas West believe that this is so dramatic, this is so hurtful, this is so painful, to accept the rule of the majority? What will the majority do you? A democracy, a fundamental principle of a democracy is the will of the majority, but our commitment in our manifesto is to respect the right of the minority, as we saw today. But the majority rule is creating a problem, and I was bowled over and shocked over the last few hours, the last few days, that members of the social



movement in this country—who are in the social movement, they are not in political parties—started a campaign. They say, “Stop the debate”. There are people who go to jail across the world for the right to speak. The lady in Burma, Myanmar, spent most of her adult life in jail for the right to speak and members of the social movement, a small group, say, “Do not speak, doh educate people, stop the debate”. I have never heard anything like that in my life.

Malala who came here a few days ago, struggled and defied death for the right to speak, the right to be educated. Today, a small element says, “Do not talk, stop the debate, do not educate people”. And that is where we are in the society because a certain paranoia, hysteria, has taken root in a minority of people, led by the Members opposite, that somehow majority rule is a green-eyed monster that will feed in our body politic, like Shakespeare, Mr. Speaker, described hundreds of years ago. Why do they fear majority rule? Why?

### **3.15 p.m.**

Because, Mr. Speaker, many have been the beneficiaries of minority rule. They benefited by minority rule so you are scared of majority rule. But that is the essence of a democracy. It is the essence of a democracy, Mr. Speaker. So, the Leader of the Opposition and the Opposition party that had as its mantra, the PNM mantra: we fight alone, we loss alone, we stand alone, today they are speaking about the rights of minority parties with that history. Why? Why is it so painful for the Member for Diego Martin West to accept the will of the majority?

Then my friend from Diego Martin West comes today. He says this is a recipe for disaster, chaos, increased tribalism. Now he asked other questions, which I will not respond to. The Member for Chaguanas West wanted to know what happened in the run-off if somebody still does not get 50 per cent of the vote. I do not want to—mathematics is really the Member for Caroni East area. I do not know how in two parties nobody would get the 50 per cent. Mr. Speaker, but he said tribalism.

**Dr. Rowley:** The Member for Chaguanas West.

**Hon. Dr. R. Moonilal:** You want to disassociate from him now. But the last time a third party broke into electoral politics was in 1976. Do you know almost 40 years ago, the first time in our history, the ULF displaced the DLP, 1976? Since then we have operated a two-party system where post-electoral amalgamation created governments on two occasions. So the people who are talking about the death of third parties cannot recognize that for 40 years they were dead. And this system—because when you go to the polls the second place and the third place go

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and generally the third place is not even in the Parliament. Generally they are not in the Parliament. There is no place. The second place generally goes into the Opposition but the third place is out.

The year 1976 was the last time a third party broke in, broke the shackles and got into electoral politics in the Parliament, and my friend from Pointe-a-Pierre was there in an earlier incarnation. So that these third parties, it is today that the third parties can breathe life because they come in the first—the Member for Chaguanas West said people must have the freedom to choose. In the first election everybody can go. You can have 20 parties, 20 candidates. When you are finished with the first, at the second poll, you will have two and you will ask the people, these are the two choices you have, you have a second choice to make. And you may not want to make that choice. You may say no I am not interested.

But my friend from Chaguanas West consulted, of course, Rekha Ramjit and others and had some difficulty with that. And then came and held up the documents and said \$45 million for the document. Mr. Speaker, the cost of that is well known. It was \$12 million to \$13 million. But my friend from Chaguanas West knows how figures could move from \$12 million to \$45 million. He knows how figures could move from \$12 million to \$45 million or \$34 million, and spends a lot of time talking about the UNC and internal election and the UNC this, UNC that, suffering from a “tabanca” of some sort or a “tabantruck” of some sort.

Mr. Speaker, every time the Member for Chaguanas West gets up and talks he talks about how good it is that he left the Government and now he can look at this Government and condemn and thank God he left the Government. But when he was in the Government, he was actually fighting to stay longer. He was actually fighting to stay longer. He was asking the Prime Minister for more time to stay in the same Government that he is describing today. Everything was wrong with the Government but he wanted to stay. He did not want to leave, Mr. Speaker.

And I could say this, because I know by next week—what day is today, Monday? By Wednesday they will publish in the newspaper a next house that I am building. So far I am building three houses and a rum shop. He runs a paper called “Home and Garden. Every week is a different house. They go by people to take out pictures of their house every week and say Minister building this house, building that house.” The only thing I miss today from the Member for Chaguanas West was when he gets up with the papers and goes: “Mr. Speaker, I have it here. I have it here. I have it here.” Every week: “I have it here.” So, in “Home and Garden” they would put a next story where a Minister is building a next house. But that is normal. My friend from Diego Martin West does not have

to bother about that because he had gone through that phase earlier in his career, about materials and house, and so on.

Mr. Speaker, we have published a book, over 100 pages of promises that we have kept but no reference to that; talking about promises not kept, no reference at all to that; promises not kept. Mr. Speaker, the Member then went on to criticize elements of the Bill, but the Member can also bring amendments. He can bring amendments if he believes that instead of the fourth year it should be in the third year; instead of 75 per cent, it should be 40 per cent. Bring amendments we can consider, if you bring some intelligent amendments. But are you agreeing with the Bill or not agreeing with it? Because if you get into the mechanics of it, are you agreeing with that process or not?

Mr. Speaker, other speakers, I think the Member for St. Augustine demonstrates the strength that third parties may have, given this approach. Third parties stand to benefit, which is also very good for our democracy. It is very good for our democracy. And why?—I want to clarify a matter that both the Members for Chaguanas West and Diego Martin West, in fact we can now say the two wests, Chaguanas and Diego Martin. Instead of calling them, I would just say the two wests, the westerners from Diego Martin and Chaguanas.

Mr. Speaker, the westerners went to town, the Prime Minister held up PNM documents. The point the Prime Minister was making, which she made, which they will try, in a convoluted way, to confuse. The Prime Minister was pointing out the hypocrisy of the Opposition that included these elements in their own revised constitution and in their own party but are saying today that it is good for the PNM but not good for Trinidad and Tobago. So run-off for the party leader of the PNM but no run-off for MPs, it is bad. That would lead to what? Tribalism. But why would it lead to tribalism from the westerners, Mr. Speaker? Why?

**Mr. Speaker:** I do not think we are in a western world here. But if you could just refer to Members by their proper constituency. Not westerners, please.

**Hon. Dr. R. Moonilal:** Mr. Speaker, the Members for Diego Martin West and Chaguanas West. So the Members for Chaguanas West and Diego Martin West, I would refer to them. We are proposing this today to strengthen democracy and we are entitled to do that because 18,000 people voted for me from Oropouche East, 18,000 and many have been in touch with me by text, email and I have seen many and they have said come to Parliament today and vote for this. That is what they said.

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Those persons who are raising their voices, and I have taken note of these voices, they can raise. They can talk, but the democratic accountability begins in the Parliament. This is where we are accountable to the people. This is the people who vote for us, bring us here to make law and make policy.

Mr. Speaker, today the Prime Minister also did something else by, for the first time in history, allowing for a conscience vote. And I ask the Leader of the Opposition today: are you prepared to stand up and tell members of the PNM that they also shall vote according to their conscience and not according to the party whip? Are you willing to do that? First you need a conscience if you are going to vote according to your conscience. You first need a conscience. But is it something the Leader of the Opposition will tell his Members, who are also inclined to support this measure? Many of them—my friend from Diego Martin Central who contributed, in some way I understand, to the document—call for a conscience vote in the Opposition. Mr. Speaker, we may never know what happens. Some of them know it is coming to the end of the line for them and they will not be going back.

Apart from the Members for St. Joseph, Port of Spain South and possibly Diego Martin North East, no Member of the Opposition here is going back on any PNM ticket. They are very clear. None going back. Mr. Speaker, the Member for Diego Martin West also raised another issue: this will cause confusion and chaos. I want to ask the Member for Diego Martin West something—in 1995, the election was held around October 15, 1995, you were in Government, so you were a Cabinet Minister, it took about 14 days to put a Government together and Mr. Panday became Prime Minister at that time. What did you do when you were a Minister? Did you go and shred files in the Ministry? Did you go and loot the Treasury? Did you go and “banditize” the Government in that time when they were waiting to form a government? What?

And now today, he comes now, the Member for Diego Martin West, with another spin. He says: “Well, no, it is the election. They will have run-off elections, so people who are minded they can go and bring patronage and government spending, and so on.” But a government, theoretically, can do that before. You can do that before. You can do that before if you are minded.

But this country, I want to remind my friend opposite, has a mature democracy. In 1990, there was an attempt to remove the Government by unconstitutional means. Incidentally, at the end of the attempt to remove the Government, it succeeded in removing the Opposition. You would recall. What happened? We returned peacefully to a Westminster parliamentary democracy.

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On almost three to four national elections we have waited over a week and in some cases two weeks and more, to put a government in place. What did people do? Did they loot? Did they destroy the country, march up and down the place, destabilize the country? You had a Prime Minister in power who was demitting office and they continued. The Government continued, and then a new Prime Minister came in. What happened?

On December 24, 2001, what happened on that night? Was there looting and a revolution and so on when a government changed, where the government itself did not get the majority of seats? This is a country where a government came into office without a majority of seats and the mature democracy remained mature. People remained peaceful. They were hurt, but peaceful.

So the Member for Diego Martin West is underestimating the political culture and the maturity of all our people in this country by suggesting that there would be chaos and discord and revolution and disorder to wait 14 days for run-off elections, if necessary. Mr. Speaker, if a party commands the majority without a run-off, the President acts according to the Constitution and appoints a Prime Minister who may even appoint a Cabinet. So where is this disorder?

But you see, Mr. Speaker, they are purveyors of fear, merchants of fear and doom and gloom and want people to march and come out. Because they believe—you see, the Member for Diego Martin West and the Member for Chaguanas West believe—in their heart that they cannot withstand majority rule, that they cannot win with majority rule. The initial response from the Member for Chaguanas West—I know, I read it in the papers—he woke up one morning and discovered that he cannot help the PNM to retain power. Nothing you could do could help. This is it.

And we intend to speak to the ILP. The Member is a member, I think, of the ILP. They have a political leader, former Senator Lyndira Oudit, and I am sure—I have not heard from her yet but I am sure the political leader will make some announcement and speak to this measure, and who knows, maybe in support of this measure, given her own political maturity. So that I wonder if the Member for Chaguanas West has the authority of the political leader of that party to be making those statements in the Parliament. I wonder. It may be a matter that political leader Oudit will want to look at.

Mr. Speaker, term limits for Prime Minister. The Member for Diego Martin West raises this matter, term limits for Prime Minister, and believes that, again, they will not support this. We know of the history in this country. We know of the need, at all times, to refresh our democracy. You see, the Member for St. Joseph

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West has already practised term limit when he undermined the Member for San Fernando—[*Interruption*]

**Mr. Deyalsingh:** St. Joseph West?

**Hon. Dr. R. Moonilal:** The Member for Diego Martin West practised term limit when he undermined the Member for San Fernando East and removed him as leader of the PNM; when he undermined the Government of the People's National Movement. That was his way of introducing term limits. If there were terms limits, he would have waited. He sent him home, the Member for San Fernando East. So he understands the importance of refreshing—[*Interruption*]

**3.30 p.m.**

**Miss Cox:** Mr. Speaker?

**Hon. Dr. R. Moonilal:**—our democracy with new leadership.

**Miss Cox:** Mr. Speaker?

**Hon. Dr. R. Moonilal:** What is it? What Standing Order?

**Miss Cox:** Standing Order 48(6). Is your name, Mr. Speaker?

**Hon. Dr. R. Moonilal:** But I do not have to sit down, you know. You know that? [*Crosstalk*]

**Miss Cox:** Yeah, but you are asking me what Standing Order. I was not speaking to you. Mr. Speaker, Standing Order 48(6), please.

**Mr. Speaker:** Do you just want to clarify?

**Miss Cox:** He is imputing improper motive to the Member for Diego Martin West.

**Mr. Speaker:** Because of the “undermining”?

**Miss Cox:** Yes.

**Mr. Speaker:** Hon. Member, I would advise you that the hon. Member for Diego Martin West, you made a statement about him “undermining”, and I would like you to refrain and if you could withdraw that, please.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I have no difficulty withdrawing the statement that the Member for Diego Martin West undermined the Member for San Fernando East. I withdraw that. [*Laughter and crosstalk*] Mr. Speaker, I have no reservation in withdrawing that statement, none at all. I will proceed.

Mr. Speaker, so the matter of constitutional reform is here with us, and for 40 years or more various Governments have spoken of constitutional reform. Imagine when we went to the consultations, where I believe, over 200 hours we spent in consultation. Now, today, they are asking “we”, did you speak about this? Did you speak about that? They spent 200 hours consulting. The Member for Chaguanas West asking, did I speak to my constituents? My constituents went to the consultations, they held it in Penal/Debe where my constituents went. In fact, I saw their picture in the book, they were there. I do not have to consult them, they went and they placed on the agenda these matters, the record is there.

So, the right to recall: today, we are operationalizing the right for recall with the need for a majority vote. That is part of the right for recall, otherwise “how yuh go recall somebody if dey geh 21 per cent of de vote”? They are automatically recalled, Mr. Speaker. So our constituents went to those consultations, participated, supported or not, some of the recommendations. So there is no need to go back now and call a meeting in Oropouche East and St. Augustine and Pointe-a-Pierre, to do what? For the same people to come and say the same thing? The record is there.

But the people—this country is so cynical. I remember when they went for the consultations, I think in San Fernando, a gentleman went to the mike. You know what he said? He said, I am here to talk, but I know nothing will happen because this is normal talk shop. “Every time every Government come, dey does come and we talk, you listen and nothing happen”. I want to tell him today, he knows who he is, that something happened. Something happened. We are here today with a Constitutional (Amdt.) Bill. Something happened. We have brought reform to the table, and the Member for Siparia, Mr. Speaker, must be complimented as the first Prime Minister to do that. [*Desk thumping*]

So it is no sham. We did not come here, Mr. Speaker, to fool anybody. We came to implement a promise and that promise was to bring reform. And you know, we—I think we have gone past the simple majority, the legal people have spoken to that already. I do not want to get into that. The Member for Diego Martin West could tell us, in a nightmarish situation where he becomes Prime Minister, would he come to the Parliament and repeal this law if it becomes law? Would you repeal it and return to minority rule, return to electoral apartheid, where a minority of people who go to vote select their MPs and Government Ministers by a minority? Would the Member for Diego Martin West go to Parliament in a nightmare where he becomes Prime Minister and repeal this law, repeal term limits, repeal right to recall?

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Mr. Speaker, and right to recall—I was at a cricket match in Diamond Village Saturday. Diamond Village is in my constituency. I told the folks there, “ah say listen”, there is a recall agenda of this Government, and MPs including myself have to ensure that we do not trigger that recall, because our constituents now have the right to fire their MP, they have that right. A right which they welcome, Mr. Speaker, but it cannot be a right which you exercise in an ad hoc way—every Monday morning somebody petitioning and so on.

We also encourage people who have views to face the electorate. And you know, proportional representation requires a majority in this House, but what prevents a further policy option, where the groups that come forward for the first election. Let us say that six parties contest, you use the election results of the first election to determine your formula for proportional representation to the Senate, nothing prevents us, Mr. Speaker.

So in this model where we are strengthening the first-past-the-post system, to make it “more fair”, we can also cater for proportional representation if that is the will of the people as well. You can determine Senators from the first vote. So those people who are talking out there, and they could never win an election, they can go for elections and determine on how many votes they get, they can get representation. This society has people, every Sunday they call a press conference, every Sunday. They are not at home with callaloo and stew chicken and macaroni pie “an ting”, they “press-conferencing” every Sunday. When an election is held, you know, nobody “put up ah candidate”?

**Mr. Speaker:** Would you be interested in an extension?

**Hon. Dr. R. Moonilal:** I am most interested, Sir. [*Laughter*]

Mr. Speaker, there are people here who call a press conference every Sunday. “It have ah election” they will never contest the election. Put yourself to the people, let the people endorse you. If Mr. Kublalsingh wants to stop “ah highway” from Debe to Mon Desir or wherever, and you think you have popular support, make that the single issue and put yourself for election in that area, and call on the people to support you, and then stop the highway if you could. You have the will of the people, but there are persons out there, all they are doing—now “he press-conferencing under somebody house”. Just now he will end up in a cave somewhere; “press-conferencing”. [*Interruption*]

And others I see it. The MSJ, their leader, who was held by his belt under the former administration, and dragged away on Abercromby Street at great personal pain to him, and his testicular strength, Mr. Speaker. He was hurled away under the former administration. They talk so much, but they will not contest an



election. Today, we are saying to third parties, contest elections, you have a chance for moving from third to second, from second to first. In France, do you know in a run-off election for President [*Interruption*]

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Oropouche East and Minister of Housing and Urban Development be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** Hon. Member, your speaking time has been extended. You may continue.

**Hon. Dr. R. Moonilal:** Thank you very much. [*Desk thumping*] Mr. Speaker, in France there was a run-off election for President, sometime ago. The person who came first in the first election he lost, because he went forward to the second round, but the second person won. He was able to mobilize the majority. So the President of France really represented the will of the people who came out to vote. What a noble system that is. Imagine, the person who came first, lost because when they had a run-off, the second place was able to beat him, Mr. Speaker. The majority had their way, and there is no respect I am picking up for the majority. It is as if we have taken the majoritarian principle and thrown it into the political dustbin.

My friend from Diego Martin West, I saw a few days ago was holding up a document and saying he got it in the Beetham Dump, Mr. Speaker. He got it in the dump. And today held up a set of documents and quoted, and so on. The documents he quoted from were not in the dump, Mr. Speaker, although some may have belonged there from the PNM, but we are bringing the evidence to show you in real politics how—[*Interruption*]

**Mr. Deyalsingh:** Mr. Speaker, Standing Order 48(6), please. [*Crosstalk*]

**Hon. Dr. R. Moonilal:** What is the improper motive? [*Crosstalk*]

**Mr. Speaker:** Please, Members. Overrule, continue, please.

**Hon. Dr. R. Moonilal:** Yes. Thank you, the minority Member for St. Joseph. Mr. Speaker, in the *Express Sunday*, I think it was just yesterday. [*Interruption*] The Member for St. Joseph has a lot to be worried about given this amendment, he has a lot, this will cause him sleepless nights, this amendment. Mr. Speaker, in an article yesterday by Nigel Henry:

“Run-off system more democratic”

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Mr. Speaker, this is a pollster:

“He is former member of the Obama for America analytics team, and is currently the Chief Analyst and founder of Solution by Simulation.”

He says:

“The majority of the public discourse surrounding the controversial proposed run-off election system holds that it is undemocratic and distorts the intended will of the population.

The run-off system calls for a second election...Most pointedly, commentators”—believe—“that the run-off system will do little to loosen the stranglehold of our democracy by the two dominant parties.

Mr. Speaker, he says:

“Scrutiny of the numbers and empirical data elsewhere in the world argue against this view.”

This is a man who has done considerable research. He comes with some data to suggest that even in Trinidad and Tobago, third parties like the ONR and the COP would have benefited. He says:

“Rather than concentrating power in two parties, the run-off system gives significant third parties a chance to win.”

This is not the UNC, this is Nigel Henry, Mr. Speaker. He says:

“Most would agree that the COP’s 23 per cent”—of the vote in 2007—“translating to two seats is a more democratic result than the zero seats obtained in the current system.”

In the United States this is used, in Europe, Mr. Speaker. He concludes:

“I would argue that with this modification, the unlikely chance of ‘uncertainty’ is a small price to guarantee the certainty that comes with a government democratically elected by popular mandate.”

Nigel Henry, and this is the view of the independent persons in the society as well, but this fear, this mortal fear, that the rule of the majority is the dagger in the heart of the Opposition, this is the mortal fear. Is it because you are the product of a minority, historically, that you fear and you panic?

I think the *Guardian* headline was perfect, that they panic, they run for cover, they jump on a next bandwagon of some other campaign, Mr. Speaker, and seek

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to condemn this measure because there is mortal fear of the will of the majority. They fear it, Mr. Speaker.

But, Mr. Speaker, we have no fear about the majority. We have no fear at all. We welcome the will of the majority. It is the proper thing to do, and the right thing to do. Then I hear some colleagues, the timing, we rush this. For four years we had in the manifesto we are coming with recall and term limit, four years. Some people argue that we took too long, yeah. For 40 years we are talking, so the question is, why we took so long to rush it? *[Laughter]* That is the question. Why we took so long to rush it? And the timing is not right. I hear that too, but I want to ask, when is the timing right? When is the moon and the stars in alignment? Full moon, “dat is ah full moon kata”.

Mr. Speaker, so are we to consult the astrologer now when we bring legislation to get the right timing, you know, Mr. Speaker? There is no right timing. No, instead of holding political caucus we should call the—*[Interruption]*

**Hon. Members:** Call Peña.

**Hon. Dr. R. Moonilal:** Call who?

**Hon. Members:** Peña.

**Hon. Dr. R. Moonilal:** I “doh want to get in dat”. Mr. Speaker, there is no right time. When you bring reform, I want to make the point, there is no development without conflict. Any time you come to reform, there will be conflict. There can be no development without conflict—you cannot bring reform and change without conflict.

I remember when a Government before us was introducing Indian Arrival Day, there was uproar. If you put that day as Indian Arrival Day, everybody “go want arrival day”, do not do that. They introduced it 20-something years ago, I do not know. Did anybody quarrel, ah? Did the sky fall? Mr. Speaker, we will pass the Bill, we can. We can pass this Bill. What do you think, Tuesday and Wednesday, Mr. Speaker, the sky will fall?

In local government election we introduced a reform that the PNM and the ILP benefited from, they got extra aldermen inside there, because of that reform, and they told us, Mr. Speaker, that was chaos, that will cause chaos because we could not add and we could not subtract. Anybody, did the sky fall down? Was the earth destroyed? But every time you bring reform, you will get conflict. It is the nature of change.

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Okay, you bring reform. Let us say we have conflict, we will deal with it. This society—Members of the Opposition do not have regard for a mature democracy. They believe we are still in olden times, Mr. Speaker. Today, children teach their parents and grandparents the use of the Internet, today. You think people cannot understand this? People will have difficulty understanding a run-off? We had a situation in this country where three years in a row we went to the general election. Do you know that? 2000, 2001 and 2002, three years in a row we had general elections. Did people get confused? They went every time, and they kept their jerseys and they voted.

**3.45 p.m.**

To suggest that there is confusion is to underestimate the intelligence of our electorate; is to underestimate intelligence; to think people stupid; that they cannot understand. And it is to insult. This is a mature democracy. We have changed Government here often; we change Prime Ministers often. We do that. This is a mature democracy. They will understand the run-off system.

The Prime Minister quoted in her speech this morning, in some cases, given our history, we would have “two run-off, three run-off”, or none, so what is the fear? Why is it that the fear factor has emerged in this society?

They say they “doh” trust, the Member for Chaguanas West, “Well we doh trust; we fear because we doh trust”. And the Member for Diego Martin West, too; both the Wests—Diego Martin and Chaguanas—they do not trust. But we represent the will of the people.

We represent all of us and the Member for Chaguanas West in particular, any time he speaks he brings all of these arguments about you cannot trust us and contractor this and the price of this and the price of that. When the Member for Chaguanas West was Minister of Works and Infrastructure, he recalled a letterhead from the Ministry of Works and Infrastructure, went to ask contractors for a donation for a Christmas party.

**Mr. Warner:** Not a Christmas party, Christmas toys.

**Hon. Dr. R. Moonilal:** Christmas and toys. This is what we hear. You know, contractors gave \$100,000. Do you know they have to pay \$1million in legal fees now to defend themselves? So they gave \$100,000 as a donation and paying \$1 million now to defend themselves to the Integrity Commission and eventually the court of law because of the work of the Member for Chaguanas West.

And led 10 contractors before a courthouse because you write on a letterhead and ask people to give money when that is clearly improper to be collecting money that way. But come to us and say you cannot trust us, you cannot trust us and change; you are denying freedom of choice and then talk about his son.

If his son joined the PNM, that is his son's business. That is his right. If the son of the Member for Chaguanas West wants to join the PNM, that is his right. If he had no faith at that time in the party of his father and he had no faith in his father at that time, then there is no problem. If he would not have faith in the chairman of the party and the party, there is no problem, he is free to join. They are free.

Today, the Member for Chaguanas West and the Member for Diego Martin West, they sing from the same hymn book. They are singing from the same hymn book. They congratulate each other; beat the desk for each other and so on and that is fine. When the Member goes to Chaguanas West, he will explain himself and no amount of eating doubles by the side of the road will help him because the people of Chaguanas West will also get a chance. They will get a chance to vote for a candidate of their choice. Mr. Speaker, and I assure, in Chaguanas West, there will be no run-off. That one we know.

**Hon. Member:** He might get run out.

**Hon. Dr. R. Moonilal:** You might have a run-out as opposed to a run-off.

The Member for Diego Martin West, as well, raised the matter of the fish market and so on. The very first question in post-independent Trinidad and Tobago to field to the Prime Minister under question time was the fish market. I wanted for the record to let the Member know as well that we intend to open the Diego Martin highway, the Member for Tabaquite, very soon. [*Desk thumping*]

And for 25 years they are talking about that Diego Martin highway. It is ready and the Diego Martin highway will benefit the constituents of Diego Martin West, but it is this Government that will do it. In certain areas, in Carenage, in March 2014, residents of that area got water for the very first time. Water! In some place called Scorpion and in several areas in his own constituency they are receiving a water supply after decades of suffering. We continue to do work in those areas.

**Hon. Member:** Dey might recall him.

**Hon. Dr. R. Moonilal:** The Member for Diego Martin West could be a prime candidate for recall and maybe that is why Members opposite will have a difficulty with the recall.

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Mr. Speaker, it is very clear—how much—[*Mr. Speaker indicates three minutes with fingers*] I want today to support the right to recall. It is a right throughout the world today. In the United Kingdom, in India, in the United States, governors have been removed with this recall. It is a most progressive and democratic policy step to take and no one should fear. The Member for Chaguanas West may argue the point that maybe we should make it easier to recall. If that is the case, then support the measure. We could talk about that.

The term limit for the Prime Minister is a very progressive policy, which we promised. People are asking us where these things come from, but they voted for that. The people voted for our manifesto, which is government policy and they voted for that. They voted for term limits; they voted for recall. The run-off is a method to operationalize the recall, so nobody could have gone to a consultation in 200 hours and say, “I want a run-off”. What you want a run-off for? You want a run-off to ensure that you have a majority candidate who is now susceptible to a recall.

But they are scared of recall. They are scared of term limits. I do not know if the Member for Diego Martin West wants to remain 25 years in office. Four and a half is enough for many people. We on this side are very convinced that we can prosper under this; that this is correct; it is right. The Prime Minister has placed her political faith, her political destiny on the line. She has said I promised this and I delivered this and who wants to support me, support me; who do not want to support me, do not support me.

She has said that. Which other political leader would have had the courage to go to Parliament and the country and say I believe in this; it is right. Many others would have run and hide. “Many others would have hide behind committee and hide behind process and do not bring reform to the Parliament”.

Today we are very proud on this side to say we support these amendments. We call upon Members opposite to support, to raise amendments if they need to, but to give support to these amendments.

Mr. Speaker, I thank you.

**Miss Marlene Mc Donald** (*Port of Spain South*): [*Desk thumping*] Thank you, Mr. Speaker, for this opportunity to join in this debate, the Constitution (Amdt.) Bill, 2014. But before I get into my contribution, I would like to address some of the concerns raised by the hon. Prime Minister. There are three speakers here: the Member for St. Augustine and, of course, the Member for Oropouche East.

First, let me address what the Prime Minister said this morning. The Prime Minister said that in her manifesto, her 2010 manifesto, that there were promises there of the right of recall and the term limits of the Prime Minister. I find it very passing strange that it took four years, three months before those promises were brought here to this Parliament and I will get into that in a short while.

Another point the Prime Minister made is that nowhere in the Bill are there any expressed, direct amendments which would affect section 54, which is the section which entrenches certain sections of the Constitution. She said nowhere has this Government violated section 54. I will tell you, Mr. Speaker, Madam Prime Minister is incorrect and I will demonstrate that here this afternoon.

The Prime Minister also said that her Government respects the views of the minority. Again, I will demonstrate that this is not true. The Prime Minister also said that there will be better governance and the placing of power in the hands of the people. That is a fallacy, Mr. Speaker, and I want to go a step further.

The Prime Minister also said that she is going to abandon the doctrine of collective responsibility and she is going to allow her Ministers, her MPs to have this conscience vote. I will tell you something. Prime Minister, you are not fooling this bench. You are not fooling this bench. I expect and I am daring you today to let us go down, right down; let us do this debate “manos manos” and put it to a vote and let everybody on that side vote their conscience and we will see what will happen.

With respect to the Member for St. Augustine, I do not know what he said much, “eh”, so I really—because as the person who brought this Bill, who was the chairman of the Constitution Reform Committee; as the person who is the chairman of the LRC; as a person who sits in the Cabinet of this country, he has not done the rightful thing and even taken up the Bill and told us, explained the clauses in this Bill so the national community, the House, us, try to convince us because that is what you all are doing today; try to convince the Opposition why this Bill is such a good thing. Why is it such a good thing?

They have not done this. They have not told us what is contained in these clauses in this Bill and as for the Member for Oropouche East and Leader of Government Business, he has just carried on the PR that I am hearing all over the radio, Power to the People. The only thing he did not do was to sing the jingle, Power to the People, but he too has not addressed this Bill.

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I will address the Bill because I am going to be talking about the unconstitutionality of this Bill and that is where my debate will be focused. Again, I thank you for joining this debate and the general purport of this Bill really is to do three things: one, it is to amend the Constitution to impose limits on the term that a Prime Minister could spend, and they have said two terms, 10 years and six months; secondly, to provide for the recall of MPs; thirdly, to permit only candidates who have earned more than 50 per cent of the votes cast in a general election to be elected as Members of the House of Representatives. Those are the three initiatives that they have brought to this House.

All three proposals would require amendments to our Constitution and, as illegal as our sitting is here today, we could not, we, the PNM, could not turn a deaf ear on what is going on in the national community. We are a 58-year-old party. We understand what is governance. We understand our responsibility. We are here to have a debate and also a conversation with the national community and this is what is expected of us as the Opposition party. We are here in this honourable Chamber to present our case to the national community. In the final analysis, the citizenry of this country will judge on what we say here today and determine the cost of our collective future.

Before I commence the Bill analysis, it behoves me to state what is the importance—we are talking about our Constitution, the importance of a Constitution and, to put it mildly, in a democracy, the purpose of a Constitution is to prevent the Government from abusing its power over the people. Also, it ensures that the Government exercises its power as the people wish.

Look a little closer at our situation. I want to underscore the point that we must respect, we must defend our Constitution as a founding document and if we do not do this, my colleagues in this House—if we do not adhere to principles, it could lead to political instability in our beloved country.

Our Constitution is not to be tinkered with; it is not to be interfered with for political reasons. Whatever we do, whatever changes are made to our Constitution, it must be futuristic in nature and not for selfish and personal gains.

I have read this Bill several times and let me state from the onset that this Bill is badly drafted. It is deceptive. It is deceitful. It is unconstitutional. It is undemocratic in its purport and its intention and this Bill should never have been brought to this House today.



It demonstrates the contempt that this Government has for the Opposition and the citizenry of this country and I am saying from this bench here today that this Bill should be withdrawn forthwith in its entirety. [*Desk thumping*]

**4.00 p.m.**

Mr. Speaker, whenever I get a Bill and it is laid in this Parliament from this Government, I always ask myself two questions: one, what is the mischief the Bill is trying to cure? That is question number one. But from since section 34, I ask a second question, Mr. Speaker, and that question is: what is the mischief the Bill is trying to create and hide at the same time? And so, whenever I get a Bill, Mr. Speaker, I look at it; I put it down; I come back; I read, because make no bones, Mr. Speaker, there is always something inside of there and, in this situation, they are with it once again. We will never forget section 34. Mr. Speaker, as I stand here today, there are two red herrings in this Bill; two red herrings, and they are proposals on the term limits for the Prime Minister and the recall of MPs. Those are the two herrings.

What they really want, because they are inconsequential to the Government right now, you know—do not be fooled by this PR about campaign promise and the will of the majority and the minority. All that is fluff and puff; fluff and puff, Mr. Speaker. The real McCoy is that third proposal that has been sneaked in and tacked in nicely, nicely in the Bill because you know what? They find favour with the populace. The population is interested and it seems attractive to them; the term limits for the Prime Minister and also the recall of an MP, and they are recognizing that—their PR people told them that—so they put inside of there, clandestinely, this run-off which was never part of the Constitution Reform Committee.

The Member for Chaguanas West read from the executive summary this morning, but it is the Attorney General who went and found this secret document, this secret addendum, from July 2013 for the Prime Minister's eyes only and brought it to us. You see why I always say I do not trust this Government? I have no confidence in this Government.

Since December 27, this was out for circulation and nowhere—eight months thereafter—there was no talk about addendum. All of a sudden, because Mrs. Merle Hodge came out and spoke about it, here is the Attorney General bouncing back and found this addendum somewhere and took it out and trying to circulate it now. Mr. Speaker, if we allow this to go through we could go down a path where we would seriously compromise the future of our children and future generations to come.

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Mr. Speaker, as I indicated, my focus would be really on the right to recall, not so much, because as I said this is one of the red herrings, and I would just briefly state what the legislation contains on the right of recall and, basically, what is the right of recall? This is what I expected, especially the Member for St. Augustine to explain to us. What is a recall? What are the clauses? What are the advantages and disadvantages? What have they done here this afternoon? They try to again, continue their PR work in this honourable House.

Mr. Speaker, a recall is a procedure by which a public official may be removed from office by a popular vote. Simple as that, Mr. Speaker. But in so doing, the rights of both the citizens and the elected official, in this case the MPs, have to be guaranteed. It is not a one-sided thing, Mr. Speaker.

Mr. Speaker, clauses 5 and 6 will deal with the amendments to the Constitution, the amending section 49 to include—in clause 5 it includes 49(2) is amended by adding an (f), because 49(2) deals with the tenure of office of elected Members and 49(2) outlines how a Member can vacate the House by adding the (f). The (f) says that a Member can now be recalled. So that is another way in which a Member can vacate office.

Clause 6, Mr. Speaker, introduces a new section 49B, and this clause by and large addresses the procedure to be followed in order to recall an MP and what triggers a recall of an MP with these two persons filing at the EBC the necessary documents, and everything is laid out here in clause 6, and there is a period of 21 days in which the by-election would be held.

Mr. Speaker, nowhere, as I said, we are the first in the 52 Commonwealth countries which would have this recall. Only a few countries I know of and they are: Belarus, Ecuador, Nigeria, Palau, Venezuela, Ethiopia, Kiribati, Liechtenstein, they have this recall system. But I want to ask the Government a question here. I want to ask if you had examined the UK draft recall Bill that was put out in 2011, because if you look at that, which deals with the recall of MPs, up to now, as we speak, this Bill has not been brought to the Parliament. It is languishing somewhere out there in London since 2011, and it is there. The entire thing has been written up; it has been put out for public consultations and up to now it has not been brought to the UK Parliament; that UK draft recall Bill, Mr. Speaker.

But what is outrageous is that nowhere in this Bill is there any clause, Mr. Speaker, that mandates the two petitioners to provide cogent and compelling

reasons for removing their MP. None! Nowhere! I have read it. I do not know if it is I am missing it, but absolutely no provision has been made for the two petitioners to state why you want to recall an MP. What is more undemocratic is that the MP does not have an opportunity to defend himself or herself against the petition. So, what I am trying to say, Mr. Speaker, there is no due process in this Bill. None whatsoever! This is the Attorney General advising the Cabinet, legal advisor to the Cabinet, and you can bring such a Bill to me where there is no due process for an MP! Absolute nonsense! Now, is this what the Government means that you are putting power in the hands of the people? Is that what you mean? Whoever is wrapping up, the Prime Minister, we will hear from her.

Then, I also want to ask a further question: what is the yardstick being used to recall an MP? Mr. Speaker, we have no code of ethics that have been legislated upon. We have none! There is no written job description for the MP. None! So what are you going to do? When they are going to recall, what is the performance standard you expect of the MP? There is nothing written. So, on what basis are you entertaining this?

Now the idea of a recall is attractive, but the format it has taken here is absolutely, absolutely, undemocratic; it is undemocratic. Let me pause and explain this, Mr. Speaker, and show you how difficult it is for us here on this bench, the Opposition MPs. I can talk about Port of Spain South. I have been talking here since 2010. I have been telling this Parliament—I have been appealing to Members on the other side about certain projects in my area. I have spoken about the Picton Dance Theatre; I have spoken about the housing stock in my area; I have begged and begged, since the Member for Chaguanas West was the Minister of Works, for five roads! Five roads: Plaisance Road, Clifton Street, St. Paul Street, Siparia Hill, Basilon Street; nothing, nothing.

So, all of us here, we are at the whims and fancies of the Government, because they hold the purse strings; they have the resources and then, Mr. Speaker, we are saying that two persons without positing good reasons can trigger a recall, and there are no standards to which you all have set that the MP must live up to!

Let me give you some stats. In Port of Spain South, I am looking at 2010. In 2010 there were 23,711 registered voters to vote. In order to trigger that recall you need 10 per cent of that. So that is 2,371 persons. Mr. Speaker, 53 per cent of the registered voters voted in 2010, 53 per cent; that was 12,648 persons. And this law, if you impose this law, it is saying that you need two-thirds of that 23,711—that is your total registered votes—that is you are now looking for 15,807 votes—

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you are looking for 66 per cent. So from 53 per cent in a general election, you are looking now in a by-election to go to 66 per cent. Mr. Speaker, it is a known fact that in any by-election the voter turnout is always lower than in a general election.

And, Mr. Speaker, I go to 2007, 52 per cent voted in the general election, and if you had a recall then that figure would move from 52 per cent to 66 per cent. In 2002, 60 per cent of the persons voted and if you impose the two-thirds, it needs 76 per cent. So, Mr. Speaker, this does not make any sense. It is frivolous, and I cannot envisage any recall that would be successful. And I said before, the idea might be attractive, but the procedure and form that this recall has taken is designed to destabilize the smooth running of this Parliament. I cannot help but think that it was crafted to be a failure, and this is just a smokescreen, and the Government I have to say is using this democratic tool for political reasons; for political reasons. [*Desk thumping*]

Where is the guarantee of the rights of the citizens; both for the petition and those against and the elected MP? Where is it? And I ask the Prime Minister: would this promote effective governance and people power when by its very nature, as crafted, it is doomed to fail? It is doomed to fail, Mr. Speaker.

All I can say is that this measure in the form it is presented to us here today would create political instability—I will be using that language throughout my contribution—and we face the prospect of an atmosphere of perpetual elections. This is no joke. You could go through every constituency. What could happen, they could go through every constituency and use it as a disruptive tool, Mr. Speaker.

I am yet to understand why this legislation—they keep boasting about how they brought it in and it is the first Prime Minister, but after four years—you know, if this was brought in earlier, we could have initiated the right of recall on half of them inside of here, Mr. Speaker.

**Dr. Rowley:** Half? They all! [*Desk thumping and laughter*]

**Miss M. Mc Donald:** I stand subject to correction. All of them, Mr. Speaker, all of them, because believe me, in 2013 this country had become tired. They had not settled down and we still have not settled down. We had to put up with Resmi Ramnarine, emailgate, prisongate, state of emergency, section 34, spiralling crime, wanton wastage and corruption and now the LifeSport debacle, Mr. Speaker.

Mr. Speaker, let us look at clause 6. What is the Government doing here in clause 6? It is unconstitutional. Clause 6 amends the Constitution by inserting a new section 49B which deals with the recall petition, and the announcement of

vacation of seat where a Member is recalled. But, Mr. Speaker, when the Constitution was amended in 1978 to create a new section 49A which deals with the process to remove a Member from his seat, it was done by a two-thirds majority of both Houses of Parliament. It was done by a two-thirds majority.

#### **4.15 p.m.**

So the creation of section 49B should follow that procedure with section 49A, because section 49B that they are now creating, just like 49A is affecting a person's rights and it should not be by a simple majority. What they are doing is embedding in the Constitution a procedure to remove a person from his seat. A further observation is clause 5(b). In clause 5(b), a new subsection 49(2)(f), and that is the way that a Member could vacate a seat, and they have now added the right of recall inside of there, and what I am saying, unless 49B, because they made it subject, 49(2)(f) is subject to new section 49B, but unless new section 49B is passed by a two-thirds majority, then section 49(2)(f) would be unconstitutional. In the final analysis, this proposal offers Trinidad and Tobago instability and chaos. It is unconstitutional, both clauses 5 and 6, and therefore in its current form it cannot be supported. This bench cannot support.

Mr. Speaker, I turn my attention now to the real McCoy, and the real McCoy is the run-off, and it is found in clauses 7, 8, and 9 of the Bill, and I will outline the current law before I do the analysis. Let us look at clause 8, it amends section 73 of the Constitution by inserting a subsection (3), and it simply says that the candidate must get more than 50 per cent of the votes in a constituency in order to be a Member of the House of Representatives. In (4), let us go to subclause (4)—so I dealt with (3), (4)—it introduces this law which states that where none of the candidates in a constituency in a general election obtains more than 50 per cent then a supplementary poll between those two candidates would run off, and the two highest, the first and the second highest, will now go forth in this run-off procedure which would be held over a 15-day period, and all third, fourth, fifth parties in the race would be eliminated.

Let us take a look at clause 7, section 67, this deals with sessions of Parliament and they are now introducing a subclause (3), and subclause (3), that is where they are saying that no session of Parliament shall commence before the results of all the supplementary polls have been declared. And subclause (4) simply talks about the emergency, if there is a run-off poll in process, if a supplementary poll is in process then the Prime Minister, if there is an emergency, would be able to summon both Houses of Parliament on the advice of the

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President. Then clause 9, which, as I said, is badly, badly crafted, one would have expected that 7, 8 and then 9 is tucked away by term limits for the Prime Minister, down to (1C), it says that:

“...the President shall not appoint the Prime Minister before the results of all the supplementary polls have been declared, but the current Prime Minister and Ministers shall remain in office...”

So that is the law with respect to the run-off, and that is found in clauses 7, 8 and 9.

Mr. Speaker, let me do a little analysis now. I have studied this carefully and, I am saying, from 1962 various attempts have been made at reforming our Constitution, ending with the December 27, 2013 report by the Minister of Legal Affairs, but there was always one fundamental principle that prevailed amongst those who were part of this process, and that is the protection of rights of all the citizens, and their rights to freedom of association. Our Constitution, which can be viewed as a founding document, in section 4, which is an entrenched section, allows for the freedom of thought and expression, the freedom of association and assembly because it recognizes the rights of all.

It is by no surprise that we have seen over the years that our democracy has produced many political parties, because that would be the vehicle through which people in our society are able to express themselves, and we see many political parties have emerged and have nourished the landscape of our beloved Trinidad and Tobago over the last 30—40 years. Our freedom of association, which is enshrined in the Constitution, we have seen parties, has given rise to parties like the ULF, the DLP, PNM, DAC, ONR, NAR, Team Unity, TOP, MSJ, Tapia House, NJAC, COP, Club 88, ILP, UNC and PP.

**Mr. Speaker:** Would you like an extension?

**Miss M. Mc Donald:** Yes, Sir, 30 more minutes. Thank you.

**Mr. Speaker:** Continue.

**Miss M. Mc Donald:** Mr. Speaker, I sort of forgot, you know, I am operating in the old, so—

**Mr. Speaker:** I shall remind you.

**Miss M. Mc Donald:** Thank you.

Mr. Speaker, even the PP is a coalition of small third parties; NJAC, TOP, MSJ, COP, so this PP Government here today, they owe their very existence to the third parties in this country. It would not have been possible were it not for the protection by the Constitution. The critical question here is, what is the effect

these new laws—[*Interruption*]

**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 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** You may continue, hon. Member.

**Miss M. Mc Donald:** Thank you, Mr. Speaker. Thank you to my colleagues.

Mr. Speaker, clause 8(4), that is the one with where you have the run-off happening; it forces an individual to vote for a party which would not have been their first preference. That would not have been their first preference. Now when you select the two top parties and you eliminate, let us say in any constituency, let us call St. Joseph, we have 10,000 votes in St. Joseph; 4,500 voted for the PNM, 3,000 say for the UNC, 2,000 for ILP, and we have MSJ and say NAR coming up in the rear, you know what is going to happen? They would take the two top parties, PNM and UNC, and all the other small parties will now be faced with a decision to make, "Would I vote for either the PNM or the UNC?", or some of them will not exercise their franchise at all, because they do not believe in the ideology of the PNM or they do not believe in the ideology of the UNC. So I ask that question in that light, is this taking away the rights of people? I ask the question.

Is this taking power from the people? Is it? Or is this giving people—let me put it another way, is this giving people power in this country? Mr. Speaker, on top of that, the losing candidate has a second chance at the polls, and if that losing Government is in office, can you imagine the abuse of the state's resources, Mr. Speaker? They will answer when they are summing up. Another dangerous effect of this run-off system is that it kills off the third parties. How can this Government, on the one hand, say to us that they are improving the democracy and power, and putting power in the people's hands, but on the other hand you are using legislative measures by eliminating the very small parties that have you there in power?

Mr. Speaker, I want to pause and talk about the PR system, because just last year, it was not a good year ago, this Prime Minister, as well as the St. Augustine MP, touted across this country, the benefits of the proportional representation system. They said it incorporates all, we are a Government for all, all the people would be taken on board, and less than a year after they have flip-flopped and come to this Parliament and to do what? To introduce a system called "run-off"

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that was not part of the consultative process, and ask us now, the PNM, we must accept that. We are not accepting that. We are not doing that. We cannot do that, Mr. Speaker.

Mr. Speaker, this is what I call “political gimmickry”. This is all and banditry, and this is what I call, this is they are fighting for their survival in the next general election. You see, I always take some counsel from my leader, who says, “I am not in love with office. I am here to serve”, but they are in love with office. They are in love with office, so what has happened now is that they are trying to concoct measures to keep them in office.

**Mrs. Gopee-Scoon:** At any cost.

**Miss M. Mc Donald:** At any cost. Thank you, Member for Point Fortin. And my disgust is that they want to use this honourable Parliament to sanction their mischief, and that is exactly what happened in section 34, you know, Mr. Speaker.

That happened in section 34 but it would not happen again. It would not happen in this country again, and this country has before it, a precedent, many precedents of what could happen when the purse strings are in their hands and it is an election time. Look at the THA elections, \$40 million spent in Tobago, up and down. The Chaguanas West by-election, well, they are still counting because I know that the Member for Tabaquite, the Minister of Works and Infrastructure, is still conducting an audit for all those contractors who were given contracts willy-nilly in Chaguanas West and in the St. Joseph by-elections, that is what happens.

This, Mr. Speaker, is unconstitutional. It is a direct violation of section 4 of our Constitution, not only a violation, but an abomination to our democracy. So I call on and I am asking, where are the partners in all of this? Where are the partners? I call on the Member for Tunapuna, the then leader of COP, no longer the leader of COP, and the COP was supposed to be the moral compass in this country. You all were supposed to be the social conscience in this country. What are you saying in this? What are you saying in this, Mr. Minister?

I call on the Member for San Fernando West, a Member of the COP also, what are you saying in all of this because your party is a third party too and they are looking to kill you off? And I want to say for the Member for Lopinot/Bon Air West, you too, do not hide behind the chair, let me see your face, you too, I call on you—[*Interruption*]

**Mr. Speaker:** I think you should address the Chair, please.



**Miss M. Mc Donald:** Mr. Chair, [*Interruption*] No. No. No. [*Laughter*] And, I know, Mr. Speaker, from the morning they wanted to see my face. All right? Mr. Speaker, I call on the Member for Arima, where is he? Where is he in all of this? Where is he?

Mr. Speaker, I look at clause 9 of the Constitution, the law says that where supplementary polls are to be held—you know what they have done in clause 9? They have stopped the President from appointing—and this is a point I want to pick up with the Member for Oropouche East, you know—clause 9 stops the President from appointing a new Prime Minister and any Ministers, and I will read it for you, that is right:

“Where, after the first poll of a general election, one or more supplementary polls are, or are to be, held...the President shall not appoint the Prime Minister before the results of all the supplementary polls have been declared, but the current Prime Minister and Ministers shall remain in office until they are required to vacate office...”

**Dr. Rowley:** I did not hear that.

**Miss M. Mc Donald:** You want me to read it again?

**Dr. Rowley:** Yes.

#### ARRANGEMENT OF BUSINESS

**Mr. Speaker:** Yeah, before you read it again, just one minute; hon. Members, I seek your indulgence as a House, the hon. Member has seven more minutes to go, and rather than we suspend for tea, we allow her to conclude her contribution. Do I have the agreement of the House?

*Agreed to.*

#### CONSTITUTION (AMDT.) BILL, 2014

**Mr. Speaker:** Hon. Member, you may continue, please.

**4.30 p.m.**

**Miss Mc Donald:** Thank you, Mr. Speaker. So contrary to what the Member for Oropouche East has said, that the President could still appoint a Prime Minister; that is not so. Obviously he did not read the Bill. Clause 9 here is clear.

So even if the supplementary polls should take another six months or five months because they will now recount, and then mount legal challenges which will go to the court, you have no idea how long it will take. And under this law here, the President cannot appoint a new Prime Minister. The old Prime Minister

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is there, and let me get it again.

“Where, after the first poll of a general election, one or more supplementary polls are, or are to be, held...the President shall not appoint the Prime Minister before the results of all the supplementary polls have been declared, but the current Prime Minister and Ministers shall remain in office until they...vacate...” [*Crosstalk*] Exactly.

**Mr. Deyalsingh:** “Yuh could lose an election but stay”—

**Miss Mc Donald:** That is right. Mr. Speaker, I want to state that this Bill, this run-off proposal is very unconstitutional. Let us look at clause 7. By inserting subsection (3), where it says:

“...one or more supplementary polls are,...to be, held...no session of Parliament shall commence before the results of all the supplementary polls have been declared.”

Mr. Speaker, this would impact directly on section 67(2) of the Constitution, and 67(2) of the Constitution, Mr. Speaker, is an entrenched section in the Constitution. So what they did—an entrenched part under section 54(2) of the Constitution. Arguably, Mr. Speaker, the effect of this insertion has a direct impact on 67(2), and requires a special majority. 67(2) says:

“There shall be a session of each”—Parliament—“once at least in every year, so that a period of six months shall not intervene between the last sitting of Parliament in one session and the first sitting...”—in another—“session.”

Mr. Speaker, what I am saying is, when they introduced this subsection (3) which says that no session of Parliament shall commence before the results of the supplementary polls, though they have not interfered with an entrenched section, the effect of it—it impacts and impinges on section 67(2), and that is unconstitutional. It is unconstitutional.

Mr. Speaker, another one. Clause 7(4), and that is the one that talks about emergency sittings. Mr. Speaker, that is another point of unconstitutionality, it impacts against section 67. This time section 67(4) which deals with emergency sittings of the House. And, Mr. Speaker, by imposing this in the new section they have created, it interferes with section 68 which is deeply—and section 68 says, let me just read it briefly. Section 68(4), and that has to do, sorry, with the emergency meetings. Mr. Speaker, once you do not have to interfere with an entrenched section, but once you pass a law to embed in your Constitution and it impacts on an entrenched section, then it is unconstitutional. You have to look at

the majority. Mr. Speaker, you would have to go under 54 and look at a special majority to do this. So, I am saying that that whole clause there, clause 7(3) and (4), are unconstitutional.

Let us look quickly at clause 8. Mr. Speaker, and in clause 8, that is where they introduced the run-off with the 50 per cent majority and the supplementary polls. I turn my attention to section 73. And section 73 is the system of balloting, but section 73 is not an entrenched section in the Constitution. So, the AG knows, as the legal advisor—sorry—he knows that clause 8, when you put:

“A candidate shall not be elected...”—to—“the House unless he obtains...” this.

That is what clause 8(3) is saying. But what is happening here is that once you interfere, Mr. Speaker, you have interfered with 46(1). This is what 46(1) says, which is entrenched. 46(1), you have to read it in conjunction with 73, what they are doing. 46(1) says—if I can get it quickly.

“Subject to the provisions of this section, the House of Representatives shall consist of members who shall be elected in the manner provided by the Parliament.”

Mr. Speaker, and that is entrenched, and the manner provided by Parliament is contained in section 73. As a consequence any change to the system of balloting, the system of votes, it impacts 73. Yes, you change it there, but it impacts 46(1) because 46(1) says that:

“Subject to the provision of this section, the House of Representatives shall consist of members who shall be elected in the manner provided by Parliament.”

And, Mr. Speaker, what I have to say, those are some of the proposals. Those are some of the shortcomings I have found in this Bill. I am wondering, I have looked at the role of the Attorney General as legal advisor, I am saying that there is an abomination of the rule of law. They have violated the rule of law in this country, and I am saying that if we allow this to continue, if we allow this Bill to go through, there will be political instability which will lead to dictatorship and chaos, it will lead to economic instability and social hardships. Mr. Speaker, this will signal the demise of our democracy. The Government in attempting—*[Crosstalk]* Mr. Speaker, please. Please, Mr. Speaker.

**Mr. Speaker:** Yes. You have five seconds again.

**Miss Mc Donald:** Thank you. Mr. Speaker, this Government is attempting to take our stable electoral history that we have enjoyed over the past 50 years, and turn it into a system of bacchanal and mayhem just to satisfy their political objectives. I say it is a half-picked-duck Bill, badly crafted, unconstitutional and it is an affront to the intelligence of the people of Trinidad and Tobago, and it is a dangerous Bill. We do not accept, Mr. Speaker, or agree to any proposal to send this Bill to any select committee or joint select committee of this Parliament. We want wide, wide consultation, not among parliamentarians, but among the people of Trinidad and Tobago.

Mr. Speaker, this Bill has to be withdrawn. You, the Government, have been exposed. I thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** Okay, hon. Members, I think it is a good time for us to suspend for tea. This sitting is now suspended until 5.15 p.m.

**4.38 p.m.:** *Sitting suspended.*

**5.15 p.m.:** *Sitting resumed.*

**Mr. Speaker:** The hon. Attorney General. [*Desk thumping*]

**The Hon. Attorney General (Sen. The Hon. Anand Ramlogan SC):** Thank you very much, Mr. Speaker. Mr. Speaker, I rise today on the cusp of significant changes which we seek to introduce as a Government to enhance and improve and strengthen our system of democracy in Trinidad and Tobago. Over half a century has elapsed since we have attained independence, and I dare say, we are at a critical crossroad, such that the time has come for us to stop talking and to start acting on the issue of constitutional reform.

The Bill before us has not been properly analyzed by any of the Members opposite who spoke thus far, but I propose to take us through it so that we will understand what the Bill is seeking to do, and to respond, of course, to some of the issues raised by the Member for Port of Spain South, and the Member for Chaguanas West.

Clause 1 of the Bill is the short title. Clause 3 states that it alters the Constitution. Clause 4 seeks to insert a definition of “first poll” and “supplementary poll”, and clause 5 seeks to amend section 49 of the Constitution by introducing the speaker who, when so advised by the Elections and Boundaries Commission will know that there is a seat to be declared vacant pursuant to which a by-election is to be held.

We then come to clause 6 of the Bill which seeks to amend section 49A. And on that note I think, Mr. Speaker, I wish to start the long list of corrections that are necessary for some of the issues raised by my colleague from Port of Spain South, and that was to say that, with respect to section 49 there is the need for a special majority because we are, in fact, interfering with section 49 by virtue of clause 6 which is where we introduce the concept of the right of recall.

Mr. Speaker, some 30 years ago in a case that was brought on behalf of the Member for Pointe-a-Pierre we have come full political circle. In the case of *Mc Leod v the Attorney General*, the judicial committee of the Privy Council had to deal with this very question of the majority requirements for section 49. And what the Privy Council held in that case, which holds true today, is that the specific amendments that had been enacted by the Parliament related to the addition of a subsection (e) in 49(2), and the creation of a new 49A. Section 49 required a special majority for—49(1) required a special majority for amendment, but the judicial committee confirmed that only a simple majority was required to amend 49(2) and to create section 49A therefrom.

It would therefore be abundantly clear to anyone who has read the judgment of the Privy Council in the case of *Mc Leod v the Attorney General*, that there is no need for concern whatsoever because section 49(1) is isolated with respect to the requirement for a special majority, and therefore, there being no issue arising with respect to that section, by virtue of these amendments, the Bill is properly the subject of a simple majority as opposed to a special majority.

### **5.20 p.m.**

But I am surprised that the Member for Port of Spain South would not have read that particular judgment which has stood the test of time for over 30 years in this country. I then go to the question of the recall provisions itself to be found in clause 6 of the Bill. The right of recall provisions are very simple. After the third year has expired, in the fourth year of the life of a Member of Parliament, citizens who voted to elect that Member of Parliament would have a right of recall. It is exercisable upon an application by any two registered voters in their constituency, gathering at least 10 per cent of the signatures of registered voters for that constituency to support that application which, when submitted to the Elections and Boundaries Commission, can trigger the issuance of a recall petition.

So, let us get the procedure: two persons must gather 10 per cent of the registered voters list for that constituency to make the application to the EBC. Once the EBC satisfies itself that those persons are registered in that constituency

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and so on, they would issue the recall petition. Once the recall petition is issued, the EBC will have its various sub offices open and constituents who live in the constituency and are registered to vote in that constituency can visit those offices, whether it be at a church or—you know, the normal places we go and vote, for example.

**Dr. Browne:** School?

**Sen. The Hon. A. Ramlogan SC:** School maybe if it is not in session. They can go there and vote in support of the recall petition for their Member of Parliament. And that is open for 21 days. To demonstrate the seriousness of the Government in giving this kind of power to the people, we have not only decided we will be open for 21 days, but we have made special provision for the recall petition to be available on weekends so that you can actually go during the weekend and sign the recall petition.

Now, several concerns were raised about this particular clause 6 of the Bill. The first was, why three years? Mr. Speaker, you have constituencies that are large in terms of land mass, where different kinds of terrain; and you have one Member of Parliament who may be a new Member of Parliament, new to this Parliament, and you must give them time to forge a relationship and build some sort of bond with their constituents. It takes time for that. You must also give the Member of Parliament some kind of opportunity to establish and ingratiate himself on the ground and in the constituency before you can allow a petition for recall.

You know, on the one hand, the Member for Port of Spain South said, here it is the Government is not in the procedure giving the Member of Parliament an opportunity to respond to the petition, and that it is in breach of due process, which I will come to. But in the same breath they then turn around and say, “well, you know, why three years? Why it could not be before three years.”

The same argument about being fair to the Member of Parliament that they seek to invoke is the very argument that supports the three-year period. Because you must give the Member of Parliament a reasonable time frame to establish himself as an MP and forge some form of relationship with his constituents [*Interruption*] and to demonstrate performance. In addition to which, the public service expenditure is such that two to three years is a reasonable period as an incubation period for delivery of projects in a constituency and so forth.

The next concern raised was with respect to whether or not you can canvass for signatures. And the answer is, yes. You can, in fact, canvass for signatures for

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the 10 per cent, but we have made it clear that the Elections and Boundaries Commission would be in control once the petition is issued. So that during that 21-day period, the MP who is subject to the recall petition, he can have a representative in the EBC sub offices. The petitioner can equally have a representative there. So that every day when the votes are tallied they can sign to certify these are the number of votes for the day cast. So that over the 21-day period the integrity of the ballot box containing those votes will be protected because it is witnessed by independent representatives, not just from the EBC, but also from both sides of the fence.

We have also made it clear that you have to certify that the petition was not obtained by virtue of any form of intimidation or harassment of persons. Because, you know, in some countries they allow for the petition to be not in the control of an independent agency like the electoral commission, but rather in the hands of the petitioners.

But, we in Trinidad have a particular culture and mindset, and you might have people who can intimidate and harass people to sign something, and you just sign it because you just want to get rid of the nuisance value of the intervention in your life. So, we have made it clear that it is really a voluntary act on the part of the constituent who feels sufficiently motivated and inspired to want to recall that Member of Parliament so that they can exercise their democratic choice.

And that democratic choice, Mr. Speaker, we had an inchoate right, and the inchoate right was, you can vote to hire a Member of Parliament, but we did not give you the concomitant right to complete it to be able to fire the Member of Parliament. Today, for the first time in our political history we are completing that circle by completing that right by giving you not just the right to hire your Member of Parliament, but also the right to fire by recalling your Member of Parliament. [*Desk thumping*] And we do so with pride, because we are not afraid of the power that the people ought to have.

We respect their right to possess that power and we respect the right of every citizen to have a constitutional right to freedom of political expression, and freedom of political expression in the Constitution is a double-edged sword. It means, you can express your political view to elect someone to represent you, but you must also have the power to disappoint that person and to recall them if you so desire. That is the manner in which it ought to be exercised.

Mr. Speaker, I believe others raised the question of why should there be a government coming with these kinds of reforms, and is it that we are doing this

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because we want to remain in office and so on. You know, what shocks me is that, if you are attempting to stay in office on the strength of the power of the people, that is the very quintessence of democracy, and I see absolutely nothing wrong with it.

They are acting as if you are trying to stay in power by handcuffing somebody's hands behind their back, by making a criminal offence out of not voting for the People's Partnership such that you would go to jail if you do not vote for us. When all we are seeking to do is to empower the people and say, "look, vote for who you want, but we will have a majority Member of Parliament for you."

But the reason the Opposition is not in support of that, Mr. Speaker, when one examines our political history, is self-evident. In 1956, the PNM commenced its rather long marathon journey of ruling this country on the basis of a minority vote in office. The combined total of the Opposition parties in 1956 was 159,390; the PNM's vote was a mere 105,513. So, over 50,000 people more voted against them being in the Government as opposed to those who voted for them being there.

In 1991, again, more people—284,000 as opposed to 233,000—voted against them being in office in Government as opposed to those that did—an entire 50,000 more. As recently as 2007, they got 299,763 votes. The combined opposition tally was 351,763 votes. [*Interruption*] In all three examples cited, over 50,000 citizens of this country exercised their democratic right to vote against the PNM Government, and because of the system that we had, you had a minority Government without the popular support of the population that ruled the country.

And they now see nothing wrong with that political equation which disenfranchises so many people and they seek now to castigate the Government for bringing about constitutional electoral reform for the first time since independence, after half a century, that seeks to give and restore balance and equilibrium to the political equation, so that we take the power away from the politicians and give it back to the people where it belongs, and that is what the Bill is about.

Mr. Speaker, I take you next to clause 7 of the Bill. Clause 7 of the Bill deals with:

"...no session of Parliament shall commence before the results of all the supplementary polls"—and so on.



Heavy weather is being made of this and it is said that there is some impact with section 67(2) and so forth—these matters are very easy to explain. But the supplementary polls is not as if it is going to be a run-off election in every single constituency.

The way they are acting is as if there will be a run-off election in every single constituency. Nothing could be further from the truth. There will be run-off elections in those constituencies where a candidate failed to attain more than 51 per cent of the votes. So, it is only in those constituencies, where you do not have a clear majority winner consistent with the expression of will by the people in that constituency that you would then proceed to a run-off.

And that takes us to clause 8 of the Bill. The run-off polls must take place on the 15th day after the general election or 15th day after the by-election, if it is a by-election. So that what you have really is a situation where it is a 15-day window period, and during that 15 days—I heard my learned friend opposite and the Leader of the Opposition make heavy weather about the fact that the President is somehow disabled from appointing a new Prime Minister, notwithstanding the fact that you could have had a winner.

Mr. Speaker, we did not in any way seek to interfere with the section in the Constitution—76—that gives the President the right to appoint a person who in his opinion at any time commands a majority of the seats in the House. So that it was not the Government's intention, and it is abundantly clear from that section that the Government is very clear in its mind, that if at any time after a general election there is in fact a clear winner, that is to say, a party obtains 21 or more seats, and the results of the run-off polls will not alter that majority, then the President can, in his discretion and judgment, appoint a new Prime Minister, and that much is very clear. It is the only logical implication from section 76 which gives the President that right and prerogative and power.

And if it is my learned friends would support us if we make that clearer, I would be happy to do so. There is no problem with that. But to be the prophets of doom and gloom and say there is going to be confusion and chaos and rioting and all sorts of nonsense, in that line, when we have left section 76 without any form of interference, and the President's right to choose someone at any time who commands that majority in the House remains unaffected, I think it is rather far-fetched. But we can clarify that if it is that they would support the Bill and if it will make them happy, because there is nothing sinister in Government's intent where that is concerned.

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Now, Mr. Speaker, that takes us to the other provision with respect to the term limits for a Prime Minister. Questions have been asked about whether or not you can take a break and come back. We have drafted it in the alternative, and we have drafted it—it reads as follows:

“...save that no one shall be appointed who has served ten years or more as Prime Minister, whether or not such service...has been interrupted.”

We go further:

“No person shall hold the office of Prime Minister for more than ten years and six months, whether or not such service is continuous or has been interrupted, and on attaining that length of service the Prime Minister shall vacate his office.”

Mr. Speaker, I want to say for the purpose of posterity, for those who will study the *Hansard* in the generations to come, that I stood with pride as a Member of this Cabinet, led by the hon. Kamla Persad-Bissessar, because the law is normally drafted in a prospective and not retrospective manner.

**5.35 p.m.**

And when I drafted that provision originally, it was drafted to come into operation in a prospective manner, futuristically. So that, henceforth, no Prime Minister will be able to serve two terms or more than 10 years and six months. The hon. Prime Minister in an act of immense humility and magnanimity instructed me as an Attorney General to redraft that provision so that it will recapture her present term of office, so that therefore she will have one term left. Such a selfless act we have not seen in our politics [*Desk thumping*] for a very long time.

In fact, what we have experienced is quite the opposite. In the Westminster system of Parliament through democracy, Prime Ministers and political leaders, they cling to power and they hold on to power until the very last dying breath. In fact, whether it was Margaret Thatcher, whether it was Basdeo Panday, whoever it is, Mr. Speaker, our politics has shown us that in the Westminster system you leave in indignity and disgrace, as opposed to the American model of government, where you have the two-term limit and you will see the elderly statesmanlike persona that the former Presidents assume. You will see President Barrack Obama, even today, seeking the wisdom and counsel of President Bill Clinton. When they have a democratic convention you see them lined up in the front row. These are the statesmen who provide counsel and guidance for a country, freed of

that kind of onerous, burdensome job of Prime Minister and being directly involved in the party politics that can propel you to that office. So they can have a wider vision, a more panoramic vision that can benefit the country.

In the Westminster system you do not see that. In fact, the very first time I had thought about a right of recall, Mr. Speaker, was when I was studying politics, when I was doing the LLB, and at that time the first recall that was highlighted for us in the politics was when the first Prime Minister and political leader of the PNM, Dr. Eric Williams, in 1973 had asked every single candidate of the PNM, every single candidate of the PNM, he asked them to sign an undated letter of resignation. An undated letter of resignation, *carte blanche*, that you must sign and give to me as your political leader, an undated letter of resignation, and what that meant, Mr. Speaker, is that I could recall you at any time I deem fit.

That meant, Mr. Speaker, that from those days the right of recall has been given to the political leader and the Parliament, and not the people. That is what it meant. And we have had that since then, we have enshrined it in the Constitution, with the crossing of the floor provisions which we have used in this Parliament recently and so on, but the point is that machinery is party-owned, party-managed, party-operated and the reins of power are concentrated in the hands of the political leader of the party to which you belong. What we are saying is we will now take away that power, dissolve it and give it back to the body politic and give it to the people that elect you, because the Prime Minister does not hire you, the political leader does not hire you, it is the people in your constituency that vote for you to hire you and [*Desk thumping*] why not give them the right to recall you.

Mr. Speaker, I come now to the question of the law, apart from what I have done. You would have seen that very early in the game when I outlined in public my views on this matter that the question of whether you needed a majority or minority, a special majority or a regular simple majority would apply to these amendments.

Mr. Speaker, this is a matter that I gave careful and deliberate consideration to. I have practised for 16 or 17 years in the courts and had done some of the major cases on Constitutional law in this country's legal history. I studied it and I also went to independent counsel for guidance, the integrity of whom no one can challenge. For that, I first went to the lawyer of choice for the PNM Government, and that lawyer of choice for the PNM Government when they had to oust and hound former Chief Justice Sat Sharma out of office and all other major constitutional issues, they went to Lord Michael Beloff QC in England. And I

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deliberately went to Lord Michael Beloff so that they cannot question the integrity of the advice because that is the person that they reposed their political and constitutional confidence in when they were in office.

Mr. Speaker, Mr. Beloff has advised that—and I will quote from his advice:

I do not consider that any of the proposed amendments violate any fundamental constitutional norms such as the separation of powers or the rule of law and/or are at odds with the preamble to the Constitution.

Let me repeat that, Lord Michael Beloff:

I do not consider that any of the proposed amendments violate any fundamental constitutional norms such as the separation of powers or the rule of law and/or are at odds with the preamble to the Constitution. The mechanism for constitutional change is located in section 54 of the Constitution, it empowers Parliament to alter any provision of the Constitution by majority vote of both House.

And he goes on to explain that none of these proposals require a special majority.

I then went to Mr. Timothy Straker QC, who is one of the leading and most respected constitutional law jurists and lawyers in the world. Mr. Timothy Straker concurred with Mr. Beloff, and these are separate opinions, he does not know what Lord Beloff said. In a separate independent advice, Mr. Timothy Straker QC also advised that these amendments do not require a special majority because they do not seek to interfere with any of the fundamental rights.

You know, Mr. Speaker, throughout this debate people say that you are taking away fundamental rights. But what I found strange is that no one has identified the fundamental rights which they are saying the Government is trying to take away. No one. You know, in sections 4 and 5 which entrench the guaranteed fundamental human rights and freedoms granted by the State to every citizen we have listed every single right: the right to life; the right to liberty; the right to security of the person; the right to enjoyment of property; the right to freedom of worship; the right to freedom of expression; the right to freedom of thought, conscience and religious belief; and the list goes on. Not a single speaker has identified so that I can properly respond to it, which of the constitutional rights enjoyed by our citizens is the Government trying to interfere with? Not one.

What I do know, Mr. Speaker, is that there is a right to freedom of political expression and freedom of association, and what we are doing is really augmenting and strengthening those rights by saying you had expressed your

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political views when you voted for a candidate. We are now saying that freedom of political expression should not be confined and restricted to a three-second exercise in democracy, whereby you put X on a ballot paper, dip your finger in some red ink and then you are out of the process for the next five years. Our present system of democracy is such that you are divorced the minute you put your X and dip your finger in the ink; the political process divorces you. You are amputated from the political process the minute you cast your vote.

**Mr. Speaker:** Would you be interested in an extension?

**Sen. The Hon. A. Ramlogan SC:** Yes, please, Mr. Speaker.

**Mr. Speaker:** All right, continue.

**Sen. The Hon. A. Ramlogan SC:** So that what you have is an empowering provision that will give you more power to express your political views. I also went to the grandfather of constitutional jurisprudence in the West Indies, Sir Fenton Ramsahoye, and Sir Fenton equally in a separate and independent opinion advised that the Government did not require a special majority for these amendments. But more than that, I was quite heartened to see, Mr. Speaker, that no less a person than the former Chief Justice, the hon. Mr. Justice Michael De La Bastide, former President of the Caribbean Court of Justice came out in *Newsday* of August 06, 2014 to say that he concurred and agreed with my view that all that was required was a simple majority.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Attorney General be extended by 15 minutes.

*Question put and agreed to.*

**Sen. The Hon. A. Ramlogan SC:** I thank you, Mr. Speaker. [*Desk thumping*] Now, former Chief Justice Michael De La Bastide is not a People's Partnership person nor is he an Opposition person, here is a former Chief Justice and a President of the Caribbean Court of Justice agreeing with the Government's position and the advice I tendered to the Cabinet that we do not require a special majority. Then you have the Chairman of Elections and Boundaries Commission, a man with immense experience in these matters, Dr. Norbert Masson. And he also concurred with the Government's view that only a simple majority is required. So I think, Mr. Speaker, I dare say that we feel we are on constitutionally safe and solid grounds with respect to the view that this requires a simple and not a special majority.

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Now, concerns was expressed that after the run-off polls are held you could have election petitions and the Government could remain in office and tie up the Government and so on. Mr. Speaker, we had election petitions before in this country. In the case, my learned friend, Member of Parliament for Mayaro, was in fact the respondent in one of those petitions, the famous cases of Gypsy and Chaitan. And I was one of the counsels in those cases.

And in those cases we seem to forget that election petitions notwithstanding they were allowed to take their seats in the House. So whether the election petition takes one year, one day, 10 years it does not matter because they were able to resume, they were able to take their seats in the House and the courts will deal with the petitions as quickly as possible.

The point I am making is the idea that there is a vacuum of power such that the Government can remain in office on the basis of that vacuum is completely misconceived and entirely without merit or justification.

Now, Mr. Speaker, the issue of run-off elections, there are run-off elections in 75 countries in the world plus. They include: Austria, Portugal, Turkey, Finland, France, Uruguay, Costa Rica, Poland, Chile, Brazil, the Dominican Republic, et cetera. And when one looks at the empirical data another point raised can be answered. They say well, you know, what if less people come out to vote on the run-off. Well then what you will have is a majority of a minority, because less people come off. Mr. Speaker, the short answer to that really is that—[*Crosstalk*] Now, Mr. Speaker, when you look at the empirical data for these countries that have run-offs you will see that nine out of 10 times the run-off produces a higher voter turnout. It is not less, it is higher.

**Dr. Browne:** List the countries that have run-off.

**Sen. The Hon. A. Ramlogan SC:** I just did, Sir, I just did. In France, for example, in 2002 you had 28,498,471 citizens voting in the first poll. In the second poll over 3 million citizens more voted; it went up to over 31 million votes. In Colombia in 2014, 13.2 million people voted in the first round. In the second round that figure went up to 15.7 million. Over two and a half million people more came out to vote. In Peru in 2006, 12.2 million persons voted in the first round; that went up by over 1 million in the second to 13.235 million. So the evidence is there to show us that, you know, more people come out to vote.

Now I also heard the specious argument that people are now going to be disenfranchised because they are going to be forced to vote for a candidate and a party that they do not belong to and so on. Let me make it clear: if your candidate

does not make it to the stage of the run-off, because they did not place first or second, then nobody is forcing you to vote.

I mean, let us take the World Cup analogy: so you are supporting Brazil, you are a Brazilian fan, you are supporting Brazil, but then Brazil did not make it to the finals. So you sit down home on a Sunday watching TV and you had to decide Argentina vs Germany. I am wearing my Brazil jersey. You could choose to take off the TV, you could choose to change the channel; you could choose to enjoy a good game as a spectator or you could choose as well, if you so desire, to support Germany or Argentina. That is your constitutional right.

**5.50 p.m.**

**Hon. Member:** Good analogy.

**Sen. The Hon. A. Ramlogan SC:** That is your constitutional right. But no one is forcing you to support Germany or Argentina, in the same way no one in the run-off is forcing you to vote for either candidate. But the point is, you will have the opportunity, if you so desire, which you did not have before, to think of those two candidates, which one will make a better Member of Parliament for me—*[Interruption]*

**Hon. Member:** He did not have that opportunity before?

**Sen. The Hon. A. Ramlogan SC:**—and you will now be able to decide and cast a vote to influence who will be your Member of Parliament.

**Hon. Member:** Two bites of the cherry.

**Sen. The Hon. A. Ramlogan SC:** Two bites of the cherry.

Now, the other point made is that these amendments will lead to the destruction of third parties. Mr. Speaker, last night I started checking. From 1956 to now, there have been over 46 political parties, apart from the People's National Movement, contesting elections—46.

**Dr. Browne:** How many remain? Only about 10 of them.

**Sen. The Hon. A. Ramlogan SC:** And, yes, the Member for Diego Martin Central is right, the question is, how many of them remain? That is the point. The point is that the present system of first past the post has driven almost every single third party into political oblivion. It has led to the virtual destruction and obliteration of those third parties. Today we ask the question: where is Team Unity? It is 46, Mr. Speaker, whether it is African National Congress, British

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Empire Citizens and Workers' Home Rule Party—that was the Butler party—Caribbean National Labour Party, the list goes on; 46 parties driven and wiped into political oblivion by the present system. Yet they say these amendments, which are designed to breathe life and introduce some fluidity and dynamic into the politics, that will create fertile soil for the growth of third parties, is one that seeks to knock them off. Nothing could be further from the truth.

Now, Mr. Speaker, it is often said that in the run-off—in the first poll, people vote with their heart, but at the run-off, they vote with their head. That is why countries that have had the run-off elections have tended to produce candidates that the people want as their Member of Parliament. Now, we are criticized. They say consultation. The Member for Port of Spain South: “consultation, widespread public consultation”. You know, whilst they call for widespread public consultation, which we have had for a year and a half throughout the length and breadth of the country, the cruellest of political ironies is that they produce a 10-point plan for constitutional change and not a single proposal have they consulted with the public on.

They seem to run far from the Manning Constitution draft of an Executive President and the one which the Chief Justice came out and objected to because it undermined the Judiciary. All of a sudden, they come with a 10-point plan, without telling us anywhere was the public consultation to produce this. You see, Mr. Speaker, the PNM knows well, they promise change, but they are good at changing their promise. [*Laughter*] They promise change, but they are good at changing their promise. So no public consultation, not one day, but they suddenly come up, awaken from their political slumber to say, “Well, look, we have constitutional reform proposals too—10”.

Now, they say—Member for Port of Spain South—no grounds, no reasons have to be given. No space in the petition to say why you want to recall the man. Mr. Speaker, that was deliberate. It was deliberate because when you put grounds there, it provides fertile soil for litigation. Why should people—[*Interruption*]

**Hon. Member:** Oh my God!

**Sen. The Hon. A. Ramlogan SC:** No, no, but I want to ask the question. Then they say there is no job description for the MP. Hear “ting”! No job description for the MP! “How yuh go know if tuh fire dem?” You know, the Member for Port of Spain South does not tell us when you are going to ask the people to vote “fer yuh”, is there a job description so “dey go know if you is de right man for de job?” There is no job description when you are going to beg people to vote for



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you, to put you as their Member of Parliament, and when they come to move you, you say, “Well, where de job spec dey? How yuh go move meh jes so”?

You see, those are the kinds of specious arguments they raise because they are scared of the kind of power we want to give to the people. They do not wish people to enjoy that power. [*Desk thumping*] “All kinda foolishness about job description and the reason and right to be heard.” Mr. Speaker, when you have the recall petition issued—they say there is no due process. When the recall petition is issued, the Member of Parliament has the opportunity to be heard. You know where?

**Hon. Member:** Where?

**Sen. The Hon. A. Ramlogan SC:** Let him go and tell the people who want to recall him why they should not recall him. The people who have to hear what you have to say is not the Parliament, it is the people who voted for you. So you will have the opportunity to be heard by going to the people who want to recall you, mount a platform and tell them, “Do not recall me because this is my position. This is my response.” [*Crosstalk*]

**Hon. Member:** Cool down. Cool down.

**Sen. The Hon. A. Ramlogan SC:** So it is not that there is no opportunity to be heard. It is to be heard where and by whom. They want to be heard here in the Parliament and we are saying, let your voice fall on the ears of the people who have voted you into office [*Desk thumping*] and who we are giving the power to remove you from office.

The Member then said that section 67(2) is somehow impacted because for 15 days the Parliament will not be able to meet and so on. Section 67(2) deals with the fact that the Parliament should meet without interruption for a period in excess of six months, but the 15-day run-off poll, by no stretch of the imagination can violate that provision. That is simply not possible.

Then they say, 46(1), in the manner provided by Parliament—that you can elect people in the manner provided by Parliament, and they say that is impacted. Mr. Speaker, it is a rather inverse argument, a very convoluted argument that one will say that, “Look, the Constitution provides that Parliament must provide for the manner by which people should be elected, and because Parliament has already so provided, it could never change it. That is a nonsense, with the greatest of respect. The section says that the Parliament shall so provide, and this is the Parliament. The law is interpreted as a matter of statutory interpretation, as always

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speaking. That is the principle of law. The law must be interpreted as always speaking.

They then say that in England—the Leader of the Opposition says in England they are running from the right of recall. Mr. Speaker, this is what the Queen, Her Majesty, said, on June 04, 2014. [*Interruption*]

**Miss Mc Donald:** “Nah, leave the Majesty outta dat.” You doh have no credibility tuh call de Majesty.”

**Mr. Speaker:** Please, please. I am going to ask the Member for Port of Spain South to come here. [*Points to chair*] [*Laughter*] Yes, because I do not understand. [*Crosstalk*] We have to call you here. Well, control yourself. You are constantly badgering your way. I mean to say, please, allow the hon. Attorney General to speak in silence. I do not want to retire you to the lounge, so I prefer to bring you here. [*Laughter*] Continue, hon. Member.

**Sen. The Hon. A. Ramlogan SC:** I am grateful to you, Mr. Speaker. The naughty corner awaits. [*Laughter*]

Mr. Speaker, the Queen says, and I quote. This is June 14, 2014:

“My government will continue its programme of political reform. My ministers will introduce legislation on the recall of members of parliament.”

So in England they are moving in the same direction, but we are ahead of the game.

They then say that we are flip-flopping on the issue of proportional representation and referendum which is included in the report from the commission. Mr. Speaker, the hon. Prime Minister was at pains to say, during her presentation, that we will bring legislation to give effect to those recommendations but it requires a special majority. So there was no flip-flopping on that.

Mr. Speaker, they asked why two-thirds of the voters. Two-thirds of the voters registered to vote is necessary because if you do not have two-thirds of those who are registered to vote, as opposed to two-thirds of those who actually voted, you will disenfranchise those who did not cast a vote three years henceforth when you have the recall vote taking place. And that disenfranchisement, we wanted to avoid it, so we say we will empower each and every constituent who is living in the constituency and registered to vote in the constituency, so that they can recall their Member of Parliament.

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Mr. Speaker, there is nothing sinister, there is nothing ominous about these proposals. At the heart of these proposals, the concentric principle, which forms the bedrock of these proposals, is about restoring power to the people and giving people the right to have some element of control over the democracy that governs and rules them. This will improve participatory democracy and enhance people's constitutional rights by giving them an additional opportunity to influence the process of governance in this country and I commend it to this honourable House.

Thank you very much. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for St. Joseph. [*Desk thumping*]

**Mr. Terrence Deyalsingh** (*St. Joseph*): Thank you very much, Mr. Speaker, and I will be requiring an extension. Mr. Speaker, I start with a quote from Abraham Lincoln, and the quote goes like this:

Nearly all men can stand adversity but if you want to test their character, give them power.

Mr. Speaker, I stand before you here today in my primary position as the Member of Parliament for St. Joseph, but also additionally as a son of Trinidad and Tobago who rejoices in all that this country has to offer. Whenever I am coming to Port of Spain over the Lady Young, I am always glad to see my Indian brother, the “doubles man”, selling “doubles” in the Morvant Junction. I am always happy when I go down to Debe to see the statue of Sundar Popo by the little triangle, and I am always reminded of the close relationship Sundar Popo shared with the Black Stalin.

Mr. Speaker, my son's godmother is of African descent, married to a Chinese. My daughter's godmother is East Indian, married to a Caucasian.

**Hon. Ramlogan SC:** “And who is yuh son fadda?” [*Laughter*]

**Mr. T. Deyalsingh:** I have friends and family all throughout the country. [*Crosstalk and laughter*]

**Miss Mc Donald:** Mr. Speaker, I rise on 53(1), subsections (e) and (f). I want to hear what the Member for St. Joseph has to say.

**Mr. Speaker:** Yes. Well, I am happy—[*Interruption*] Yes, please. Please, please. [*Crosstalk*] Member for Port of Spain South, you want to be heard? Hon. Members, may I appeal to everyone to allow the Member to speak in silence and I want to uphold the Standing Order quoted by the Member for Port of Spain South. Continue, hon. Member.

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker. Mr. Speaker, one of my uncles, about 50 years ago, left Couva and went Tobago—this is 50 years ago—and opened a roti shop just outside the Scarborough port—50 years ago. Think about it, unheard of. That is the country that we have nurtured for 50-something years, and if you want to tell me in 2014 that these amendments aid in the building of that mosaic, I will disabuse the population of that thought.

Let me respond firstly to the hon. Attorney General. He quoted figures from past elections. The election he did not quote was in 1986 when the PNM lost, was decimated, and we left the corridors of power—33/3. We had no problems leaving power. He did not quote 2010 when we lost power, 29/12. We went quietly. He did not quote those figures. There was an orderly transfer of power. The hon. Attorney General gave a very nice tale about run-off elections. He quoted France, Colombia. What the hon. Attorney General did not say about run-offs—and this is where this Government is so seductive, so beautifully seductive. The Attorney General did not tell us that all those run-off elections in France, in Colombia and I will add, Afghanistan, Argentina, Brazil, Bulgaria, all those run-offs—and I want members of the public to listen—are only for the position of Executive President—[*Interruption*]

**Miss Mc Donald:** Ahh! [*Desk thumping*]

**Mr. T. Deyalsingh:**—not for 41 Members of Parliament.

**Miss Mc Donald:** Misleading.

**Mr. T. Deyalsingh:** But the seductive nature of his speech will let the public believe. Point to one country where the entire Legislature is elected by run-offs and it works well.

So two things: show me which country does it and it works well. Every example this Government has put forward for run-offs is only for one post of Executive President, and that is the political culture of that country. That is not our political culture.

**6.05 p.m.**

The hon. Attorney General said, in the recall, and these are his words:

You have time to ingratiate yourself, you have time to perform.

What the hon. Attorney General is missing is that we are human. The Member for San Fernando West, the Member for Tunapuna and myself, we could perform as well as we could throughout the constituency, but after three years Member of

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Parliament for Tunapuna, Member of Parliament for San Fernando West and myself, I could get a petition to recall any one of us. That is the nature of humanness in politics. Constituents are not robots, they are not machines. Humanness, we have our biases, we have our preferences, Member for San Fernando West. We could raise a petition tomorrow. You could be the best performing Member of Parliament. So that argument is absolutely ludicrous. You are denying the humanness of the political condition, but I will come to the recall later.

Mr. Speaker, any country that is stable depends on a middle class, on a stable growing middle class and we all know—and I am speaking directly to the Member for Tunapuna, through you, Mr. Speaker, Members for San Fernando West, Arima, Lopinot/Bon Air West. The third force in this country has always come from the middle class: the ONR, the NAR and now the Congress of the People. What you are doing is utilizing middle class values in Trinidad and Tobago, because in the run-off you are saying it is a battle between PNM and the UNC. I want to quote the hon. Prime Minister, Monday, October 21, 2013 in the *Guardian*:

“Regardless of the outcome of the local government elections, every voter will win because of proportional representation...

...because”—it has—“been on the agenda for decades...”

But what the Prime Minister is not fixing—and let me tell the Government what you need to fix is not the Constitution right now. What you need to fix is the Police Service Commission so we could hire a Police Commissioner, so we could bring safety to Trinidad and Tobago. Fix that! Fix the legislation. This convoluted legislation when you were in Opposition you insisted on, that produces a system for hiring a Commissioner of Police which is impossible; fix that my friends. Because one of your basic constitutional functions is the safety of Trinidad and Tobago. Fix that!

Mr. Speaker, I read cover to cover these two volumes: *Report on the Commission of Enquiry, Volume I and Volume II*, and coming out of that reading, my esteem for the Member of Parliament for Tunapuna grew by leaps and bounds. What the Member of Parliament had to go through no one should have to go through, and this country owes him a debt of gratitude. I say that openly, the Member of Parliament. This is what the Member of Parliament had to say on Wednesday, May 12, 2010, in the *Newsday*:

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Let us go back to the Wooding Commission. Everybody must be represented in Parliament.

Mr. Speaker, on the issue of constitutional reform, if you go to page 1,123 of Volume II of that report into the attempted coup and I may quote:

“The Commission recommends that consideration be given to amending the Constitution in such a manner as would vest, in the President, the power to appoint a Prime Minister where the substantive Prime Minister is incapable of performing his/her substantive functions. An amendment should also specify the Minister who should be appointed Prime Minister and the procedure to be followed for appointment.”

What this speaks to and what the Member for Tunapuna has spent his whole life, his whole political life for, was deepening of democracy. His legacy is to be preserved. This is what this commission says: important constitutional amendment.

But, you see, whilst my esteem grew for him and whilst he is able to walk in the rain with this magical ability not to get wet, let me tell you we do not have that umbrella. The rest of Trinidad and Tobago, my friend, we are in the storm. The Congress of the People, by your own words, may be able to walk in the rain without getting wet, but we are soaking. But, the Member for Tunapuna, who may support this, would not fix the gaping hole in the embassy in Toronto, he would not fix what is going on in Washington, he would not fix the hole left in London. Fix that! What are you fixing this for at this time? Fix that!

I want to tell the Member of Parliament for Tunapuna, Sir, after having read these two documents this is not who you are. This is not who you are. Do not spoil your legacy, Sir. Let the history of this country reflect on you fondly. As you rose to the occasion in 1990, you now have a second bite at the apple to rise to the occasion today, to once again, Sir, save this country. Save this country, please.

What will be the effect hon. Member for Tunapuna, Minister of Foreign Affairs? You have a two-week delay; you have court challenges; you have an illegal, illegitimate section 34 Government in power having lost an election.

**Mr. Speaker:** Member, please. This debate is not about the Member for Tunapuna. And this personalization of debates, I try to tell Members of this honourable House, let us focus on the issues. There is a Constitution (Amdt.) Bill before us, but you are focusing on a Member of this honourable House. You are

personalizing debates. This is not the purpose of our debates. Deal with the issues and there are three issues before us. So I ask you to refrain from personalizing this debate.

Do not address any Member of this House except the Speaker, and do not refer to Members in a personal way. He has not spoken, so you are not responding to any position that he has advanced, but you are personalizing and targeting the Members for Tunapuna and San Fernando West. I am saying refrain from that and deal with the issues, please.

**Mr. T. Deyalsingh:** I am so guided, Mr. Speaker, and I am glad for the protection for the Members for Diego Martin West, Diego Martin North/East and St. Joseph, because I hope the protection goes all around. So what are the foreign affairs effects of this? The National Democratic Institute for International Affairs calls any time delay tragic.

You have this Government now in power, when they sign international treaties, commit us to terms and conditions that the incoming Government does not agree to, where are these things going to be arbitrated? You will be making board appointments, spending money. Mr. Speaker, organizations like the OAS, the United Nations, frown upon these things. Let me tell you that. Mr. Speaker. They frown upon it. Which political and legislative agenda will our major training partners look at? How will litigation be determined, and which party would bind the Government—the party that stays in power illegitimately, or the party waiting to take over the reins of power? Which party is going to bind Trinidad and Tobago?

Mr. Speaker, this cannot be divorced from our economic well-being. BPTT, Shell, BHP Billiton, all the multinationals on whom we depend for our tax dollars to manage this country, which Government may I ask, which party? Are they now going to sit around on the negotiating table when you have the deep water bids? How is this country going to be managed when you have legal challenges that are going to stretch beyond 15 days because there are going to be legal challenges?

So my friend, Mr. Speaker, sorry, I just want to ask—because as you said, the Minister of Foreign Affairs is going to speak after. So if he could simply tell me how he intends to conduct foreign affairs in the weeks and months while we have litigation continuing. [*Crosstalk*]

**Mr. Speaker:** Please, Member for Couva South.

**Mr. T. Deyalsingh:** Mr. Speaker, this Government campaigned on proportional representation. They came to power promising proportional

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representation. Indian Arrival Day message, 2012, *Newsday*, Thursday, May 31.

To facilitate equitable representation and inclusiveness, constitutional reform including proportional representation must be a priority.

Words of the Chairman of Constitution Review Committee—proportional representation.

Mr. Speaker, it is well-known that this Constitution Review Committee has been dragged into the public domain in a manner it should not have done so. Mr. Carlos Dillon: in my view the main concerns of the citizenry at this time include the right of recall of an MP, the methodology to be used for putting proportional representation into effect and the timing of bringing the Bill to Parliament. Mr. Dillon is saying proportional representation and he has concerns about the timing of the bringing of this Bill to Parliament.

Mr. Speaker, this Government always boasts that its manifesto represents government policy. When you read their *Hansard* contributions on a relevant topic, you would see them supporting proportional representation throughout it. That is their policy. Mr. Speaker, I want to suggest that under our new Standing Orders, especially Standing Order 108 to be found on page 61—I think the public should know what I am speaking about—it is the “Committee on Government Assurances”. I want to suggest, Mr. Speaker—because you will be a member of it—that this entire Constitution Review Committee be brought before a suitably convened Committee on Government Assurances and tell us when did proportional representation morph into recall; how did it end up being a public battle between a commissioner and an Attorney General; how did this commission arrive at this; when was the addendum conceived; who saw the addendum; and is that addendum reflective of the people’s wishes? Because the impression we get is that the contents of that addendum for run-offs were never discussed.

They were paid handsomely as the Attorney General said—public money. They now have a duty to come before us on a publicized enquiry before this Committee on Government Assurances and we want to see the Chairman, we want to see Madam Justice Amrika Tiwary-Reddy, we want to see Justice Sebastian Ventour, we want to see Mr. Carlos Dillon, we want to see Dr. Merle Hodge and we want to see Dr. Hamid Ghany, explain to the country when did proportional representation morph into this. [*Interruption*] Total what?



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**6.20 p.m.**

Mr. Speaker, did the framers of our Constitution ever envisage a minority losing party staying in power? Because that is what you are going to have to make board appointments. We are legislating a system of government with the preamble now based on sheer lunacy. This is sheer lunacy.

We also want to have that Constitution Review Committee explain to us, regale us with details, as to what is their position on the first-past-the-post system, because the same report on page 2, if I may quote, under “General Elections” says:

“The House of Representatives should continue to be elected as it has been since Independence - voters in each geographical constituency electing a representative by the first-past-the-post...”—system.

This is what the Chairman of the Constitution Review Committee spent \$14 million talking about, that we will stick with the first-past-the-post system. How did proportional representation morph into first past the post and now morph into a run-off? That commission and its Chairman have questions to answer. Fourteen million dollars the hon. Member of Parliament said today. To produce what? Confusion and chaos on the country. Every single member of civil society—and you see, there is a very dangerous thing that the Member for Oropouche West said today. He said, “If you want to have a voice...”—[*Interruption*]

**Hon. Member:** Oropouche East.

**Mr. T. Deyalsingh:** Sorry—Oropouche East. I apologize. He said, “If you want to have a voice”—referring to the reroute movement—“form ah party”. Do you know the danger in that statement, Member for Diego Martin West? It means that you are telling the country that civil society under your watch has no voice. “Form ah party.” So Dr. Kublalsingh has an issue, “we go move yuh like sack ah potato”. Remember that? “Sack ah alloo. Dem people like the sack ah alloo that they move.” If they want to have a voice, form a party. This is what civil society has come to in this country? You are telling us in 2014, after 440-something thousand people voted for you in 2010, that civil society has no voice in this country, that I cannot say anything against you, unless I form a political party. So Martin Daly has to go and form a political party. That is what you are telling the country. The legacy of the hon. Member in 1990. You are telling people to shut up. You are telling people to shut up; this is not for you. Civil society, you have no voice; churches, you have no voice; imams, shut up; pundits—well, no, it does

not apply.

**Dr. Rambachan:** “Waz that? Waz that?”

**Mr. T. Deyalsingh:** Pundits, shut up. Everybody must shut up! Because the only way you can talk against this Government is if you form a political party. How arrogant; how undemocratic. But that is what the Member for Oropouche East said, that Dr. Kublalsingh should form a political—we are in dangerous times when the Leader of Government Business could stand up here and tell civil society to shut up, and we are going to vote for this today.

Mr. Speaker, I want to deal with the issue of the recall because that recall is dangerous and let me tell you why. I will deal with two issues of that recall. That recall, as I said, in any marginal seat, you could ingratiate yourself to people as much as you want. You will find people in marginal seats, you could give them 10 food cards, a free HDC house, they will still vote against you. That is human nature and I have absolutely no problem with that, none, but I must ingratiate myself, the words of the hon. Attorney General. That petition is signed by two persons, it goes to the EBC, then they get an application with 10 per cent.

Mr. Speaker, the LifeSport Programme in this country, as we now know, has been used to fund elements which we will stay away from. Good, listen to this. So they have a vested interest in keeping a particular government in power. This legislation says that the petition with the two names have to be published in the *Gazette*, two daily newspapers and on a website. Do you know what that means? That if two PNM people in St. Joseph, or up Cumuto, bring a petition to bring down this Government, their names are in the papers. Their names are now public as known people wanting to get rid of a Member of Parliament. Do you know what the inherent dangers of that are? So, I am receiving things from LifeSport. It is in my interest to keep LifeSport going, but I know you want to take away that from me, and your name is in the papers. Has anybody thought through these things?

Not only that, the application which contains 10 per cent of the names is now lodged with the EBC. So the EBC personnel—and this has nothing to do with the integrity of EBC personnel, you have leaks all over the world, from Cabinet, PNM, Congress, Obama. You have leaks all over the world. The EBC now has a petition with 10 per cent of the names in a constituency who are now opposed to you. That is legislation. It means that my political affiliation is now known. I can no longer support my party in private. I want civil servants to pay attention to that. I want the unionized workers to pay attention to that. That your name is on a list in the

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EBC that anyone could have access to, information is no longer secure worldwide. I am not denigrating the EBC here.

Has the EBC thought about this before they supported this, before they gave an opinion? Because our Constitution guarantees secret ballot voting. Now I know with this amendment, 10,000 people who are going to vote against me; I know that now. That is the legacy of the People's Partnership. That is the rich legacy of the People's Partnership, where people's voting preference is on a list with their ID card number. Do you know that? You have to put your name and your ID card number. I could trace you. I could trace you. It is not hard to trace you. My Lord! I will advise when this Bill passes, because it is going to pass apparently, that no PNM activists, in any constituency, sign any petition, leave "allyuh" in power, brother, because your lives will not be safe. Your political choice is now in the public domain. You are naked in the rain now.

Mr. Speaker, coming back now to the constitutionality of this recall. My colleague, the Member for Port of Spain South, did an excellent job about the due process argument so I am not going to go there. There is another argument which the hon. Attorney General missed. Now, before I go on, this is the same Attorney General who told us, together with the hon. Prime Minister, that they do not need Caricom's involvement in bringing the Caribbean Court of Justice to Trinidad in 2012. Same Attorney General, proved to be what? Wrong. Same Attorney General who said the Central Bank (Amdt.) Bill was good. Wrong. Same Attorney General who said the appointment of Susan Francois as head of the FIU was good.

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

*Motion made:* That the hon. Member's speaking time be extended by 15 minutes.

*Question put and agreed to.*

**Mr. T. Deyalsingh:** Thank you. So this Government, with this Attorney General, has a rich history in not being correct on important matters of the Constitution. The Constitution section 4(a) and (b), if I may read it, is an enshrined right:

"the right of the individual to life, liberty, security of the person and enjoyment of property..."

And past case laws tell us property includes money and salary.

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“...and the right not to be deprived thereof except by due process of law;”

And that was the point the Member for Port of Spain South was making. Section 4(b):

“the right of the individual to equality before the law and...protection of the law;”

But, Mr. Speaker, unless we as parliamentarians are a class of persons not enjoying constitutional protection—and the last time I checked, I have protection under the Constitution—you are telling me that a right of recall where I am working for \$17,000 a month—so that is property, that is my salary, I have to pay my bills—that it takes two busybodies, in any constituency, get a petition with 10 per cent and that triggers a by-election and I am booted out of office. No due process, in total violation of my right to property and right to be treated equally before the law.

Let me explain this to the ordinary man in the street—the same doubles man who selling by Morvant, the taxi driver who has a mortgage to pay, people who are working in Courts and Standards. The analogy to this is that your employer could simply call you and say, “Two people say we doh like yuh, we going to fire you” and you have no process to follow. And we have eminent labour union—ex-labour union leaders across here. So you can fire me; I can fire an employee with no due process. He cannot pay his rent, he cannot pay the mortgage on the maxi taxi—you just take away all his rights. And I have the same right to enjoy my property and protection under the law as a maxi taxi driver, as a doubles vendor, as a shop clerk, as a policeman. Why is this Government taking away my right to enjoy my property? Someone on that side, please explain that to me, please, please.

Mr. Speaker, there was an invitation issued on March 09, 2012 and the topic of that was COP consultation on constitutional reform at the San Fernando City Hall, and the agenda item—invitation issued by the hon. Member for San Fernando West—proportional representation. Mr. Speaker, when this country goes to hell in a handbasket because of perpetual elections, and the business community starts to lay off people, because you have no investor confidence, because we do not know which party we are dealing with—and business confidence is predicated on political stability—how is anybody going to tell all those oil servicing companies in San Fernando, “Well, we do not know which Government we are dealing with”. BP does not know which Government to negotiate with. It is a recipe for disaster, but we have children.

When our children come to us in 20 years and say, “ma”, “pa”, “aajee”, “aajaa”: why this country reach the stage it in? Ah hear on the *Hansard*, dey say yuh voted for dis Bill”. That is what our legacy is going to be? We have children, teenagers, grandchildren, but you see voting, yes, Mr. Speaker, will secure their political future but they have no regard about the future for Trinidad and Tobago. All they are concerned about is staying in office.

**6.35 p.m.**

All the COP families who voted for them, what are you going to tell them, middle class values, the business people with their hardwares? What are you going to tell them when you have political instability followed by economic instability, followed by social instability? What are you going to tell them? That you stood in the Parliament and you went along with the UNC. That would be your legacy. Mr. Speaker, every single Member across from me on this table owes their political future to a third force, all of them, which they now want to outlaw, ONR, NAR.

I remember recently the Member for Tabaquite stood here and eulogized, in a very moving manner, Mr. ANR Robinson, the ultimate third force—eulogized him, praised him.

**Dr. Rambachan:** Karl Hudson-Phillips.

**Mr. T. Deyalsingh:** How hollow those words now ring. Whatever became of one love, Mr. Speaker?

**Dr. Rambachan:** It was Karl Hudson-Phillips.

**Mr. T. Deyalsingh:** Mr. Karl Hudson-Phillips, sorry—eulogized Mr. Karl Hudson-Phillips.

**Dr. Rambachan:** He was a great man.

**Mr. T. Deyalsingh:** One love, third force. Every third force party has blossomed for the past 50 years and if they throw PNM out of power, we go quietly and we hand over the reins of power. We never sought to retain power by methods such as these. Never! Never!

But, as I have said before at the very start, you want to test a man’s character give him power, give him power. Mr. Speaker, the Prime Minister will not fix crime, will not bring appointment to the Police Service Commission, would not bring legislation to appoint a Commissioner of Police. She does not want to fix that.

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Mr. Speaker, Saturday August 09, no drugs at Sando hospital, cancer patients beg for help in 2014. Fix that! That needs fixing. Pemraj Boodhan said he was disappointed that millions of dollars were being wasted on LifeSport instead of providing health care. The lives of more than a dozen cancer patients are now in limbo. Fix that! Fix that, Government!

But you know what is the most alarming thing about this? The Member of Parliament for Arima is quoted as saying he has not been paying attention to what is going on with this Bill in the public domain. Could you imagine that? His political leader is the Chairman of the Constitution Reform Committee. They sit in Parliament. They sit in Cabinet and a Bill is coming before the House but the Member of Parliament for Arima says he is not paying attention to what is in the public domain. Where is the Congress of the People in all of this? That has to be the most amazing statement on this whole thing. Forget the battle of words between Dr. Merle Hodge and the Attorney General, but a Member of Parliament, whose political leader is the Chairman of the Constitution Review Committee, says he is not paying attention to this in the public domain, and they sit in Cabinet. They sit in Cabinet. His political leader is the Chairman of the LRC.

Why it is, if all this consultation took place, it did not take place with the executive of the COP before last night? Last night it took place, but when we consulted with our general council, because we did not set the timetable, you are hearing PNM panic? It is not the PNM panicking, we are panicking for Trinidad and Tobago. I am panicking so that my doubles vendor could keep on selling doubles in Morvant. I am panicking so friendships that have developed over years between people like Sundar Popo and Black Stalin could be nurtured. I am panicking because you have a desperate Government, in the throes of death, trying to wield and hold on to power by any means necessary.

Mr. Speaker, as I close, I want to remind this Government that whilst the perfume may smell sweet, but as somebody said the kiss is deadly. Remember Guyana, where a sweet concoction of Kool-Aid was fed to 900 persons and they all drank from it. They were promised heaven, and we know the consequences. Mr. Speaker, they can drink from their poison chalice. We on this side, speaking for the hundreds of thousands of decent citizens who understand democracy, we will not drink from your poison chalice. We will not sup with you. We will not break bread with you and we cannot wait to see your backs. Mr. Speaker, I thank you.

**The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan):** Thank you very much, Mr. Speaker. Today is a red-letter day, a

day when history is being made in this Parliament, in the country, in the Caribbean, and when Trinidad and Tobago, again, is assuming leadership in the Commonwealth, in terms of what is transpiring in this Parliament today. It is a day when we are all very proud that we are part of this history and when our distinguished Prime Minister, Mrs. Kamla Persad-Bissessar, and Members of the Government and hopefully Members of the Opposition are demonstrating a level of strength and courage that hitherto has not been practised in a manner that gives a greater level of influence to the people in the shaping of both democracy and governance.

Mr. Speaker, one of the cries of the people has always been for a greater level of participation, not just in the choice of Members of Parliament but also in the control they have over the behaviour and performance of Members of Parliament once elected to office. Hence, the proposal for the right to recall, placing power in the hands of the people and this is a perennial request. It is not an overnight request. It is something that existed for many, many years. And what is happening here today is by this measure, the voting right of a citizen that results in the hiring of a Member of Parliament will now be fruitfully extended to the right to recall, or if one wants to be a little more extreme, the right to fire a Member of Parliament.

You see, in essence, citizens are the employers of a government and, therefore, like any employer, they must be free, not only to conduct the performance appraisal of the Member of Parliament, but they must also have mechanisms in place to affect the results of that performance appraisal.

Mr. Speaker, you cannot give power to the politician and then do not have recourse to act over that power, in terms of how it is used by the politician. And in this regard, we must, therefore, give power to the citizen to control the power also, or to have an oversight over the power, but go more than that, to act if that power is not used for the benefit of the citizens of the country, and that is a right that they do not have now in a sense of a formalized right, and this is what this Government is seeking to do through this power of recall.

Mr. Speaker, the Member for St. Joseph spoke about the matter of recall, but the hon. Leader of the Opposition commented a couple of days ago and raised issues, in terms of what he said about constitutional amendment in the broadcast that he had on television. To paraphrase him, with respect to the recall of Members of the House of Representatives, the threshold that is required to be met for the seat to be so declared vacant is so onerous and the window so narrow that it is almost unachievable for it to have any effect or be exercised. Words, more or less of the hon. Leader of the Opposition.

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Mr. Speaker, I would like to respond to that in the context of what has been said here today. The recall of MPs was a promise made to the electorate by us in 2010 and we are going to deliver on that promise, in the context of this Bill. Mr. Speaker, the intricacies of ensuring that every Member of Parliament has at least the opportunity to have a period of service, before a review by constituents must be balanced against the right of every voter in every constituency to review the performance of their MP. And in balancing these concerns, the philosophy of the formula is based on the following:

Firstly, that the MP should be elected by majority vote to ensure that those who are disappointed at the election result will not seek to continue their election campaign by using the recall mechanism to hound a minority MP out of office just after that person has been elected.

Secondly, the process is very clear. I cannot see how it has been described as onerous and a window so narrow. Mr. Speaker, any two registered voters in the constituency can initiate the process of recall after three years in any constituency and their application would be put to the voters. Now, if 10 per cent of the registered voters in that constituency vote in favour of the application, over a period of 21 days, then it can be considered and if not, the process will be terminated at that point. So first, two persons putting forward an application, but 10 per cent of the registered voters must support that application over a period of 21 days and then it can go forward, otherwise it is truncated.

Thirdly, the consideration for the recall petition can only go forward, therefore, if the application earns the 10 per cent threshold required. Fourthly, the recall petition will then be put to the electorate of a constituency over a 21-day period and, if two-thirds of the registered voters in that constituency vote in favour of the recall petition then you, Mr. Speaker, will be informed of this by the EBC. Once the Speaker is informed officially by the EBC of any successful recall petition, the Speaker will then declare the seat vacant and a by-election will be held within 90 days.

So, the entire recall process can only take place in the fourth year of the Parliament, so that every MP can be assessed on their performance over the first three years of their service. Tell me, in the context of the description by the hon. Leader of the Opposition as it being onerous or too narrow, there is nothing onerous or narrow about this process. And the promise was made to the electorate, in 2010, to implement the right of recall and that promise is being kept here today.



Mr. Speaker, the hon. Member for St. Joseph also spoke about us affecting the role of civil society, in terms of their role in the country and their participation in the affairs of the country. Mr. Speaker, I would like to read from the document produced by the Government: *Review of Government's 2010 Official Policy Framework*, which is a very important document and I want to refer to page 78, where it says here:

“The tone of the country will be broken down through consultation, participation, involvement and consensus-building. This will help us to achieve unity of purpose in our efforts and partnership and trust in the society.”

Mr. Speaker, that is the policy shift and that is being manifested in the fact that civil society is being organized. And, Mr. Speaker, mechanisms have been put in place, in order to create the civil society board.

Mr. Speaker, I am advised by the hon. Minister of National Diversity and Social Integration, the Member for Arima, that 23 consultations have so far been held, 855 civil society organizations-plus have been involved and now they are getting ready in order to vote for the civil society board. In other words, civil society will choose its own board. Mr. Speaker, that is the limit of how we go about in our consensus building and participation, and what we are doing here with the amendment to the Constitution is further deepening the process by which even civil society and beyond civil society will have a more integral role to play in the way the society progresses and the kind of future they create and into which they arrive, rather than possibly a minority government creating that future for them, Mr. Speaker.

#### **6.50 p.m.**

Mr. Speaker, if that is not enough, the process of consultation, I refer to page 79 of this document, in which we promised in our manifesto, that consultations will inform and influence documents produced and positions taken by the Government. And the hon. Member for St. Joseph will be very happy to know that in the last four years as a measure of getting citizens' input, several consultations have been held. I will just quickly refer to a couple of them, they are all listed here:

- “• The National Spatial Development Plan
- The National Consultations on Constitutional Reform
- Public Consultations on the Draft National Wildlife Policy
- Public Consultations on Local Government Reform

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- National Consultations on the National Policy on Gender
- National Consultation on Rent
- Consultations on the National Innovation System
- National Heroes Policy Consultation
- National Energy Policy Consultation
- Public Consultations on the National Mentoring Policy
- National Consultations on Earthquake Safety in Trinidad and Tobago
- National Consultations on Primary School Curriculum
- National Consultations for the Development of a Micro, Small Enterprise Policy
- National Consultations on Securing and Expanding the GATE Programme
- National Stakeholder Consultations on the Proposed Refrigerant Labeling Standard for Trinidad and Tobago.”

I can go on and on, Mr. Speaker, but I want to make the point that it is not true to say that the Government has not been engaged in all of these consultations. So far, to put something side by side with that, 21 consultations on the Constitution (Amdt.) Bill that we have brought here. Mr. Speaker, I went throughout this country myself, consulting with civil societies, as well as organizations on the matter of local government reform, and came back to this Parliament and put a document on the table here that represented the results of those consultations.

Mr. Speaker, it is interesting to me that after so many calls have been made for constitutional reform, there now seems to be trepidation, there now seems to be resistance, even on the part of those who at one time—loudest in their calls for reform, and one wonders why. Mr. Speaker, in an era when voting is becoming less and less a matter of tribe and tribal politics, less and less a matter of tradition and more a matter of issues and performance, it is important in my view that MPs are elected based on majority vote.

The argument by the Leader of the Opposition that the run-off is a Trojan horse that will create instability in the country, is a red herring. Mr. Speaker, voting behaviour in 1981, 1986, 1995 and 2010 has shown that this country has been capable of changing governments in the most peaceful and democratic fashion, even when, Mr. Speaker, in the particular year in which there was an 18-

18 tie, and the country sat on the edge waiting for the choice of a Prime Minister. When the then sitting Prime Minister had a greater number of overall votes as a party, and still was—although he was sitting—was still not allowed to continue as Prime Minister, there was a peaceful transition of power in this country. [*Desk thumping*] So you cannot argue that this will bring about chaos and will affect the peace and tranquillity of the country.

Mr. Speaker, I believe that the electorate in this country is far more sophisticated in their understanding of the politics, and far more capable and have demonstrated the capability in making the paradigm shift that is required in a particular circumstance. Mr. Speaker, I think it is rather disrespectful to challenge the intelligence of the electorate, where the electorate has the freedom to choose as they see best fit, in their considered view, for the country's leadership.

Mr. Speaker, let us, therefore, not assume that the electorate is not politically astute, and let us be careful that we are not imposing our own desires for maximum leadership and maximum retention of power, in a country whose collective mind has long shifted from the idea of centralized power. That is the difference between the Opposition and the Government. The People's Partnership Government is all about sharing power with the people; the Opposition is all about the centralization of power. Later in my contribution, I will talk about the difference between socialized power and personalized power.

Mr. Speaker, like they say, methinks that the Opposition is still somewhere in the old paradigm and is demonstrating perhaps the lack, and I say guardedly, the intellectual capacity to engage a conscientious electorate on the basis of issues and performance. Mr. Speaker, the politics have shifted; the Opposition have not shifted. They are still sleeping somewhere in the 1970s, and they have not awakened to the new realities of a thinking electorate. The era of "crapaud politics" has disappeared with this particular amendment we are bringing to the Constitution. [*Desk thumping*]

**Miss Mc Donald:** Standing Order 48(6), Mr. Speaker.

**Mr. Speaker:** He is not making any reference. It is a general statement, overruled. [*Crosstalk*] It was a statement he made.

**Hon. Dr. S. Rambachan:** Mr. Speaker, just to clarify. I did not say "crapaud in politics". I said "crapaud politics" is over.

**Hon. Member:** "Just doh put de tie on it." [*Laughter*]

**Hon. Dr. S. Rambachan:** Mr. Speaker, I did not say that. You see, you cannot argue that participatory democracy is the will of the people. You cannot argue that and then act to deny that aspiration of the people. Mr. Speaker, you cannot purport to represent people faithfully and then frustrate those aspirations of the people for a people's democracy which is what we are creating.

Mr. Speaker, you know, hypocrisy is a very interesting word. Hypocrisy is defined as thinking one thing, and speaking another thing. Mr. Speaker, the time has come to end political hypocrisy in this country. [*Desk thumping*] The time has come for that, and today you are seeing where the political hypocrisy continues to exist.

Mr. Speaker, the run-off, therefore, will result in a majority elected MP, and this is extremely important from the point of view that the people would have had a chance to vote, on a second bite of the cherry, for the person and/or the party they consider best able to represent them. And secondly, Mr. Speaker, the Member of Parliament would not be in the unenviable position of a minority MP as now exists in St. Joseph.

Mr. Speaker, look at what this People's Partnership is all about. There is no political party that has gone the extreme of empowering the citizens of this country as this Government. Do you realize—and I was trying to go back in my history, and my politics go back to 1966 when my uncle, Roopnarine Rambachan, sat as the Member for Siparia in this Parliament. I was going back to that time when I first got involved in politics, and I was wondering whether in this Parliament a Prime Minister ever got up and allowed the Members of her Cabinet to have a conscience vote. [*Desk thumping*] I cannot recall it, Mr. Speaker. I do not think that has ever happened.

That is a mark of tremendous leadership. You have to be a confident leader of the people that you have around you, when you make such a statement, but it shows something else. It shows the magnanimity of the Prime Minister in matters of national concern, and in that way, she has risen head and shoulders above the leaders who have sat on political platforms. [*Desk thumping*]

Mr. Speaker, in this Parliament, we have, therefore, witnessed and continue to witness the kind of change that people voted for in 2010. No longer can they talk about exchange; now, they are talking about change, the kind you can feel, touch and sense. Who would have thought that four years after coming into office, that the Standing Orders would have been modified to include Questions to the Prime Minister, questions which she must answer, as you know, off the cuff, filed one

hour before. And, Mr. Speaker, let me take the opportunity to personally congratulate you and your staff for the contributions you also have made to the amending of the Standing Orders of this Parliament. [*Desk thumping*]

Mr. Speaker, this level of Opposition empowerment—the Prime Minister made this point this morning—this level of Opposition empowerment where they can get up and question the Prime Minister never existed before in the country. So why, therefore, the resistance to have the people disempowered? Why? The Prime Minister showed this morning very clearly, very lucidly, so clear to everyone, that what they want for themselves in the party, they do not want for the Government and for people of the country. Why do you want to empower yourself, but disempower the people who you are asking to give you power?

Mr. Speaker, what is wrong here? Something is desperately wrong, when I can want to arrogate power on to myself, but the people who give me that power, I want to disempower them afterwards. It cannot be right, Mr. Speaker, that cannot be participatory democracy, that cannot be democracy in action.

Mr. Speaker, in that regard, may I refer to the Standing Orders which have been further strengthened or which have further strengthened the process of parliamentary oversight, and through it, accountability to the citizens by establishing seven important Joint Select Committees—and I will say at this point, I will need my time, my extra 15 minutes; so I give you notice, Mr. Speaker—some very important Joint Select Committees:

- “1. The Public Administration and Appropriations Committee.
2. The Committee on National Security
3. The Committee on Energy Affairs
4. The Committee on Foreign Affairs
5. The Committee on Human Rights, Diversity, the Environment and Sustainable Development
6. The Parliamentary Broadcasting Committee; and
7. The Committee on Government Assurances”

Mr. Speaker, can you imagine what we have done by introducing these seven important committees into the affairs of this Parliament? This is a level of transparency, openness and democracy that had not existed in the history of this country. Mr. Speaker, we have gone miles forward. We talk about paradigm, we have made the paradigm. It is as if we have made an instantaneous leap into a

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different kind of governance by the way that we have sought, and have changed the Standing Orders; that in itself is very important.

Mr. Speaker, I have started to do some research in the Commonwealth to see how many Commonwealth countries have gone this step. Unfortunately, I could not complete the research for today's sitting. How many have gone this step—I am concluding already that we are way ahead in this regard.

Mr. Speaker, all of this is being done to create the conditions for a more involved and alert citizenry in the affairs of governance. The bold steps, therefore, initiated by the hon. Prime Minister, following the consultations on constitutional reform are, therefore, a statement of the integrity of the leadership of the Government, and the closing of the gap between what was promised and what is delivered. Mr. Speaker, that is also about trust; that is about trust.

You can get up on the side of the Opposition, and talk about trust and mistrust and so on, but we are demonstrating and we are building the foundations for trust, and the best trust is built when you close the gap between what you promised and what you deliver; that is what is happening. That is why the Prime Minister could have stood here today and said, "I promised this. I will deliver it, that my word is my bond. My word is my bond".

Mr. Speaker, you know, had I had time, I would have gone into the objectives of the several new committees, but Mr. Speaker, I want to reference one. The Committee on Public Administration and Appropriations, where one of the duties of that committee is to consider and report to the House on the budgetary expenditure of government agencies as it occurs, and keep Parliament informed of how the budget allocation is being implemented. Mr. Speaker, that is a powerful committee, powerful committee. So those who claim we do not know how the money is being spent, and so on. You talk about accountability, you talk about the values of transparency, you talk about responsibility in governance?

Mr. Speaker, we have put it here in the Standing Orders through this committee, to live those values as a Government in terms of our relationship with the people. As you will see, therefore, while the constitutional changes as proposed empower the voters, these other changes are also deepening the new level of people empowerment—power to the people! It is because of these other changes in the Standing Orders that the performance of MPs and Ministers will be subject to a more detailed review.

**7.05 p.m.**

While we focus on this constitutional amendment though, I want to emphasize once more that the People's Partnership Government has been demonstrating and paying attention to the issue of good governance as a whole, and, contrary to what the critics have been saying, the following are examples of governance issues which have demonstrated the People's Partnership's concerns with good governance.

Mr. Speaker, here are some examples:

- CECs for quarries instituted by the Ministry of Energy and Energy Affairs and the Ministry of the Environment and Water Resources;
- the change in methodology for the choosing of aldermen in local government corporations, a giant step in PR since it was first mooted, of course, in the 1960s.

Mr. Speaker, if I have counted correctly, I believe that the Opposition got 36 of the 56 aldermen spaces that are available. They benefited by it, so to say that this is going to demolish one or the other, this can cut both ways, but what is most important, does it cut on the side of the people? It is not about whether it cuts on the side of the People's Partnership or the PNM. Does it cut on the side of the people? And, on balance, it cuts on the side of the people from where the power first came, Mr. Speaker, and that is important.

- two-year ban on hunting to preserve wildlife;
- increase in fines for littering;
- increase in number of litter wardens;
- procurement legislation laid in this Parliament;
- all issues of governance;
- the Planning and Facilitation of Development Bill debated in this Parliament;
- reduction in time to register a company in Trinidad and Tobago to one day from as much as 90 to 120 days previously;
- the decentralization of the Ministry of Legal Affairs offices to allow citizens access to birth and marriage certificates within the same date of application;
- calling and holding three elections as they were legally and constitutionally due in one year. [*Interruption*]

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It does not matter whether you win or lose, it matters whether you do that which is right and this Government is committed to do that which is right. [*Desk thumping*] Because you see, when you talk about lose and win, it shows where your mind is. Your mind is to abrogate and arrogate power onto yourselves rather than to continue to let the people exercise democracy and have power to themselves, representative for Diego Martin Central. [*Interruption*]

We all try to win elections, Mr. Speaker, but what is important, have we done the right thing for democracy in the country?—and we have done the right thing. We have done the right thing.

- answering 90 per cent to 95 per cent, I understand, of all the parliamentary questions filed by the Opposition and answering them on time.

How many of us recognize that what we are doing here in this House today, we are going further than many nations of the Commonwealth have ever gone, including the UK, you know, on which our systems have been modelled.

I recall, in 1981, when I first contested the elections in Trinidad as a candidate for the ONR—that is 34 years ago—our campaign included the idea of two terms and the right to recall and though we captured 22 per cent of the votes, 91,000 votes, we did not get any seats. But even then, 34 years ago, people voted for us because part of what we presented to them was the right to recall and two terms for a Prime Minister.

So 34 years ago this was in the minds of the people and today is no different. There are those who are arguing that the run-off election was not part of the report of the commission. I do not know if it was the duty of the commission to spell out every detail, but the recommendation of the Constitution Commission to affect the right to recall must mean that the necessary mechanism has to be created in order to do that and this is now the role of Government in this Parliament, where the majority factor will be the first basis upon which the right to recall will be implemented and, in my view, they go hand in hand.

So, Mr. Speaker, the question arises: where is all this fear coming from? Where is all this hysteria coming from? Where is all this paranoia coming from on the part of the Opposition? Is it that they are the ones who do not want change; they talk a language, but do not walk that language?

I am of the belief that they fear change because it will bring an end to their ability to govern by minority rule and, in addition, it will reduce considerably



their power over the people. It will bring an end to tyrannical rule to which they are accustomed. “Who do not like it can get to hell out of here”, and so on and so forth; “not a damn dog bark when I speak”; “if I put a crapaud, you will vote for it”.

It will bring an end to tyrannical rule and force the right to rule based on dealing with issues. It will force the right to rule on the basis of a party capability to manage the economy. It will introduce, once more, the importance of philosophy in governance, shared power with the people and, at the same time, more active engagement of the people in governance.

You know what, Mr. Speaker, they can call it stupidity as you hear the whisper across the floor, but it all shows how unprepared they are to take on the future and to take on the future of the aspirations of the people of Trinidad and Tobago.

**Mr. Speaker:** The question is that the speaking time of the hon. Member for Tabagite and the Minister of Works and Infrastructure be extended by 15 minutes.

*Question put and agreed to.*

**Hon. Dr. S. Rambachan:** Thank you, Mr. Speaker. Thank you very much. Mr. Speaker, the fact is that our colleagues on the other side are not prepared for this new level of political engagement. They are mentally unprepared; they are psychologically unprepared; they are intellectually unprepared to take on an empowered mind of the population.

I remain flabbergasted that the very people who, for the last 40 years have been asking for constitutional change, for better-quality representatives are now in the forefront of rejecting change, calling for stop the debate and what have you. I say, with a great deal of thought, that look carefully at who are the scribes trying to influence the people to reject the run-off, and you will see what I mean.

We want more time they declare. This is not about more time; this is about the challenge to lift standards as a result of the need for a run-off. This is what it is. You cannot now in an election be going and trying to base your influence on low-level sentiments or base emotions. You have to go to a higher standard now.

We are dealing with an intelligent electorate, an educated electorate, so the challenge is—it is not about more time, it is about the challenge to lift standards. Mr. Speaker, the quality of policies and programmes as well as the quality of persons being put up for the election will now play a vital role in the voter’s final

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choice. Besides this, the third and fourth party voters, who now have to redistribute votes in a close election will have a greater role to play and it will be recognized that everyone is important and has a role to play. The views of none will, therefore, be rejected but accommodation will be found for all. This will be a democracy of inclusion, a true democracy of inclusion.

When a political party can defend staying in office on the basis of a minority vote, then that is dictatorship and public disrespect; but when a political party like the People's Partnership can come before the Parliament as we have done today and bring legislation to empower and embolden the people; when a political party and Prime Minister like the People's Partnership can show that it does not fear losing an election because the people have become powerful, that is government for the people, of the people and by the people. [*Desk thumping*] And that is the difference between us and the Opposition.

The PNM is afraid of the people. That is what has happened. They are afraid of the people and hence they want to create confusion and hysteria. They want to create chaos in the country; not we want to create it, they want to create chaos because they want to defend a minority position that they have always had in government. They want to promote the belief that there will be civil strife in this country if these changes are made. This country does not have civil strife in its genes, in its make-up. This country has respect, tolerance and cooperation.

You see, people only promote the condition for disorder because of the lure for power at any cost, but I want to say something. You become powerful, whether as an individual or a political party, not by taking power away, but by giving power to others. When will the PNM realize that the form of governance has changed from being party and personal centred to being citizen centred? This is what partnership is about. This is the People's Partnership form of governance and it is in this where the constitutional changes that we discuss here today are grounded.

What the partnership is doing is increasing social power and moving further and further away from autocracy and dictatorship. You build a society and you develop a country better when you can develop partnerships with your people. It is the difference between personalized power and socialized power. Today is a discussion as to why we want power in the first place.

The use of socialized power by our hon. Prime Minister is what differentiates us, as a Government, from the other side. There is more altruism in how we have acted and how our Prime Minister has led and cared for the citizenry from the use

of power that the citizens gave to us compared to the PNM.

We always remember from where our source of power has come. They, when they get power, forget where the source of power has come from and, therefore, they ignore, to their own peril and to the peril of the citizens of this country, the use they make of power.

I said this discussion is, therefore, also about how you gain and use power. I am making a distinction between socialized power and personalized power. Socialized power has to do with why a leader wants power in the first place and if you look at the history of our leader, Prime Minister Kamla Persad-Bissessar, you will see that she values power for the good that can be done with it.

Power is seen as instrumental in bettering the nation and meeting the needs of citizens whether it be the Children's Life Fund or one of the many other programmes that she has instituted, whether it is the increase in the number of national scholarships, whether it is the sustainability of the GATE, whether it is the UWI campus in south Trinidad, whether it is the highway to Point Fortin or what have you. And this is different to the personalized power sought by the Opposition in which the beneficiaries have been themselves and their friends. That is what has happened, Mr. Speaker.

Look at who developed under the PNM compared to who and where is developed under the People's Partnership. [*Desk thumping*] Look at it and you will see. Examine it over the years and you will understand what I say. That is why we have to do so much infrastructural development in this day in all of the rural communities. This is why they objected to having a Debe campus where parents sending a child to school in Debe at the campus will save rent alone of approximately \$42,000 a year if they had to house that student at St. Augustine and rent property.

Mr. Speaker, effective leaders desire power to influence others to achieve positive goals for the benefit of others. Ineffective leaders use power to belittle others, to assert dominance and heighten the sense of self importance. It is in this new paradigm of how power is achieved in the first instance and how it is used thereafter that is the core difference between the PNM and the People's Partnership; between our Prime Minister and the other leaders on the other side. When we govern and when she governs, she does so using power we have been given by the people on behalf of the people.

In this debate, the nation is also being called to decide what kind of power you want your leaders to practise, personalized or socialized; and the reason I believe

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that the People's Partnership has been so successful as a government—everyone is now admitting that the Government is working on behalf of the citizens and the Government is delivering on behalf of the citizens. [*Desk thumping*] It is because of our philosophy of seeing power as socialized power.

**7.20 p.m.**

Mr. Speaker, these constitutional amendments that we are debating here today will increase the potential for the use of socialized power. No longer will the voting citizen be ignored. The guillotine of the right to recall will ensure that an MP uses power for the benefit of the people who voted him or her into office.

Mr. Speaker, I received many, many letters in my career as a Minister and an MP, but I received a letter from someone who is a prolific writer, and his name is Mr. Ronald Bhola. Mr. Speaker, with your permission, I want to quote a little bit from this letter. It is most interesting since it positions where people are and what their positions are forever likely to be, and I quote:

“In 1995, one week before the general elections, Professor Selwyn Ryan dispatched two columns to the Express”—1995—“One of those columns”—was entitled—“‘Remembering 76’ was published just two days before the historic election.”

That historic election; that was when the UNC won.

“and was designed to alter the minds of people outside the UNC heartland, who had been inclined to vote for the Panday led party. In that column, the professor tried to invoke fear that ‘it was for the first time since Independence that the Treasury was likely to change hands from one ethnic group to another’”—quoting Ryan.

“The government eventually changed and the country accepted it peacefully for its full term. The Panday administration went on to be re-elected in 2000, because people usually put economics before politics.”

To quote the letter:

“Recently, the professor wrote that Anil must Walk and Anil Roberts’ resignation followed soon after.

Unsure that he may not be able to swing the population in his favour this time, Professor Ryan wrote last Saturday that more time is needed and on Sunday he says emphatically to ‘Withdraw the Bill.’

For all these years”—says Ronald Bhola in this letter—“many like Professor Ryan have been commenting on our political architecture, they have failed to educate the population sufficiently about democracy.”

He concludes the letter by saying:

“We have had a full fifty years of discussion. Now is the time to press on.”

And, Mr. Speaker, that is what I say here today also. Now is the time to press on with this debate. Now is the time to press on and vote in this Parliament on behalf of the people who gave us power in the first instance, Mr. Speaker.

Mr. Speaker, there are so many things that have been said by the Leader of the Opposition in his statement that he made on television, but one thing he said is that this 15-day window is the proverbial recipe for chaos, and is a suspension of our freedom to select and have a government promptly formed by our own determination. The Member for St. Joseph also referred to this 15-day suspension. Mr. Speaker, the 15-day window is designed to facilitate the holding of an election. It is not designed to keep any Government in office.

Mr. Speaker, after the holding of an election, the political composition of the House of Representatives will be very clear for the President to make up his own mind about the appointments that he must make. The general population will also be very clear about the choices that they make. Mr. Speaker, there can be no suspension of freedom when an election is being held. Let us not create fear and hysteria in the population, Member for St. Joseph. There can be no suspension of freedom when an election is being held. The only time that suspension of freedom would arise is if an election was being prevented as has traditionally happened under the PNM administration, in the case where they postponed local government elections for so many years, Mr. Speaker.

**Mr. Indarsingh:** Six times!

**Hon. Dr. S. Rambachan:** Six times? Six times, Mr. Speaker. The People’s Partnership Government on the other hand has gone to the other extreme and has always held elections whenever elections have been due in this country, Mr. Speaker.

**Mr. Speaker:** You have two more minutes.

**Hon. Dr. S. Rambachan:** Thank you, Mr. Speaker. Mr. Speaker, in closing, therefore, I stand in full support of this Bill and these amendments that are before the House. Certain questions were asked of the Opposition today: are they in support of proportional representation? We did not get any answer. I am still

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waiting to get an answer. I knew once one of the leaders of the PNM said proportional representation is like a dagger in the heart of the PNM. Are they in support of proportional representation? What is it that you stand for? You could criticize, but what do you stand for as a political party? What is your philosophy for governance in this country? What is your philosophy?

**Miss Mc Donald:** You are talking foolishness.

**Hon. Dr. S. Rambachan:** What is your philosophy, Mr. Speaker? *[Interruption]* Mr. Speaker, that does not bother me. You see, the truth has a way of driving a dagger in the heart of those who are not accustomed to speaking truth, Mr. Speaker. They are getting angry and they are filled of—let me not go there, Mr. Speaker. I respect your office and the Chair.

Mr. Speaker, I congratulate the hon. Prime Minister for the presentation she made in this House today. I thought after she spoke the debate was over, because not only did you have a confused Leader of the Opposition—I thought the most confused contribution I have ever heard in this House was, in fact, the contribution of the Member for St. Joseph. I had to reply after him and I was looking all over to find out where he was centring his debate. Mr. Speaker, I thank you. *[Desk thumping]*

**Dr. Amery Browne (Diego Martin Central):** Thank you, Mr. Speaker. It is interesting the Member for Tabaquite ended with a criticism of the Member for St. Joseph's contribution, because I do want to say that that was one of the least persuasive contributions I have ever heard from the Member for Tabaquite. *[Desk thumping]* Mr. Speaker, he was shrill and he was erratic. There was one phrase he kept repeating, and the population really needs to be concerned when they hear the Member for Tabaquite repeating over and over again with no evidence: "We are empowering you! We are empowering you! We are empowering you!"

Mr. Speaker, let me expose what this Government is up to with this Bill. They are not empowering any citizen of this country with this Bill. This is a formula that they have discovered to affect the election process in marginal constituencies in Trinidad and Tobago. *[Desk thumping]* Citizens, listen to me, through you, Mr. Speaker, any time you hear any Government stand up and bring a measure designed to affect elections in the marginal constituencies—as they have admitted with their statistics—you need to be very, very concerned, Mr. Speaker, because they are not about empowering citizens, they are about retaining power for themselves. That is what this Bill is all about. So he was very, very erratic. He was not very persuasive, but one of the lowest points, the nadir of his

contribution, Mr. Speaker, was when he said this, and I am quoting him.

Mr. Speaker, I find it curious that the same people who were calling for constitutional reform now have a problem with our reform.

What kind of low-level logic is that, Mr. Speaker? He is saying, by the fact that you were calling for constitutional reform at some point, you just have to accept this that we have brought here for you. Mr. Speaker, that is an insult to the population of Trinidad and Tobago. What kind of logic? I hear turkey, I hear vulture. I do not know what animal to match to that kind of logic.

He finds it curious—you know, he is talking about all the columnists—Merle Hodge, civil society—he finds it curious, from his lofty perch, that they were calling for constitutional reform, and look they are complaining, we give them reform. Mr. Speaker, that is an insult to the intelligence of the good people of Trinidad and Tobago. Yes, go and form a party. If you want reform, then you should just accept any reform.

Mr. Speaker, let me reply to the Member for Tabaquite on that point on behalf of the thousands of voiceless citizens out there who might be listening to his shrill contribution and are very concerned. The people in this country do not have a problem with constitutional reform. The people in this country have a problem with the furtive, surreptitious manner in which the Government brought this Bill to the Parliament, claiming it is constitutional reform. That is what they have a problem with, and then the logic. They said, well, we will pull out some of the simple majority measures, and the measures that will require a special majority will come sometime in the future. Mr. Speaker, what kind of behaviour is that in Government today?

The Constitution is a cohesive document. It is a cohesive document which is the supreme law of the land, but what they are trying to do is reform piecemeal, bit by bit, to their convenience, so they bring some now. We do not know what they are coming with later on. We have no idea of these so-called special majority specific measures that they will be bringing. They want to tamper with it now and then come back and tamper again. It does not give you a vision or a picture.

Where is our Constitution going? But I know where they want to take it, Mr. Speaker. This has nothing to do with defending the rights of any citizen; this has nothing to do with democracy or any sudden concern the UNC has for democracy. This has everything to do with a precious formula that the Attorney General, and one or two of his friends have hatched up to try and salvage what appears to be a certain election defeat in the year of Our Lord 2015. That is what this Bill is all

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about. [*Desk thumping*] That is what it is all about, and I just want to put that on the record right from the get-go, and the Member for St. Augustine knows this fully, fully well. I want to ask him, wherever he is—because I see he skated out of here very quickly—when did this Bill go to the Cabinet of Trinidad and Tobago? And we have a number of Cabinet Ministers sitting down here. Never!

**Mr. Deyalsingh:** Arima did not know.

**Dr. A. Browne:** Let me ask them—of course he did not know—when did this Bill, Member for Tunapuna, my good friend, senior denizen of the Parliament, when did this Bill go to the Legislative Review Committee? It never did. We know this, you know. I am asking it rhetorically, I know the answer. It did not go and he knows that. When did it go to the membership of the TOP, if they still exist? Do they?

**Miss Ramdial:** They do.

**Dr. A. Browne:** When did it go to them? You know they exist, but you do not care about them, you do not respect their views.

**Mr. Speaker:** Please. And hon. Member for Diego Martin Central, you are talking to Members of Parliament one by one. Address all your remarks to the Chair, and I would ask Members on the back bench, do not interrupt the Member. But do not speak to individual Members pointing and asking, speak to the Chair, please.

**Dr. A. Browne:** Mr. Speaker, when did this Bill go to the membership of the United National Congress? I want to ask that question. When did it go? It never did; it never did. When did this Bill, the measures in this Bill—the specific measures in this Bill—go for national consultation for the public of Trinidad and Tobago? It never did, but they come here under a guise that this is the result of consultation, you know—the result, the product of consultation. Mr. Speaker, we will talk a little bit more about that consultation.

The Congress of the People were barely able—thank God they have one or two decent people in there—to scrape together an executive meeting yesterday, the eve of this debate, to discuss this measure. [*Interruption*] Hold on, hold on. You will have a chance. I know you will speak for your 10 minutes.

Mr. Speaker, so if they discussed this yesterday, when did they have time to go to their constituents? When did they have time to go to their constituents and tell them, as I did with mine a few days ago, I am going to have to go to Parliament on this so-called Bill the Government is bringing to reform our Constitution, what are your views? When did they have time to seek those views?



I put it to you, Mr. Speaker, they care not about those views. They only have eyes on the next general election, and this effort to salvage something out of it. It never went to any of those committees.

Mr. Speaker, if a Bill never went to Cabinet, and if most of the Ministers of Government have never laid eyes on the Bill before one week ago, and if a Bill never went to the LRC, it is my respectful view, this Bill might well be here under the wrong agenda item. This is not even a Government Bill, this appears to be a private Bill, Mr. Speaker, of one or two Members of this Government. This is a private Bill.

The Member for Tabaquite kept talking about: we are concerned about minority Government, minority Government. Mr. Speaker, the population is concerned about this minority Bill which never came from the minds, views or aspirations of the people of this country. It never ever did. This is a minority Bill.

Mr. Speaker, and yes, let me deal with this matter once and for all. I did attend, and I am proud to say I attended the consultation in my own constituency. I made it my business to be there. I spoke to the Leader of the Opposition and I said the consultation is coming up, and I would like to make it my business to be present. He said: "Certainly, certainly. You may wish to be an observer", so he had a few suggestions and I went and I saw the process. The Member for St. Augustine was there, very gentlemanly, and he chaired the proceedings and persons stood up and spoke, et cetera, et cetera. So, what does that make me? I am now a material witness. So they wanted to call my name here today and say he was there and he contributed.

**7.35 p.m.**

They even found space for me, a photograph—that was the contribution, I gave them a nice photograph. Let me tell you, Mr. Speaker, I am a material witness in that consultation and I can say, without fear of contradiction here today, that the issue of a rerun for general elections in constituencies in this country never arose in that consultation. It never came from the panel. It never came from the attendees. It never came from the contributors on the open mike. It never arose at all, and I want to remind this House words that were shared, but it needs emphasis. The very report of the consultation, just to bury any doubt on this matter, is categorical. Page two, under the topic "General Elections", I am going to read it carefully:

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“The House of Representatives”—that is we, us—“should continue to be elected as it has been since Independence...”

What does that mean? Does that mean proportional representation?

I will talk more about that because I have a theory, this is my personal theory: the Government knows this Bill is going to come in for a lot of heat, but they have just behind it—you heard it from the Member for St. Augustine, you heard it from the Member for Tabaquite—they are just pushing this PR, proportional representation, just behind it. So the Prime Minister is a master of this, she will withdraw, sleight of hand, withdraw the bad one and give you the one she really wants you to have, so I am keeping an eye on that proportional representation. Get us to fight this hard, hard, hard, and sort of work in that PR formula, but hold on:

“...should continue to be elected as it has been since Independence - voters in each geographical constituency”—and everybody has their nameplate with their constituency here—“electing a representative by the first-past-the-post method.”

Mr. Speaker, this is not in Greek, this is not in Spanish, or any of the languages that the Attorney General might be familiar with, plain and simple English. It is categorical, and these words are a condemnation of all the misrepresentations of this Government that have attempted to tie this rerun measure to anything rooted in these consultations, and we heard the most bizarre justification earlier that the rerun is their way of implementing recall or—it is not worth repeating because there is no sense in what was being said. So I was there, I am a material witness, and I can state, categorically, that this issue never came up.

Mr. Speaker, the Member for Oropouche East is normally a good debater, or a fair debater, I would say, but he committed an atrocious error today and he did it so many times. I was very disappointed in him because he stood up, in singing for his supper and trying to boast about the Prime Minister, he made a number of categorical statements to the effect that this Prime Minister, the great hon. Prime Minister, is the first in the English-speaking Commonwealth Caribbean to have answered questions, Prime Minister’s Question Time. You remember that? It was a big deal. He made a big deal out of it and others followed in the same vein.

Mr. Speaker, in the nation of Jamaica, a member, a proud member of the Commonwealth Caribbean, the Prime Minister’s Question Time has been on the Order Paper for years. Prime Minister after Prime Minister after Prime Minister has responded to questions at Prime Minister’s Question Time. One Prime

Minister, Golding, even waived the notice period, we have to give an hour's notice. In some countries, it is a longer period of notice for questions to Prime Minister, Golding said, "I do not need any notice at all, you just stand up and ask me a question spontaneously and I will answer".

So, I am just going to add that atrocity to the list, the serial list of apologies that this Government owes to our Caribbean brothers and sisters for that misrepresentation made by the Member for Oropouche East. Again, trying to oversell their case which is not a case at all, as I said, it is really a scheme, a rerun scheme, eyes on the next election while they are pretending to care about the next generation. A perverse misapplication of the words of the Head of State right here in this Chamber—perverse.

**Mr. Peters:** Where are your eyes now?

**Dr. A. Browne:** I will tell you shortly, Member for Mayaro. I will tell you shortly.

So, I listened to the TOP Members who have spoken thus far—COP, sorry—the Member for St. Augustine and, as I said, I was there, and, Mr. Speaker, I heard the contributions by the Members for Diego Martin West and St. Joseph, and others on this side, and it should really have given, particularly the COP Members in this House and the TOP Members, cause for pause, because if after having been exposed—and the Member for Port of Spain South as well contributed—if having been exposed to the crux of the matter, and the facts of the matter, they would still pretend that this Bill is something good for their political parties, I would say something is very wrong with their manner of thinking, because this spells—it is not political suicide for those smaller parties, Mr. Speaker, I would call it filicide.

Filicide is when a parent kills a child; politically speaking, this is the UNC committing filicide against the smaller parties that they spawned. In this country, let us talk about the politics: the PNM does not spawn many dissident parties, or really, any dissident party; the UNC continuously does that throughout their history, the UNC and those that came before them. They always spawn dissident parties, and those dissident parties create problems for them in the marginal constituencies. This formula brings slaughter, it is filicide, slaughters the children they have spawned to ensure that "mama reigns supreme in 2015".

But, Mr. Speaker, I think they have committed yet another error in calculation because, in spite of this—now we are going to fight this, I am going to fight this as a Member of Parliament as long as I have breath, but I am predicting, even in

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spite of this, in spite of anything that they do on God's green earth, they will still lose the next general election, Mr. Speaker. [*Desk thumping*] Just remember I said that.

Mr. Speaker, so I listened to them, especially the Member for St. Augustine, it seems he is unable to admit his situation, the reality of his situation and that of his party, they are facing measures of filicide from the UNC. We have explained it to them and they still seem to be holding to this measure, and it is not just we who have explained it. Dr. Merle Hodge has explained, Terrence Farrell, Selwyn Ryan, Martin Daly, Lincoln Myers, Raffique Shah, the great Sunity Maharaj—who I know the Member for Tabaquite has great admiration for—Kenneth Ramchand—so many persons in society, respected persons who are certainly not wearing any PNM badge or anything like that, have been speaking up, and what do they tell them? “Go and form a political party and then you could talk to us.” What kind of “deepening of democracy” is that? Oh, Mr. Speaker, what a shame.

So, Mr. Speaker, it never arose in the consultation, I want to say that, but this political filicide probably could have been prevented if the Member for St. Augustine was able to stand up in a stronger manner, because he was there in a precious position chairing the consultation. He could have said, “Attorney General, I know where you want to go. I know what you are trying to do for 2015, but I have Members who depend on me and depend on this party to have their voices heard in any constituency, or in a general election. You cannot wipe us off of a final vote in this manner. How could you do that?” He did not stand up for those constituents.

I want to hear the Member for Arima. I suspect he is not going to speak in this debate, but I would like to hear from Members of the Congress of the People, because they, in particular, are being targeted, as well as the Member for Chaguanas West. It is not just filicide in the present, it is in the future. This is almost political contraception, because even small parties to be formed in the future are being snuffed out here.

So they are dealing with the past, you heard the Member for Tabaquite talking about his ONR ambitions and so on, they are dealing with the past, they are dealing with the present, and their formula for 2015, and they are dealing with the future: small political parties that will be formed, independents—maybe the Member for Baratania/San Juan might become an independent again, who knows?

They are dealing with him now with this measure, saying they are deepening democracy. Nothing could be further from the truth, Mr. Speaker. Nothing could be further from the truth.

So this debate is not about deepening democracy or empowering any citizen, it is a cynical—I will use the word “diabolical” because I am not referring to any individual Member—it is a scheme to salvage the next general election by changing the game, changing the equation in those precious marginal constituencies. That is it. That is all it is, dressed up with all these other little measures, like, you know, frills on a carnival costume, but the core of it is that rerun measure that fundamentally changes how citizens are allowed to vote, choices citizens are allowed to make, and as the Member for St. Joseph presented, that runs in violation of our Constitution—the very Constitution they are trying to uplift and expand.

Mr. Speaker, this is a very, very cynical Government. And when I listened to the Member for St. Augustine it reminded me of a story Stanford Callender once told me in Tobago. There was this village really controlled by the DAC, those opposed to the PNM, some years ago, and the PNM went into the village one night to have a political meeting and there was a heavy phalanx of speakers, some of the best speakers in the party at the time, and they did an excellent meeting down there, great, great meeting. Afterwards, one of the opposing supporters walked up to Stanford and said, “Boy, that was an excellent, excellent meeting, you all talked real, real, real good”. He said, “Listen, I now realize, listening to you all, that Tobago would be better off under a PNM administration. In fact, this village, my village would be better off with a PNM administration in place” So Callender said, “All right, I am glad to hear that, so you are supporting us now?” He said, “What? No. You see we, we programme you know, we programme. You could come with what you want, we programme”. [*Laughter*]

I thought that was funny, and listening to the Member for St. Augustine, it appears to me, even though his own Members berated him, and I know there was some heat going on yesterday and prior within that poor political party that is being snuffed out by a filicide from its political parent, “he programme”. He came here and not a word in defence of those very persons, but I am going to move on a little bit from him because I do not want to be accused of being personal, and this is really about policy, it is not about his personal conduct. As I said before, he is a gentleman, a fine individual, he just has not done what people expect of him.

Mr. Speaker, they were really like a stuck record today, Member after Member, pretending that this is some noble, knightly—you know, like King

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Arthur and the Knights of the Round Table jousting in defence of democracy, when in fact it is all about petty election politics all over again. Mr. Speaker, I know time is not my friend today. Time is not my friend. The insertion of this rerun scheme surrounded by the recall, which some members of the population would find attractive, you know, it sounds catchy, we could send them back and so on, it is popular in this culture because there is a culture of cynicism against politicians—that is fine.

So recall sounds good, and then the other measure that they have in there is the “term limit”, that sounds good because we like to bandy around the word “dictator”, and who is going to be a dictator, so let us put “term limit”, that sounds good, but that is all the dressing around the cynical core, the surreptitious core, which is this recall. Mr. Speaker, this Bill, we talked about section 34, but this Bill—one of my favourite films is called *As Good As It Gets*, with Jack Nicholson. This Bill, Mr. Speaker—[*Interruption*]

#### PROCEDURAL MOTION

**The Minister of Transport (Hon. Stephen Cadiz):** Mr. Speaker, in accordance with Standing Order 15(5), I beg to move that the House continue to sit until the completion of the Bill before the House and Motions Nos. 1 and 2 on the Supplemental Order Paper.

*Question put and agreed to.*

#### CONSTITUTION (AMDT.) BILL, 2014

**Mr. Speaker:** You may continue, hon. Member for Diego Martin Central.

**7.50 p.m.**

**Dr. A. Browne:** Well thank you, Mr. Speaker. I was saying, I was commenting on one of my favourite films, as I say, *As Good As It Gets*, with Jack Nicholson. And this Bill, as far as I am concerned, Mr. Speaker, and speaking on behalf of my constituents, is as bad as it gets. This Bill is as bad—in fact, it is as bad as it has gotten in the last four years under this administration, and it has been very bad before today. But today, it is as bad as it has ever been. They are the worst.

Mr. Speaker, there is only one philosophy as far as I am concerned, and someone mentioned earlier about political philosophy, and I know this is something that the Member for Tunapuna has mentioned to me from time to time, the whole issue of identifying one’s political philosophy, and moving from there.

And, Mr. Speaker, I gave some thought to the political philosophy that could have hatched this particular very, very cynical measure, Mr. Speaker, and I can

only encapsulate it in this manner. The philosophy that gave us this Bill is that which would say that success is the only judge of right and wrong; that is this philosophy. Success is the sole judge of right and wrong, and all they care about is attempted success in 2015. And, Mr. Speaker, you know who gave us that particular phrase?—a certain chancellor early in the last century. I am not going to call his name because it sounds bad, but that is where the philosophy came from.

Tampering with the Constitution, claiming to be giving a gift to your citizens, but really using this noble document as an election tool. That is it. That is the strategy. That is why we have been here since 10.30 this morning. That is why those people gathered out in the rain because this Constitution is being used as an electoral tool, no matter how they dress it up. And the question that arises, where did this scheme come from in the first place? And, Mr. Speaker, to answer that question I would like us to go back to 2010—well, a lot of citizens would like to go back to 2010—but I would like us to think back to 2010, to answer the question: where did this come from? We need to go back to 2010. I am not going to dwell on it, Mr. Speaker, but back then in the build-up to that last election campaign, and I would not mention Chaguanas West here. Anyway, in the build-up to that 2010 election campaign—[*Interruption*]

**Mr. Warner:** I get fired already.

**Dr. A. Browne:** Yes, I know. You need to keep begging pardon. That particular election campaign, Mr. Speaker, there were two financiers that pumped a lot of money into a certain political party in this country. There are claims they pumped money into other parties before; I am talking about in the build-up to 2010. And they were facing some heavy challenges in the foreign and local courts. The United States wanted them for extradition. And I remember the conversation in the country. A lot of citizens were asking, “suppose the UNC seizes power?” How? What? I mean, they have to act in a lawful manner. How would they get some relief for these gentlemen and for their investment? That was the question back then. And, Mr. Speaker, the answer took several years to come. And that answer came on August 31, 2012 with the surreptitious proclamation of section 34. And you have to connect those two developments to understand the political philosophy, the mentality that we are confronting in this country; as we wrestle not against flesh and blood. That is what we are dealing with, Mr. Speaker. That connection back there.

And the answer to that question came on August 31, 2012, very patiently, they brought it just at the right time in their calculation. Fast-forward, Mr. Speaker, to 2013 and 2014, loss after loss after loss after loss for this same Government, and

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the question would arise in many citizens. Are they going to sit back and take what is clearly or what seems—I am not a prophet—what seems to be coming in 2015? Well, Mr. Speaker, the answer came to this country one week ago. They question was, how would they do it? What would they try? What is the plan? Would they spend a lot of money? Buy out people? What is the plan? Mr. Speaker, this is the plan: affect the voting patterns in the marginal.

Let me put a highlight on it, in the marginal constituencies, Mr. Speaker. Remove in this second round because it is the marginals they are focusing on. Remove that nuisance, what they would see as the third party which is usually a dissident or always the dissident, the children of the UNC, prodigal sons and daughters, remove them from the equation. A direct fight between PNM and UNC or whichever party they select. Just a direct fight. Remove the dissident, and then embark on a campaign of heavy demonization of the Leader of the Opposition and the Members of the PNM to try to force—[*Interruption*]

**Mr. Speaker:** Do you need an extension?

**Dr. A. Browne:** Yes, please—and cajole and persuade and fearmongering, drive those dissident voters who supported these other parties back home to mama—mama who committed political filicide in the first place. That, Mr. Speaker, in a nutshell, is the strategy. People act—[*Interruption*]

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Diego Martin Central be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** You may continue.

**Dr. A. Browne:** Thank you, Mr. Speaker. I thank all Members, especially the Member who said “No”. I thank you as well.

Mr. Speaker, that is the plan, and I do not know if I could present it in any more detail, but that is as much as it is clear, crystal clear. How would they try to salvage themselves and scrape victory out of the jaws of defeat? That is how they intend to do it. Back to their philosophy, Mr. Speaker. Success is the sole judge of what is right and what is wrong. That is the mentality behind this particular Bill. And that demonization has begun, but that is their magical brainwave formula for 2015.

Mr. Speaker, that is a violation of the entire spirit of the Constitution, certainly the preamble of the Constitution. It is an assault on freedom of choice in this country which we hold very proudly. Freedom of association at every level,



whether it is voting for a candidate, if there is a recount, a follow-up vote, a by-election, freedom of choice, freedom of association and freedom to speak in silence as well in the House. All of these we hold very dear to us, Mr. Speaker, but that is their intention.

Mr. Speaker, the Prime Minister gave us a lovely lecture today, and she talked about keeping promises. “These are promises that we kept”, but she was not too specific. So it gave the impression that these three measures are all promises that were made and kept, when we know this rerun was never promised, it never arose, did not come in the consultation; did not come from the panel; did not come from audience; did not come from the population; did not come from the experts. I think I know where it came from, but it is a very, very small cabal as the Member for Chaguanas West keeps referring them to. Anyway, she said these are promises that they kept. The irony is, they really do not keep their promises, you know. All the big promises they made, they have not kept.

I want to start with this one of referendum, and Mr. Speaker, I have a question. If this Government cares so much about the views and the views and the views of the population, why did they not put this measure of rerun to a referendum? Why did they not? I heard, and I should have noted it, there was somebody on that side, it is either the Prime Minister or the Member for Oropouche East that mentioned something in passing—a Freudian slip—“We will bring a law for that”. Mr. Speaker, what law are they going to bring for a referendum? You could have a referendum tomorrow on any issue of national importance. Ask the population. Find out from them.

But, Mr. Speaker, they do not want to know the views of the population here because whether the population says yea or nay, they getting it yea coming down the road because their survival depends on it. Their survival depends on it. And I do not know if I could blame them. It is a survival game, and they are fighting for survival. But, Mr. Speaker, it is our duty as elected representatives, and it is the duty of every right-thinking citizen to identify their plot and resist it, resist it, resist it, resist it, and that is exactly what the Members on this side are doing. That is exactly what the people outside of this Parliament are doing. That is what they are doing.

Mr. Speaker, so all these promises, I would not go into regale—they promised improved healthcare. The Minister of Health is sitting here. He is now supervised by another Minister in a committee, and I have to feel bad about that because if you give an individual responsibility under the Cabinet, under this same Constitution, either he fulfils his mandate or fire him, and others, and let him join

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the naughty corner. But no, give him a babysitter and all sorts of things; that is wrong. They promised to reduce murders in 120 days, they did not keep that promise. Statutory authority to deal with HIV; still waiting. It is not going to happen before 2015 because they do not really care about that, Mr. Speaker. Pension under age 60; all of those were promises you know, but the Prime Minister seems to have forgotten about all of those. They fail. They fail. They fail. They fail.

They promised to give money to athletes and sporting organizations that are making a difference, and they ended up giving money to all of these corrupt little financiers and businessmen, you know, just hunting around for contracts, Dust Bin Divers, and ghostly educators and whatever else it is, Mr. Speaker. They failed. All of those were promises they made. And they promised to conduct referendum. How many have they had? We are in 2014 now. Zilch. Zero. Nip. Nada.

Mr. Speaker, I do not know what else to say about this Government, they have hit rock—they have really hit the nadir as far as I am concerned. Not a single referendum. As far as I am concerned, they have failed in their mandate. They have failed their membership, and this Bill, by their own admission, and the Member for St. Augustine said, the two most important issues that arose in the consultations, under his chairmanship, were proportional representation—this was his claim—and the issue of recall. And they come here with a Bill today dealing with rerun, not addressing the main issue that came up in those consultations.

Mr. Speaker, they want to increase the number of elections, and I want to speak briefly about that. Plenty elections equal plenty democracy. Plenty elections equal plenty democracy. Well they need to speak to the Cuban people who have elections every five minutes. They need to speak to the Venezuelan people who have elections every 30 seconds. They need to speak to the people in Egypt and these other countries. Yes, they are having elections and so on, but does that result in social peace, tranquillity, stability, economic progress? No. It is resulting in chaos. So, they made up this plan on the back of a copybook. It is the plan, it is almost the plan of a child. It involves no vision at all, and it is a recipe for political disaster. I am not saying nuclear war or anything like that, but a political, and social and economic disaster, Mr. Speaker.

Seriously, plenty elections equal plenty democracy. So you have recall petition, recall vote, second recall votes, second round, you can recall five minutes after the first recall failed, you can start back a petition again. It can happen. Every constituency there are activists. I know there are a few in Mayaro.

There are certainly a few in Diego Martin Central. Mischief makers who, whether they are paid or not, are anxious. They would be happy to do that. Is that what you want to subject the nation to? It is not about my welfare. I am not afraid of anybody. It is about the national welfare.

Do we want our already burdened parliamentarians—we stood up here and had a big debate about how hard we work and so on. You have to be—in midterm, fighting a mini-election to stave off a petition, Mayaro; for what? For what? What is the gift you are giving the citizens? None whatsoever. Supplementary vote, then you are dealing with the run-off vote, music trucks will be up and down. After a general election, the constituency has voted, for the next 15 days after the result, Mr. Speaker, music truck coming back at you, you know. Granny and grandpa, “fete down in de grounds again”, more posters going up. So the third candidate’s posters coming down, banners coming down, and there is a space now, so it is a rush.

Candidate A or B have to fill that. Posters, banners, balloons, artistes have to come back down again in 15 days. We know how you do business. We know how all the parties tend to do business for election. And then you have these corrupt businessmen waiting. Election time is feeding time, feeding time. [*Crosstalk*] You are not dealing with that at all. I have not seen any Bill to deal with political financing reform, but more elections equal more democracy. Mr. Speaker, this is the shallowest approach I have ever seen in the political history of Trinidad and Tobago. [*Desk thumping*]

**8.05 p.m.**

Dil-e-Nadan, Machel, everybody will be “eating ah food”, and, oh, the media will be very happy. I do not know what they are complaining about because the money will be flowing. That is the vision here, you know. That is the vision and that is division. That is what it is about, very cynical, political strategy.

Mr. Speaker, how many more minutes do I have?

**Mr. Speaker:** You have until 8.11 p.m.

**Dr. A. Browne:** Oh my, I think I am going to finish everything that I wish to say. I did not expect to.

Mr. Speaker, I want to deal with this deepening democracy and, again, it is very blasé, they throw those clichés out; “we are deepening democracy”. This Bill is about, oh—the Member for Tabagite, he rose to notes we have seldom heard in the Chamber—this Bill is about deepening democracy. Mr. Speaker, you know

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who is the last politician I heard speak so loudly about deepening democracy? It was George W. Bush, when he went off on his adventures in the name of deepening democracy, and that was the headline, but behind that, in my opinion, was a very cynical strategy.

So, he went to Iraq to deepen democracy and exported democracy, and what he took across there was chaos. And there are many other countries—Libya, Afghanistan, et cetera—it was all about deepening democracy, and those countries are currently in chaos, so I think this is really not about democracy at all. And the manner in which this Bill has come to us and these measures have come to us, is very undemocratic, and it is right here in the report of the consultation [*Holds up document*] that the Member for St. Augustine chaired personally himself. It is right there in plain English:

“The House of Representatives shall continue to be elected as it has been since Independence...”

You could put on your lighter one time next to the Bill. [*Laughter*]

“...continue to be elected as it has been since Independence...”

That is the end of the Bill right there.

“...voters in each geographical constituency electing a representative by the first-past-the-post method.”

Where do we go from there, Member for Chaguanas East? Where do we go from there? That is the opposite of this, and the mentality is, and you are still claiming that the consultation brought you this, you know, when their report is the opposite. I do not understand this. I do not understand this, and I understand why the population is so angry about it, and right after LifeSport, and there are those who say this is to distract. I do not know if this is to distract from LifeSport, because they cannot be that foolish, Mr. Speaker. Right after LifeSport you come with this slice of madness, and fighting poor Aunty Merle. I mean, come on, it does not have to be like that.

So, noise, granny and grandpa complaining again. Later, money spending, cars with megaphones driving through. Some people just live for elections, you know. I am not one of those. Some people just thrive, they enjoy, it is all about voting and election and so on, but we have to think about the nation and development, the productivity falls so much, think about what is going to happen during that period and those periods, fighting the recall petitions and gathering signatures and responding, because you have to campaign to defend yourself, as they say, and then with this rerun and so on, in those areas, what happens to the economy of our country? Remember what happened during the SoE to the

economy, Mr. Speaker? *[Interruption]* It took a hit. It went into the tank, by their own admission.

There are consequences to these things. This is not a one-week prescription. It cannot be. The nation cannot tolerate that. We cannot accept that. We cannot do our business in this way, because there are serious consequences. I do not want to oversell the case. It is not going to be nuclear war in Trinidad, but there are consequences, and I am appealing to the good sense of the Government—let me change, let me withdraw that, Mr. Speaker. I am appealing to the good sense of the citizens of this country, this cannot be allowed to move forward. It cannot be allowed to pass, and those in the other place, I hope that would help save us from this very bad decision that the Government is trying to force on us via a simple majority. So, the message to the population is, do not be fooled at all.

Mr. Speaker, in conclusion, the meat of this is that rerun which is not grounded in anything except the election calculation—the sweetener around, the seasoning around the meat is the recall and the term limits. And, Mr. Speaker, an old relative used to tell me long ago, “be careful when you buy food outside, because is the rotten meat they does season the most”. It is the rotten meat they does season the most, Mr. Speaker.

Mr. Speaker, by the powers vested in me as an elected representative by my constituents via the democratic process that we hold dear since independence and before, by those powers, I say this Bill must not become the law of Trinidad and Tobago. *[Desk thumping]* By those powers I say, this Bill cannot be allowed to amend our Constitution in the manner that they wish it to amend our Constitution, and I say, this Bill shall not pass; this Bill will not pass.

I thank you. *[Desk thumping]*

**The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol Mc Leod):** Thank you very much, Mr. Speaker. I want to thank you for this opportunity and I am pleased to contribute to this debate on this historic amendment to our country's Constitution. So much has been said already, and I know that we have come to the point where if we are not careful we can perhaps fall into a lot of repetition. I would try my best to be as little repetitive as possible. Mr. Speaker, the contributors to this debate, with the exception of the Member for Port of Spain South, on the Opposition Benches, have not concentrated sufficiently on the measures that are contained in the Constitution (Amd't.) Bill, 2014. And what we have had is a lot of hypocrisy and self-righteousness coming out of the mouths of those opposite. There certainly is an engagement in fearmongering. *[Interruption]* You would not say that a second time, I assure you.

**Mrs. Gopee-Scoon:** Is that a threat?

**Hon. E. Mc Leod:** No, no, no.

**Mr. Speaker:** Member for Point Fortin, allow me to take charge and just hold your fire. You will speak. Okay?

**Hon. E. Mc Leod:** I certainly would not threaten you. Mr. Speaker, we are being compared with occurrences in Libya, in Egypt, in Afghanistan, in Iraq. And we are proposing measures deemed to transfer sovereignty from office holders to the people of Trinidad and Tobago. And in that regard, one would expect us to be compared, if at all, with more developed democracies like those of New Zealand, Australia, Canada, and so on.

The Constitutional (Amd't.) Bill, 2014 seeks to enhance our democracy, improving the Constitution to make Government more inclusive of the people, accountable to the people and representative of the people, by limiting the period for which a person can serve as Prime Minister, providing for the recall of Members of the House of Representatives and permitting only candidates who have earned more than 50 per cent of the votes cast in their respective constituencies to be elected as Members of the House of Representatives. What is wrong with those, Mr. Speaker? It seems that something is wrong with that, especially the one that relates to run-off and so on. You know what is wrong with that, Mr. Speaker? The PNM did not bring that measure here and that is what is wrong about it. [*Desk thumping*]

Mr. Speaker, before I delve into any analysis of this Government's proposed amendments to the Constitution, it is important that we appreciate the origins of our existing Constitution. Our country's present constitutional conjuncture has its origins in the Westminster model of Great Britain. It is a constitutional system that emphasizes the Executive and Legislative branches of Government to the exclusion of the role and functions of the Judiciary. With little consideration for the unique social, economic, legal and political considerations of our twin island Republic, including giving greater voice to the people, it is basically a written version of the unwritten convention-based British Constitution.

Indeed, Mr. Speaker, under our present Constitution we as citizens enjoy certain inalienable rights, such as universal adult suffrage, more commonly referred to as the right to vote. The right to vote is an entrenched part of the

political process. However, the current system to which we subscribe in exercising this franchise, that is to say, first past the post, where the majority wins exclude the minority, as the country noted in the 2007 general election.

The point has already been made, but I think it necessary to repeat it. In that legislation, Mr. Speaker, 148,041 voters had cast their ballot for the Congress of the People, which, unfortunately, did not win a single seat in that election, even though the number of ballots cast for that party represented 22.64 per cent of the popular vote. Apart from being an unfair system, Mr. Speaker, the traditional first-past-the-post system is no longer reflective of an evolving society, where even minority voices must be recognized and heard. That was emphasized. It was elaborated quite extensively by the hon. Prime Minister, when she piloted the Bill earlier today.

Mr. Speaker, the central idea of any constitution is to represent the sum of the hopes, dreams and aspirations of its members. In the case of Trinidad and Tobago's Constitution, it is the vanguard of our democracy. It has twice prevailed in the face of social and political unrest, in 1970 and again in 1990, and indeed is a testimony to the resilience of the people of Trinidad and Tobago.

Mr. Speaker, the People's Partnership election manifesto of 2010 has been adopted as Government's policy, and in our evaluation of the work that we have been doing over the past four and a half years, that evaluation suggests to us that 93 per cent of all that we had promised in 2010 has been achieved. [*Desk thumping*] And it leaves only for us to do a couple more things in the next however many months to elections in 2015, for us to say to the country of Trinidad and Tobago, we stood by our promises and here we have delivered an even score of 100 per cent.

**8.20 p.m.**

As a symbol of our independence, Mr. Speaker, the Constitution is the framework within which our society functions. It outlines and details the domain within which legislation is tabled and assented to. It prescribes requirements and conventions in order to enable both Houses of Parliament to govern the affairs of the nation, and it creates the foundation on which the Judiciary promotes the ideals of justice. Yet, a constitution is not infallible. Like other man-made aspects of life, it is the product of the opinions and reasoning of men and women, both individually and collectively. And one would have thought that we here, all of us,

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as responsible people representing the citizens of Trinidad and Tobago, across 41 constituencies, would operate in a manner that sets us aside from the confusion that is taking place in other parts of the world.

Furthermore, through the passage of time and the evolution of society, this Government, like its predecessors, has come to realize that certain segments of the Constitution must come under scrutiny to continue to promote justitia omnibus, that is, justice for all, by further strengthening the accountability frameworks of all three arms of the Government, namely: the Executive, the Legislature and the Judiciary, while at the same time giving more power to the people of the land. It was on this basis, Mr. Speaker, that constitutional reform was proposed by the Prime Minister on the platform during the elections of May 2010, and in March 2013 the hon. Prime Minister followed through on that electoral promise, and officially launched the National Consultation on Constitution Reform through the appointment of a highly competent committee, led by the hon. Prakash Ramadhar, Minister of Legal Affairs. The constitutional reform committee included some of the most renowned and well respected professionals in our country who have been involved in the work of this nature at some point in their careers prior to their appointment as commissioners.

Mr. Speaker, taking the reins of leadership and based on our philosophy of people-centred development, this Government approached the task of amending the Constitution through consultation with the people. In this regard, certain aspects of the Constitution—both in principle and in practice—that appeared to stymie the will of the people, have been taken into consideration and now proposed as amendments.

The proposed amendment of a two-term period for the Prime Minister is detailed in clause 8 of the Bill, where it seeks to amend the Constitution to limit service as Prime Minister to no more than 10 years and six months, whether such service is continuous or has been interrupted. While the executive power of the State would continue to reside in a Prime Minister presiding over a Cabinet of Ministers, this Government has taken the bold step of limiting a Prime Minister to a maximum of two terms. And it must be a most conscionable person in office who will take a position such as we are proposing to this Parliament, [*Desk thumping*] especially after so many of us had become cultured and accustomed to having somebody who will say, “when I talk, no damn dog bark”. And if I say that—what was the man’s name?—Solomon should be Minister of X, Y, or Z, then nobody must have cause to argue with that. No, Mr. Speaker.



Mr. Speaker, we are about expanding the democracy so that the ordinary people are more in charge than their falling under the charge of others. While the executive power of the State would continue to reside in a Prime Minister presiding over Cabinet Ministers, this Government has taken the bold step to move forward with limiting a Prime Minister to a maximum of two terms.

In our country I believe we can all agree with the argument of great thinkers, such as Aristotle and Cicero, that in free republican democracies such as ours, there must be a rotation of office so that there is reciprocity of ruling and being ruled by turn. Implementation of this term limit will also discourage the authoritarian mentality that some leaders may develop when assuming office. So we are, in essence, putting a further check on the powers of the Executive. That is what we are doing and we are doing it boldly. If one party stays in office and the same leader continues to have power over the Cabinet then the balance of power shifts to that person and away from the office that the person holds, so that the personality ends up being greater than the institution.

It is thus necessary, Mr. Speaker, to have this check on the office of the Prime Minister to ensure that the balance of power never shifts to the individual. The institution of a term limit will also encourage young people to aspire to be a Prime Minister where they can serve and make a difference. As a result, dynamic new solutions can be brought to the table by new leaders. What a term limit on the office of the Prime Minister also achieves is that it allows the Prime Minister to focus on developing the country, as opposed to being caught up with electioneering strategies. We hear of election budgets and these terminologies because, in the past, Prime Ministers have sought to make decisions that were designed to retain office more so than to benefit the country.

With respect to the recall of Members of the House of Representatives, in the Government's manifesto we promised to introduce the right of recall for non-performing parliamentary representatives. So much has been said about that already—well, let me just add this little piece, clause 5 of the Bill amends section 49(2) of the Constitution, to require a Member of the House of Representatives to vacate his seat in the case where a petition is brought for his removal.

Certain mechanisms must be implemented to give life and practicality to the principles that we are stating here in our amendments. To ensure that this procedure is not abused, it is noted that the petition requires the support of at least two-thirds of all the persons who on the date of issuance of the petition were registered voters in the constituency. There is precedent that Parliament can amend the Constitution with less than two-thirds majority on the terms requiring a

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Member of the House of Representatives to vacate his seat. So it is farcical, Mr. Speaker, that the PNM can come here today to argue otherwise.

The PNM Constitution Amendment Act of 1978, which amended section 49(2) of the Constitution by providing that a Member of the House of Representatives was required to vacate his seat if he resigned or was expelled from his political party, that amendment was passed with a simple majority. And in the case of one *Mc Leod v the Attorney General* 1984, a case which made its way to the Privy Council, the court held that according to the Constitution, the amendment could be made validly by a simple majority without infringing on the Constitution. In the Privy Council's decision, Lord Diplock's judgment said, and I quote:

Although supreme, the Constitution is not immutable.

Lord Diplock went on to say, and I quote further:

Constitutions of the Westminster model, of which the Constitution of the Republic of Trinidad and Tobago is an example, provide for their future alteration by the people acting through their representatives in the Parliament of the State.

A provision of a recall is not an idea that is restricted to our country. Commonwealth countries such as Canada and Australia have adopted recall provisions in their constitutions. Our South American neighbour, Venezuela, the United States of America, the Philippines, Switzerland, Peru and Bolivia also have recall provisions in their respective constitutions.

Mr. Speaker, this Bill, by virtue of amending section 73 of the Constitution, would prevent a candidate in a general election from being elected as a Member of Parliament for a constituency, unless that candidate obtains more than 50 per cent of the votes cast in the constituency. What is wrong with that? The amendment further proposes a two-round system or run-off election in the event that a candidate does not attain 50 per cent or more of the votes cast. And we are told that that is a provision that is best suited for the election of persons to the office of Executive President of the State. Well that is what they have. We do not have an Executive President. The executive power lies with the Members of Parliament who form the Cabinet and so on. So we are applying a mechanism that will govern our affairs at that level where executive power resides.

Mr. Speaker, this is not a radical system as some make it out to be. In fact, in the May 2010 elections no elected Member of Parliament fell below this threshold, although, Members like my colleague, Member for Diego Martin

North/East—I hope he is enjoying his holiday—at 51 per cent of votes cast and Point Fortin at 51.9 per cent of votes cast were perilously close to going back to the polls, had this new proposed system been in effect at the time.

The election with the most instances of candidates not achieving a majority of votes in their constituency was in the 2007 general election, where in 14 of the 41 constituencies candidates were elected to be Members of the House of Representatives without amassing an absolute majority of votes in their constituency. The Barataria/San Juan seat won with 43.9 per cent of votes; Caroni Central, 45.9 per cent; Chaguanas East, 42.7 per cent; Couva North 46.7 percent; Couva South, 47 per cent; Cumuto/Manzanilla, 41.7 per cent; Fyzabad, 40.9 per cent; Mayaro 46.1 per cent; Pointe-a-Pierre, 43.2 per cent; Princes Town North, 47.4 per cent; Princes Town South/Tableland, 49.2 per cent; St. Augustine, 39.6 per cent; St. Joseph, 46.75 per cent, and Tabaguite, 38.9 per cent of the votes.

### **8.35 p.m.**

Similarly, in the 1995 general election, only one seat, that of Tunapuna, had a victory for a party with less than 50 per cent of the total voter turnout. The winner was declared with 49.4 per cent of the votes.

**Hon. Member:** What year was that?

**Hon. E. Mc. Leod:** That was 1995, and candidates Hector Mc Clean representing the UNC and Eddie Hart representing the PNM in 1995. Mr. Speaker, the two-round system where a supplementary poll, as proposed in this Bill via the amendment to section 67 of the Constitution, would have been held in all the examples given just a while ago, and in many other instances throughout our electoral history since the 1956 Legislative Council general election.

Instead of broad cross-party coalition, the current system perpetuates the two-party system. Minority parties have thus traditionally been penalized and systematically discriminated against in our history. So the measure that we have brought here will give other opportunities, a second chance, to minority parties. Minority parties have thus traditionally been penalized and systematically discriminated against in our history. In fact, the report of the general election of 1961 by the then Supervisor of Elections said, and I quote:

The results clearly show, therefore, that politically the system is a two-party system and that the first-past-the-post procedure for voting now used is at the present time eminently suited for the elections.

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The supplementary poll ensures that the winning candidate achieves an absolute majority of votes as opposed to a mere first past the post or plurality of votes. This further enshrines some of the tenets of democracy by ensuring that the rights of minority voters are preserved.

Mr. Speaker, support for this Bill has also been quite vocal in many prominent quarters, including those who would have served this country under previous administrations. We heard about those in respected quarters who are talking against the provisions that we have brought to this House, but there are as many, and perhaps even more persons in high quarters who are in support of the measures that we have brought.

In this regard, reference is made to Mr. Trevor Sudama, a former Member of this honourable House. Indeed, Trevor Sudama succeeded me as the representative for Oropouche when it was one Oropouche, and I remember Trevor Sudama coming with a former president of the Public Services Association, “Gus” Rennie. They came to my house and “Gus” Rennie, whom I had known in the trade union movement and so on, introduced Sudama to me, thinking, perhaps, that I did not know Sudama. And I spoke with them, and they wanted to find out whether I had any interest in running in the election again, of 1981. I said, no, and “Mr. Sudama, you have my endorsement”, and I walked with them in certain parts of Oropouche. So magnanimous I have been. [*Desk thumping*]

**Dr. Gopeesingh:** And continue to be.

**Hon. E. Mc. Leod:** Um Hmm. I thought that I might quote very briefly, Trevor Sudama.

**Mr. Speaker:** Are you interested in an extension, hon. Member?

**Hon. E. Mc. Leod:** Yes, thank you very much, Sir.

Sudama says:

“I am of the view that the public interest will be greatly served by instituting relevant constitutional reform in this country. Such reform is not a panacea for all the ills which afflict our political system or our society but will assist in bringing about a more equitable distribution of power among the Executive, Legislature, Judiciary and Civil Society. It will, with a greater degree of precision, circumscribe the behaviour of public office-holders and, with greater clarity, define rights, functions, powers and responsibilities.”

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Pointe-a-Pierre and Minister of Labour and Small and Micro Enterprise Development, be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** You may continue hon. Minister. [*Desk thumping*]

**Hon. E. Mc. Leod:** Thank you very much, Mr. Speaker. Thank you very much, colleagues. Mr. Speaker, the task which lies before us is not as great as the greater good that will survive us. Today, we gather not merely as Ministers or Members of the Government and Members of the Opposition, but rather as citizens and patriots of this beloved country to recalibrate the framework in our Constitution.

We in the Government are always mindful of the diverse society in which we live and have endeavoured to maintain the foundational basis on which our society was created, and still operates. We maintain in the same breath, however, that our society evolved and the Constitution, as a living document, must attest to this basic truth. Our country's Constitution should not be a mere microcosm of the Westminster model but rather a vibrant, dynamic entity that is reflective of the growing maturity of our country and of its citizens.

In defence of our country's democracy, it is imperative that each citizen has a clear understanding of his or her importance to the electoral process. I mean, to agonize over the low level of voting that has taken place at certain times in our political history is to just let your arms down and accept the cynicism and so on, that too often pervades the national community. We must excite people and encourage them and invite them; have them participate in this democratic process so that we will have even greater numbers than two-thirds and three-quarters and so on, not that we will ask for so many to alter any particular situation. Through our Constitution we must attest to the dignity of the individual person to be of vital, social, economic, political and moral value to our country.

Mr. Speaker, no other government of Trinidad and Tobago and, indeed, no other Prime Minister has focused so much on the rights of citizens in a democracy such as ours. [*Desk thumping*] Our Government is one that our Prime Minister frequently states must serve the people. Through this Constitution (Amdt.) Bill and other legislative reforms, such as the introduction of proportional representation and the reform of planning and development of land, this Government continues to serve the people.

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Mr. Speaker, with the introduction of term limits to the seat of Prime Minister, and with the existent limits on the terms of a President, as a Government we will continue to ensure that political power is limited and responsible. Our country is blessed with a strong and independent Judiciary, so now we are saying we need to have a term limit on the Prime Minister's office to prevent the abuse of power through the institutionalization of a person as the head of government.

The right to recall shifts the sovereignty once thought to be held by officeholders, to where it should truly reside in a democracy, that is into the hands of the people. Citizens will have an increased say in the performance of their representatives, and for the first time in the history of our country will be able to replace these representatives for non-performance.

The three main changes proposed in this Bill all converge on one tenet of democracy, that of the role of citizens to participate. The term limits on the office of the Prime Minister allows for more participation at the highest governmental level, while the right to recall and the majority rule for electing members to the House of Representatives deepen citizen participation through voting, protesting and even debating of issues.

This Government, Mr. Speaker, firmly believes that a strong system of governance is a key pillar for national development and we will continue to consult with the people of Trinidad and Tobago to strengthen the cohesion of our society and foster the economic and social development of our communities, while contributing to a global climate that is favourable for international peace.

Mr. Speaker, we need to go a couple steps further so that we can record the satisfaction of all of the manifesto promises that we presented the society with in 2010. This certainly must be an important objective for any government that comes into office. The other side talks about our having our eyes on the next election. Which politician is going to remove his eyes from elections? What politician?

**Hon. Member:** Not even a blind one.

**Hon. E. Mc. Leod:** Not even a blind one. So, Mr. Speaker, I recommend, very solidly, the entire House coming across the aisle and stretching our hands to meet each other as we seek to provide the constitutional means by which there can be a deepening of the democracy in Trinidad and Tobago as we try to go forward ever and backward never.

I wish to thank you very much. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Laventille East/Morvant. [*Desk thumping*]

**Mr. McLeod:** You are following me, uh?

**Miss Donna Cox (Laventille East/Morvant):** Thank you very much, Mr. Speaker. Definitely, I was listening.

Mr. Speaker, I stand to speak on this Bill, the Constitution (Amdt.) Bill, 2014, which seeks to do three things: amend the Constitution to limit the period for which a person could serve as Prime Minister, to provide for the recall of Members of the House of Representatives and to permit only candidates who have earned more than 50 per cent of the votes cast in their respective constituencies to be elected as Members of the House of Representatives.

But before I move on, I just wanted to make a correction to the Member of Parliament for Oropouche East who mentioned today that Trinidad and Tobago is the first Caribbean Commonwealth country which initiated the questions to Prime Ministers. I would like to inform him that it first started in Jamaica.

I wish to say, on the onset, that I cannot support these ridiculous amendments to the Constitution of Trinidad and Tobago. The framers of this Constitution, like Sir Ellis Clarke, must be turning in their graves today as this Government stands in this august House to desecrate the Constitution of Trinidad and Tobago.

Mr. Speaker, before I deal specifically with what the Bill attempts to do, let me make a few comments on what I call the principles of Constitution reform. What we are attempting to do today is to make fundamental changes in the way the country is governed and to introduce into our political landscape new measures which, when examined in themselves, one must be assured that these amendments are geared towards improving the quality of life of the population and to enhance the way in which power and authority are dispensed.

### **8.50 p.m.**

Moreover, Mr. Speaker, constitutional amendments must be, of necessity, a response to the demands from the population for changes consistent with an anticipated enhancement in delivery of services to the public at large, which in turn will contribute to a higher standard of living to which we all aspire. I wish to state here now that there is nothing in these proposed constitutional amendments which are geared to either improving the delivery of services, or to enhancing the governance practices in Trinidad and Tobago.

The three measures proposed, therefore, lack relevance to the urgent needs of the population and are copycat provisions from jurisdictions which are totally

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different and alien from Trinidad and Tobago in history, in culture and in traditional society norms and practices. Perhaps, Mr. Speaker, as we look at the philosophical underpinnings which attend to constitutional reform, permit me to quote from His Excellency Joaquim Chissano, former President of Mozambique and Chair of the Africa Forum of the former Heads of State and Government in his foreword to the book entitled *Constitutional Reform Processes and Political Parties*, and I quote:

“...constitution-making and constitutional reform are at the very core of state building and democratic consolidation. For this reason, the making or remaking of constitutions should not be construed as a legal project to be left to lawyers. Nor should this agenda be the sole preserve of politicians.”

Mr. Speaker, the Constitution is the people’s business, and while I participate in this debate I feel that I am also contributing to a process in which the views, the concerns, the apprehensions, the fears and the various interpretations of the people in respect of these proposals are being ignored. We in this Parliament are merely 40 persons of a population of 1.3 million and we cannot, with the best will in the world, properly and cogently represent the vast majority of people of this nation without giving them the opportunity to express their views about these proposed amendments. In addition, I ask the question: whether the people are sufficiently apprised of the implications of each one of these proposed amendments?

Parliament, in fact, should be the last phase in this process, but what do we see, Mr. Speaker? We are witnessing before our very eyes that some members of the very Constitution commission, whose work it is said informed these provisions, are now publicly claiming that elements in this package were not considered by the commission and never formed part of its formal report. So clearly, it would appear that this road to constitutional reform is littered with not only potholes, but deep trenches. In short, Mr. Speaker, the process is flawed. You see, the Government who is championing this process must ensure that there is consensus, and that consensus should at least be assured by the members who comprised the commission.

Mr. Speaker, a Constitution is the most important piece of legislation that any country has. In this context, again, I am forced to quote from His Excellency Joaquim Chissano. I quote:



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“...a constitution should reflect not only the history of the nation but also, in my view most importantly, it must mirror the interests and aspirations of its people with regard to how they wish to be governed. A constitution is”—a—“social contract between those who govern and the governed. ...the process leading to a new or revised constitution is as important as the content if both of these (the process and content) are to be regarded not only democratic and legitimate, but also inclusive and popularly accepted.”

Mr. Speaker, one of the tenets of a constitution or amendments to the Constitution is legitimacy, and clearly one must ask if this Government meets the minimum standard of legitimacy. Because this Government has earned a distinction for itself as being the most untrustworthy Government this country has ever seen, and this Government will be remembered for scandal after scandal every Monday morning. [*Desk thumping*]

This Government has had the distinction of having the largest Cabinet in any democratic country, and this Government has seen the largest number of Ministers losing their jobs in any one term which is perhaps a world record. This Government is responsible for the Resmi Ramnarine scandal. This Government is responsible for the failed state of emergency [*Desk thumping*] during which over 8,000 persons were detained and had to be released without one charge being laid against any of the detainees. This Government is responsible for the arrest of several persons, who just happened to be of one religious persuasion, in connection with the so-called planned assassination of the Prime Minister of Trinidad and Tobago. Needless to say, this was a hoax and all were freed without charge. This Government is responsible for section 34, the end of which is yet to be seen. This Government is responsible for emailgate, the determination of which remains in abeyance. [*Desk thumping*] This Government is responsible for “prisongate”. This Government is responsible for the life—well actually it is “death sport” scandal.

False papers seem to be the order of the day under this Government. And, Mr. Speaker, as my colleague, the Member for Arouca/Maloney would say, I can go on and on and on.

[MADAM DEPUTY SPEAKER *in the Chair*]

Since this Government assumed office in 2010, commencing with the THA election in 2013, this Government has lost every election it fought, namely the

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THA elections where it could not win one seat, losing 12-0; the Chaguanas by-election in its heartland where it was soundly defeated; the local government election where in four corporations it could not win one seat; the St. Joseph by-election where notwithstanding the use of finances, government finances and programmes to support its candidate, they were soundly beaten. So, Mr. Speaker—[*Interruption*]

**Madam Deputy Speaker:** Madam Deputy Speaker.

**Miss D. Cox:** Madam Deputy Speaker, this Government was rejected by the electorate in every election it fought in 2013. It cannot now come on the eve of its departure from office, to propose fundamental changes to our Constitution. This Government has no legitimacy to touch our Constitution. Hands off the Constitution.

Moreover, Madam Deputy Speaker, if they cared about the country and the citizens, the decent thing they could have done was to lay these amendments in Parliament and invite public comment and set the debate for a subsequent date after the people would have had the opportunity to consider these amendments in detail and the implications of same. But, no, they want the debate right away, and anytime a Government seeks to rush a debate on an important and fundamental matter as the country's Constitution, bet you they have an ulterior motive.

Madam Deputy Speaker, I am sure a large segment of this population, they do not trust the Government. Their track record is laden with deeds of deception and mistrust. But, Madam Deputy Speaker, let me examine what these proposed amendments are. The first one deals with establishing term limits for the Prime Minister to no more than 10 years and six months whether such service is continuous or interrupted. If there is one country where this provision is totally irrelevant it is Trinidad and Tobago, because, again, they copped this from other jurisdictions without even testing or examining the relevance of this provision in Trinidad and Tobago. And what is the evidence? Since this country attained independence in 1962 there have been six Prime Ministers who served this country: Dr. Eric Williams, who served as the country's first Chief Minister and Premier and for 18 years as Prime Minister; Mr. George Chambers, who served for six years as Prime Minister; ANR Robinson, five years as Prime Minister; Mr. Patrick Manning, 13 years as Prime Minister; Mr. Basdeo Panday, six years as

Prime Minister; Mrs. Kamla Persad-Bissessar, five years as Prime Minister and, yes, I said five years. Not one day more.

You see, Madam Deputy Speaker, with the exception of the first Prime Minister and Mr. Manning, all the other Prime Ministers served for less than 10 years, and the people of this country are always light years ahead of the politicians and have determined for themselves how long a Prime Minister can serve this country. They do not need any politician to tell them how long a Prime Minister should be in office. Let it be the will of the people. Because you see, politicians always seem to believe that they have all the answers and should tell the people what they should do, but, Madam Deputy Speaker, I beg to differ—it should be the other way around. I am a fervent believer that it should be the other way around. Let the people decide who should be their Prime Minister and how long they should be in office.

There is really no justification for the introduction of term limits for the Prime Minister except that it sounds good and it looks good, but what is the ailment they are attempting to cure? America has it so we have it too? This provision in my view is much ado about nothing, and if we are talking about power of the people then it is the people power to leave them alone to decide on who should be their Prime Minister and how long that person should serve. And if the persons are fed up of a Prime Minister, it is their democratic right to vote them out.

So, Madam Deputy Speaker, they speak about being true to campaign promises, and this is one of the reasons, this was a campaign promise. But what about the campaign promise of the elderly, 60 years and over receiving pension? That was a promise. [*Desk thumping*] The promise was 60 years and over to receive their pension and this has not happened. This is a promise that was not kept. What about the promise of good governance? That was not kept also. What about the promise of equality and fairness for all? This was not kept, and I can go on and on about promises that the UNC-led coalition Government have not kept. So no Government must arrogate onto themselves the power to impose, on the population, a time limit for a Prime Minister.

Of course, Madam Deputy Speaker, as far as I am concerned this runs counter to the fundamental right of freedom of choice as enshrined in this country's Constitution, and I move on to the right of recall. Because, you know, I listened to some of the talk show hosts and commentaries and I read some comments in the newspapers, even to some of my colleagues on the other side, and I wonder if

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the—yes, the right of recall sounds good, but the problem really is the process involved.

Madam Deputy Speaker, this Bill, at clause 5, seeks to amend section 49(2) of the Constitution which deals with recalling an MP. I realize that many persons agree with this, but they do not understand the process involved as articulated here. My colleagues spoke in detail about this process and I agree that it is indeed a recipe for disaster. It is clear that this Government intends to use this measure to frustrate the democratic process in this country. [*Desk thumping*] The provision for the recall of Members of the House of Representatives, that also sounds very good, but realistically does this provision have any value in itself?

Now let us examine the process and procedure leading up to the recall. First of all, two registered voters of a constituency, who also reside in the constituency, can apply to the Elections and Boundaries Commission for a petition to be issued for the recall of the Member of the House of Representatives who was elected to represent that constituency. This application must take place after the person has served three years, and it must receive at least 10 per cent of all persons registered to vote in the particular constituency. And for it to be successful—I am going fast because I know some people would have spoken about this—but for it to be successful it must receive the support of at least two-thirds of all registered voters in the constituency.

I would like to know what provisions were made for auditing the authenticity of the data on the 10 per cent and the two-thirds of the registered voters of that constituency, because this provision, as designed, will be fraught with corruption and pervasive irregularities and one would ask, for what?

**9.05 p.m.**

Madam Deputy Speaker, a colleague mentioned, on what grounds can an MP be recalled? I am very concerned about that—on what grounds?—because the Bill is silent, and I cannot see how this could be supported. Because if I am supposed to recall an MP, I am supposed to know on what grounds. Many persons do not even know the role of an MP, so then on what grounds are you going to be recalling that person? So someone could just wake up in the morning and decide, “Well, yuh see she or he, ah going for them” and you know, decide to recall. Where is it that, you know, what is the reason? There must be some reasons laid out why you would recall an MP and it is not there. It is well known that the PP Government is familiar with paying for votes. It would be so easy to pay persons to sign a petition when an MP is targeted as the one to recall.

Voting has to take place over 21 days, what is the cost to the Government, to the taxpayers, more or less, and what is the cost to the party, what is the cost to the incumbent MP? Who is responsible for that cost and the time? I observe that there is no limit to a recall petition. So, in other words, you could have recall after recall until you get through within that particular year because there is no limit.

Madam Deputy Speaker, there is one thing I want to talk about. I realize that we have been speaking here in this Parliament about the neglect of the PNM constituencies. You know, I wonder now if that is one of the reasons why many of our constituencies have been neglected by the Government, because of the fact that this is supposed to be in their manifesto, and they know that they were coming with this, so, in other words, our constituents must think that we are not working on their behalf. Is this the reason why we get all this neglect? The UNC-led coalition Government has been starving PNM constituencies of vital resources since 2010 to now, and a blind man can see that they have been fixing their constituencies and neglecting ours. We are getting crumbs, if any, at some point in time.

Mr. Speaker, no work has been undertaken to date. I will give you an example. I mean, recreation grounds in my constituency, Laventille East/Morvant—Madam Deputy Speaker.

**Madam Deputy Speaker:** Exactly. I think you are reading from a prepared speech, so please refer to me as Madam Deputy Speaker.

**Miss D. Cox:** No, actually I am just accustomed saying Mr. Speaker. I think we need to get some advance notice when we are making a change because while in the midst of talking, it is very difficult to be switching.

**Dr. Browne:** They do not resemble. [*Laughter*]

**Miss D. Cox:** No, I know that. So, Madam Deputy Speaker, in my constituency, for example, the recreation grounds in my constituency, since 2010 to now, I mean I have some areas in my constituency that we call at-risk areas, and if we are serious about crime, these are some areas—our recreation grounds, the basketball court and so on—from 2010 to now, none has been fixed, none. Not even one bit of upgrading has taken place. And it is not because I have not been writing letters, it is not because I have not been making representation, but how much people in your community know that?

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There have been serious water problems in some areas in my constituency, and of course, I have been writing letters—in Malick, Coconut Drive, Caledonia. Serious water problems and these are recent occurrences and yet, nothing has been happening. Road problems, I have been writing letters concerning the roads in the constituency. It is serious flooding at Morvant Epiphany school, known as Morvant Anglican School. Once there is a heavy downpour, there is a river that runs alongside the school, it floods all the time.

I have been writing letters to everybody and nothing is happening, nothing has been happening. Problems—dredging of the rivers in Morvant, there have been flooding problems, water problems in Never Dirty. I understand even in the constituency, there are supposed to be 52 CEPEP/URP gangs. Well, I do not know what they do and where they are. Okay. There have been changes in CEPEP, housing, social development assistance; I mean, we have been writing letters. I can speak for myself, I can speak for my colleagues, and there have been problems.

So the point is your constituents would not really know all of this, they would not really know the problems that you get. Some of them do not even know that you are there working on their behalf. All right. So there is this old talk about—long-time talk about seeing your MP and seeing your MP, the important thing is that your MP must work for you.

**Mrs. Gopee-Scoon:** They must represent.

**Miss D. Cox:** They must represent. And also, a lot of persons do not know what the role of an MP is, so, on what are you judging an MP when you do not even understand the role?

Look, for example, the SRC. Imagine the SRC does not even know the role of an MP so therefore they could not classify you for a proper salary. They do not know if “we part-time or we full time” and do we expect our constituents to know that, if that is the case? It means that we may have to embark on an education programme—that the Parliament, they need to also embark on an education programme in the constituencies so that people will understand the role of an MP. You hear people say things, people come to you and they expect you to furnish their house because they feel that you get money to do something like that, and when you do not, you are the worst MP. All right? That is the point.

People come to you and the things that they ask you to do, because they do not understand. I would think that some of them do not understand and unless we fix these things, then we cannot come now and talk about right to recall and you

have constituents who do not even understand what you are supposed to do, so on what basis, and that is what I do not understand. On what basis?

So, Madam Deputy Speaker, some persons made reference to other countries which implemented this right to recall or are considering it, but what was not stated is that some of them who were considering, like the UK, they put forward reasons. For example, an MP who has behaved with serious impropriety. So they would have included reasons why you can recall. So somebody cannot just get up a morning and decide, “I doh like he” or “You know something, because I am upset that you say something about me” or something like that, and I could set up activists in the area and so on to go after you. You must have serious grounds and this is a serious flaw here where we talk about the role of an MP.

In the aftermath of the parliamentary expenses scandal in 2009, the coalition partners in the UK vowed to give voters a right to sack MPs between elections, and this was written into their manifesto, but I understand that this has not been implemented, and note it came as a result of the aftermath of that situation in 2009 with the financial scandal concerning MPs.

**Mrs. Gopee-Scoon:** Expenses.

**Miss D. Cox:** Yes, financial expenses. This recall mechanism undermines representative government, and this can make elected officials afraid to make unpopular but necessary decisions. Because, there are some people who would be quaking, especially if you are in a marginal seat, and you want to make sure that you do not offend anybody, and you may even, I say, make, you know, unpopular, you would be afraid to make necessary decisions, if you think that those decisions are unpopular. The right of recall can be used irresponsibly, it can be used by political parties as a political weapon against an MP.

The claims that the recall mechanism was being used as a political tool were made by many Democrats against Republican activists in relation to the 2003 California recall, and the opportunity for mischief is great. There are groups and activists who will organize themselves well, will be vocal, have their own particular agenda to remove an elected MP. Some of them have access to the radio stations and so on and—we do not even have right to recall an MP and there are people who use the radio stations to bash you. So why they would not use it to try to promote, to gather support, against an MP?

MPs in marginal seats, of course, can possibly face challenges constantly. Is this what we want without a reason? MPs can possibly be recalled if constituents disagree with their opinion because the new section 49C of the Constitution provides for the supervision of the casting of ballots and the daily recording of the

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number of ballots cast. So this means for 21 days, an MP, or an agent, must be present at the close of this voting; a lot of time, 21 days. Recalls will be driven not only by legitimate political considerations but by money. In the US, recalls have a history of being manipulated by well-funded political interests and large corporations. So why would it be, or why could it be, any different in Trinidad and Tobago?

Our system of government relies on voters casting an informed vote at election time, therefore providing the elected Government with a mandate to govern for a designated period. This process of recall is really just, I know, to fulfil an election promise in the manifesto, but you know, I want to say something: to err is human. Sometimes we make promises or we say things that we will do or so on, but when we realize that it does not make sense, I think that the Government should be man enough and woman enough, to own up and forget this foolishness.

One other point I need to make, which I think should be of concern, is that the MPs have no form of redress, and that was mentioned here this evening and that is a serious thing. No form of redress so you cannot even stand up and defend any position because the petitioners would do their part and then they will just go through the process after that. Only 10 per cent of registered voters need to sign the petition to recall an MP.

And you know, I want to say that it would have been better if the threshold was set higher because, in researching this, you see that in some countries, they have 40 per cent, 60 per cent threshold, so that people would not misuse and abuse the process. The only person I saw mention 10 per cent is the UK and maybe that is why they have not implemented it. All right? But everyone else is 40—between 40 per cent to 60 per cent is the number of petitioners, the number of signatures that they are supposed to get where this petition is concerned. So I feel if we—*[Interruption]*

**Madam Deputy Speaker:** Hon. Member, do you require additional time?

**Miss D. Cox:** Yes, thank you.

**Madam Deputy Speaker:** You may continue.

**Miss D. Cox:** I feel that if the threshold is set higher, it would be better for us. The Government—you see, too, people can just target seats because it becomes a partisan affair. It is very easy when you use the 10 per cent, but 40 per cent is difficult. So, setting it higher would guard against partisan activity where the petitions are concerned. But, you know, we did not talk about the right to recall a Prime Minister. Member of Parliament for Oropouche East, was that considered?



I move to the run-off provisions. The third provision is the so-called run-off provision, and this provision seeks to prevent a candidate, in a general election, from being elected as a Member of the House of Representatives for a constituency unless—[*Interruption*]

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

*Motion made:* That the hon. Member's speaking time be extended by 15 minutes.

*Question put and agreed to.*

**Miss D. Cox:** Thank you very much, Madam Deputy Speaker; thanks to my colleagues also. The third provision is a so-called run-off provision and this provision seeks to prevent a candidate, in a general election, from being elected as a Member of the House of Representatives for a constituency unless he or she obtains more than 50 per cent of the votes cast in the constituency. This is the most dangerous provision in the package. What is the intent of this provision? Clearly, this provision is self-serving.

This Government is already aware that they will be voted out in the next general elections. So what do they do to stay in office? They devise a scatterbrain provision which allows them to stay in office while these subsidiary elections are taking place. It is the most blatant and obscene provision and the Government should be ashamed to have brought this to the Parliament to be considered. It is naked desperation being displayed by a Government scared of losing office. Where did this come from? There is absolutely no merit to this.

This country has had a tradition of many persons wishing to enter the election fray. They are free to do so as an independent candidate or as a candidate of a political party. Some of these political parties are mature, others are young, but we have always had a tradition of citizens enjoying the freedom to offer themselves for political office, and giving the electorate an opportunity to choose. This is a tradition that Trinidad and Tobago must be very proud of, and this goes back even to the pre-independence era.

**9.20 p.m.**

Madam Deputy Speaker, if none of the candidates in a constituency, in a general election, receives more than 50 per cent of the votes cast in that constituency, there will be a supplementary poll or election between the two with

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the highest number of votes and this is expected to be held within 15 days of the declaration of the results of the election.

Section 76 of the Constitution will also be amended to prevent the President from appointing a Prime Minister before the results of the supplemental polls. So, a losing Prime Minister, therefore, has to stay in office, and I think that in itself is ridiculous. A person would be forced now to vote for a candidate and party who is not their choice, when this supplementary poll is narrowed to two persons, and one can say you can abstain, but why abstain because one is being deprived of their constitutional right to vote for the party and person of their choice. This goes against the principles of democracy.

Given the People's Partnership Government's track record, what will they be doing after losing an election whilst the run-off poll is taking place, twiddling their thumbs? I guess not. What are the costs associated with these elections? We need to look at that, extra stress on the Elections and Boundaries Commission, of course, stress on the security personnel, taxpayers would be forced to cover a lot of cost here, and this could go well beyond 15 days of course and suppose there are legal challenges to any one of those supplementary polls, from one or more? Of course, it will take longer. It was mentioned, and some persons made comments about it, but definitely tribal voting would become more entrenched in this country. I want to agree.

Madam Deputy Speaker, the run-off voting is not a feature which exists in any general election in any Commonwealth country. It does not go with our constitutional principles. Where did this come from to be inserted into our Constitution? When did public consultation take place on this run-off poll? This amendment should not be made in haste.

Madam Deputy Speaker, the Government must tell the people of Trinidad and Tobago what is the real reason behind these amendments to the Constitution. Clearly, COP and ILP and the likes have no place in the elections and this Government intends to get rid of small parties. I would like everyone to support the PNM, but the reality is, it is their democratic right to support the party and person of their choice and they must be allowed to do so. This amendment is a catalyst for social, economic and political instability in this country.

A citizen of Trinidad and Tobago is being told that after he votes for the party or candidate of his choice, if that candidate did not win by 50 per cent majority then an individual has to make a choice between the two persons to represent him in a run-off. He might not want either of them to represent him. So the choice of

the electorate is very important, and we need to remember that, and they are being denied their right to vote for the party and candidate of their choice. This is not democracy. This is called bullying.

From 1962 to now, there has always been room for three or sometimes four parties, although the elections, of course, we know that they were dominated by two main parties. But this amendment to the Constitution now brings pressure on third parties and independent candidates. So, instead of empowering the electoral process, this run-off weakens it.

Madam Deputy Speaker, the hon. Prime Minister stated that constitutional reform was an attempt to give more power to the people and they have embarked on a PR blitz, utilizing various communication tools in an effort to convince the population that they are giving them more power—power to the people. But it is not power to the people. It is power to the PP. And what about the cost to taxpayers of these run-off elections? And we must think about that. Run-off polls place considerable pressure on the electoral administration, by requiring it to run a second election a short time after the first, thus significantly increasing both the cost of the overall election process and the time that elapses between the holding of an election and the declaration of a result, and this, of course, could lead to instability and uncertainty. So run-off polls also place an additional burden on the voter, in terms of time and effort required to cast a vote, as the voter has to make it to the polling station twice and sometimes there is a sharp decline—well, most times there is a sharp decline in turnout between the first and second round.

One of the most serious problems with the run-off polls, in its implications for deeply divided society, I would like to quote from *Electoral System Design: The New International IDEA Handbook*, 2006. This will tell you the countries which had a two-election system. In Angola, in 1992, in what was supposed to be a peace-making election, rebel leader Jonas Savimbi came second, in the first round of a two-round system presidential election, to José dos Santos, with 40 per cent of the vote, as opposed to dos Santos' 49 per cent. As it was clear that he would lose the run-off phase, he had little incentive to play the democratic opposition game and immediately restarted the civil war in Angola, which went on for another decade.

In the Republic of Congo, in 1993, prospects of a government landslide in the second round of a two-round system election prompted the Opposition to boycott the second round and take up arms. In both cases, the clear signal that one side would probably lose the election was the trigger for violence.

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In Algeria in 1992, the candidate of the Islamic Salvation Front led in the first round and the military intervened to cancel the second round.

Madam Deputy Speaker, the Prime Minister in a statement with regard to this amendment, stated that these polls are widely used in countries with substantial democratic tradition. What she did not say is that these polls are used to elect a President, not in constituencies to elect a Member of Parliament.

Based on the 2007 election results, there would have been 14 run-off polls because 14 of the seats were won with less than 50 per cent of the votes cast. So imagine the mayhem and confusion as we would have had 14 run-off polls in 15 days. This is indeed a recipe for disaster. And it is clear that the elections would be reduced to two major parties contesting. Why would other parties or candidates contest when they feel that they do not have a chance?—thanks to this PP Government, because they have interfered with the democratic rights of persons who wish to vote for a third party. That is democracy PP style and that is power to the people, according to them.

In conclusion, I must state how disappointed I am in the COP—well, I see the leader is not at his seat—which promised to be the conscience of the People's Partnership before the last general election and has been unconscious since. [Laughter] For all those—[Desk thumping]

**Mr. Deyalsingh:** Nice, one, nice one, nice one. Say it twice.

**Miss D. Cox:** I am disappointed in the COP, which promised to be the conscience of the People's Partnership before the last general election and has been unconscious since. [Desk thumping]. All those who choose to remain silent because “dey eating a food”, I hope that when they decide to talk it will not be too late. Where there is little or no public opinion, there is likely to be bad government and this was stated by the former Prime Minister of Canada, William Lyon Mackenzie.

Madam Deputy Speaker, on a lighter note, August is supposed to be a great month, the best month of the year for me, but not for the People's Partnership Government because in August 2011, we had a failed state of emergency. In August 2012, the proclamation of section 34. In August 2013, the proportional representation Bill, with reference to the local government election. In August 2014, we have the Constitutional (Amdt.) Bill. Now, today, the Prime Minister stated, and I quote:

I have no fear with regard to these amendments. I have no fear of what the electorate will do to me in 2015.

Madam Deputy Speaker, in August 2015, I urge the citizens of Trinidad and Tobago to vote them out of office. I thank you.

**The Minister of Foreign Affairs (Hon. Winston Dookeran):** Madam Deputy Speaker, over the last 12 hours or so, I have been in a state of great torment. I recollect the early beginnings of our Constitution when two important and significant sons of Trinidad and Tobago, Tajmool Hosein and Ellis Clarke, forged together a framework for governance in Trinidad and Tobago. I knew them both. I recollect in my discussions with Ellis Clarke, when I was about to engage in the formation of the Congress of the People, he emphasized to me how much he is grounded in individual rights of the citizens of this country. And Tajmool Hosein, who also engaged me in discussions to the lead-up of the Congress of the People, spoke to me about anchoring our society in the democratic rights of the society. Those two fundamental concepts have served us well and have informed our entire framework of governance over the last 50 years. I take the opportunity to acknowledge their contribution here in the records of Parliament.

The debate continues. And shortly thereafter, a Constitution Commission was established under the very distinguished leadership of Hugh Wooding. That brought to us an expression of freedom, as we moved into Republican status. And it also brought to us a recognition that there is a changing political sociology in Trinidad and Tobago and that that required a different electoral arrangement. Many would recollect that that commission recommended a system of proportional representation.

I have heard, during the course of this debate, many fears expressed about the stability of our democracy, about our ability to enact change with fear. But I have been involved, as you are well aware, Madam Deputy Speaker, in many parts of the history of our nation. I know that our democracy is at the heart of the people of this country and I also know that justice is in the soul of the people of this country, and that is why I have always felt confident that our nation will always exercise the right to our democracy as defined by our Constitution, and, indeed, would search for justice in so doing. So I am not fearful about democracy in Trinidad and Tobago.

**9.35 p.m.**

It is in that context, Madam Deputy Speaker, I recollect that in the affairs of the Congress of the People, we had established a committee, chaired by my hon. colleague, the Member for St. Augustine, to look at the Manning 2009 draft

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proposals and it reported to us and I just wish to read two paragraphs from that report. It starts with a quote, and it is a quote from the Independence Day speech of Dr. Eric Williams when he said:

“...democracy is but a hollow mockery and a gigantic fraud”—if it—“is based on a ruling group’s domination...”

And the report went on to say:

“The process by which one arrives at a Constitution is as important as the content of the Constitution itself.”

Madam Deputy Speaker, for the record I just want to put another excerpt from this report:

“The Congress of the People is entirely opposed to a Constitution for Trinidad and Tobago which does not reflect the collective will...of the people...and we take note that the Working Document does not even represent a consensus among the round table participants, invited by the Prime Minister to prepare a draft constitution, and that one of the members of that Constitution round table group has in fact resigned.”

I say this, Madam Deputy Speaker, because this was our position on the Manning 2009 draft Constitution, that what was important in Constitution making and amendments to Constitution was the process itself. If the process does not have legitimacy, the contents of the Constitution will never be accepted as being legitimate. And that is why I believe that this particular exercise in which we engage, has not been completed in terms of its consultation. True, a commission was established and the report was laid, but that was in the formulation of the ideas and the framework for decision making.

Now we are faced with decision-making and, therefore, there is need in order to find what is the collective will of the people, that we do another form of consultation. This is why I took the trouble to inform the Prime Minister and the Cabinet that we needed to establish some form of consultation, and I made reference to the Joint Select Committee as perhaps that form. So that we can look at the specific proposals that are now before us, and establish a legitimacy for it, or indeed alter it if need be.

All those who have written on this issue, have spoken at length, that if the process is not acceptable, then the contents will not be valid. Madam Deputy Speaker, this is a fundamental part of constitution making. I would not go into—time will not allow me, with the new Standing Orders, to go into the details of the

scholars who have written on this subject. But to me, that is a very important point that must be acknowledged when we engage in this very sacred duty of altering, and in this case altering the electoral arrangements that we must adhere to.

Madam Deputy Speaker, I want to go further. I want to say what has, in fact, been the foundation principles of the Congress of the People. [*Interruption*] Madam Deputy Speaker, there is no doubt that we started our movement on the basis of an analysis, and one of the fundamental precepts of that analysis is that the politics of gatekeeper politics must be dismantled in Trinidad and Tobago, for Trinidad and Tobago to arrive at a higher level of politics.

That has been the fundamental principle, and we talked about a choiceless democracy, in which the people were not called upon to make choices on Government, policies and performance, but merely to follow the herd. And we said for the future, this is what we want, but we know it will not happen overnight, but we had to work and work and work, and for each generation you may get an improvement. So that one day will come when free and independent choice will be available to all the citizens of the country. That was one of the fundamental issues that led us into that movement.

We did many conversations on the issue, and we said in order to have such a society, we must work in the context of the new trends that are going to emerge. At one time, nationhood was the way in which we tried to mobilize our country, but soon it became clear that the interests of different parties and different groups were far more important than the collective notion of nationhood. And that these different groups and different parties were now demanding that the political system that they have, must accommodate their interest. So in the very early part of nationhood it was easy to call for adherence to the nation, but as we move on and we have heard of the history of it, we saw now a different politics emerging. It was the politics of coalition.

Politics of coalition, therefore, became what we began to address, and in so doing, Madam Deputy Speaker, we had many consultations. I would not go into them, but I want to just make reference to one in which we had many, including people like Clyde Weatherhead, including people like Dr. Hamid Ghany and others, who at that time were clearly articulating that the future of politics in the world, in the developing world and Trinidad and Tobago, is the politics of coalition; the documents are there.

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The symposium on the politics of coalition went beyond that and, therefore, as we attempt to dismantle the politics which we inherited in the first period of independence, we were now seeing something different emerging. And it is in that context, Madam Deputy Speaker, I want to look at the proposals before us. Much has already been said about the proposals that are before us with respect to the right of recall, and I see a general acceptance of that principle, subject of course to modifications in the mechanism to make it realistic. To me, that is a matter that the process will deal with in due course.

The question of coalition politics was given vent in the Wooding Commission by his articulation for some form of proportional representation, and it is in that context, the issue of proportional representation in some form became the proper reflection of the changing political sociology of the country.

What is the most troubling part of the proposals that have been laid in this Parliament and under discussion is the part which says that the run-off mechanism is based on what some of my colleagues have referred to as majoritarian type of politics, majority politics. But I want to make reference to the letter that Dr. Merle Hodge sent to the newspaper. Dr. Merle Hodge is indeed a respected activist. It is unfortunate that she was attacked because she is my colleague. [*Desk thumping*] But this is what she said among other things in this letter:

“...the run-off mechanism directly contradicts the principle of proportional representation which is a central recommendation of the”—Constitution Reform Committee—“Chapter 5”—she mentioned.

So if I were to vote in support of this run-off mechanism, I am voting against the principle of proportional representation, and that is my major concern at this point. And I cannot have spent an entire life in search of a mechanism to bring about a wider participation of all the different groups in the society, and adopted that we should move towards proportional representation in some form and fashion, and now have to simply accept that a run-off mechanism will be a substitute; in fact, it is in contradiction. [*Desk thumping and crosstalk*] Madam Deputy Speaker—[*Interruption*]

**Madam Deputy Speaker:** Please, Members. Member for Port of Spain South.

**Miss Mc Donald:** Yes, Ma’am?

**Madam Deputy Speaker:** I know you become very excited very easily and very quickly.



**Hon. W. Dookeran:** I am not talking about the politics of today, this is about the politics of tomorrow and the next generation, [*Desk thumping*] and I cannot sit here and allow the next generation's interest to be compromised by the politics of today. [*Desk thumping*] I set myself that course many years ago, when I went into Mid Centre Mall and called for a different kind of politics from what I had inherited. Madam Deputy Speaker, that course is still in my mind, I am still motivated by it, and I know it is right for the next generation of people in this country. [*Desk thumping*]

**9.50 p.m.**

So you see, Madam Deputy Speaker, I said, first and foremost, that the process is just as important as the content. I say now that we cannot accept a mechanism that is in contradiction of a fundamental principle of the Congress of the People and others in this particular debate. [*Crosstalk*]

Do we have a choice? Do we have a choice? We have found the mechanism that we will deal with those things that can be dealt with within the framework of the majority in this Parliament, and the Prime Minister had announced earlier on that other legislation will come forward and proportional representation, but we cannot deal with one part without dealing with the other part because then we will be “buying cat in bag” on this very fundamental issue for the people of this country. That is also my concern. [*Interruption*]

I am just simply expressing the torment that went through me during tonight as I listened to the debate and I understood where I myself had laid my entire political bucket down, how could I now hit that bucket out of the bathtub. [*Desk thumping and crosstalk*]

Madam Deputy Speaker, very recently we began to build a conversation and an argument that will ensure that our democracy can be deepened on the basis of the principles which we set about, and we came up with a document called “Every Vote Matters in the Election”. Every vote matters in the election. Notice, it is every vote matters; every vote must count and that is the basis upon which we said we shall build the new frameworks, based on proportional representation, based on the use of referendum. Because if, in fact, we cannot get agreement in this Parliament on proportional representation, we must find a mechanism to go to the people to get that agreement, so that we can reflect the will of the people for that. [*Crosstalk*]

So, Madam Deputy Speaker, [*Crosstalk*] I, therefore—

**Madam Deputy Speaker:** Members, please, please, I want to listen to the hon. Member.

**Hon. W. Dookeran:** I want to just quickly refer to a few sentences which were done by Most Hon. P. J. Patterson, the former Prime Minister of Jamaica, in a foreword to a book in which I, among others, had participated, called *Power, Politics and Performance*. This was a detailed expression of how power, politics and performance are linked together. Constitution making is about the distribution of power and is at the heart of performance. What did Mr. Patterson say?

“...there is still an ongoing search to create a brand new paradigm for the exercise of political power...It is high time that the perception of politics as an obstacle to the advancement of the Caribbean be removed. ...this is indeed the moment to expose bold concepts which extend the frontiers of our knowledge, that also reflect the full appreciation of what is essential to fashion new political models”—engendering—“change and”—deepening—“the political process”.

We must not put on a framework, which we have to sell by populist clothing. It must be based on fundamental structures and that is why we must be happy that we have started this debate. And I agree, for the first time, issues of this nature have been debated by the Parliament of the country, but it must not be a debate that is dealing with the shadow and not the substance.

And, therefore, it is necessary to bring together all the elements that have been reflected in that report, including the addendum, and in so doing be able to bring together what Mr. Patterson called high time to embrace new models of politics and political behaviour. He goes on to explain it all in the document.

So my torment has been that this debate is taking place on the frivolity of the present when it ought to take place on the future and the citizens ahead of us. But I know you have to start and the argument has remained that you have to start, but if you start on a foot that will contradict the next step, then you have not made the start forward, you have perhaps made a start backwards.

So, Madam Deputy Speaker, all my political life I have searched for this formula. I recognized that it had to come through the politics. I recognized it is through the politics will emerge the different formula in which I believe we all share. I also recognize it does not come in one shot; it comes in pieces over time. Eventually it culminated in a political party called the Congress of the People,

which was able to secure a significant percentage of votes. The future of politics in Trinidad and Tobago will see a greater constituency in numbers calling for good governance as opposed to ethnic loyalties. [*Desk thumping*]

This is my full belief and anyone who is interested in the future must build that future on the basis of good governance policies, not on the basis of ethnic loyalties. [*Desk thumping*] And if you have a formula as the one that is proposed to us today, a formula that is going to have this run-off, what it says is that coalition politics is not dead, it will flourish, but would not flourish as a subject—

**Madam Deputy Speaker:** Hon. Member for Tunapuna, have your seat, please. I just wish to enquire, do you require additional time?

**Hon. W. Dookeran:** Please.

**Madam Deputy Speaker:** Continue.

**Hon. W. Dookeran:** I think the most—thank you, Madam Deputy Speaker. I think the most important piece of information that I gleaned from the concept of what is the impact of these measures, it is not that the politics of coalition will not flourish, but it will flourish within parties, but not among parties. I want to refer that.

Coalition politics will be within the party structure and not of the party structure, so we will have to go to one of the two dominant parties to find a place for which we long and which we have a right to have our own, and that, to me, is the most dangerous part—

**Madam Deputy Speaker:** Hon. Member. Hon. Member for Tunapuna.

**Hon. W. Dookeran:**—of this legislation.

**Madam Deputy Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Tunapuna and Minister of Foreign Affairs be extended by 15 minutes.

*Question put and agreed to.*

**Hon. W. Dookeran:** [*Desk thumping*] Thank you. Thank you. So we are talking about a change in demands on our political system and the need to have the politics of coalition and the need to have a system of proportional representation, but what we have before us is going to have coalition within the dominant parties. There is nothing wrong with that. In fact, some would argue that in the past the parties were coalitions in their own right, from within, but it will in

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fact not allow space for coalition among parties and that is where you are denying access to our democratic right.

That, to me, is the most dangerous part of this legislation and that is the behaviour that will develop over time. Every party can build coalitions within its borders, but a political system cannot deny coalitions to be established so that you can build coalitions among parties.

So, Madam Deputy Speaker, I believe that the legislation before us is missing in terms of its accountability to the country on the count of the process and on the count of the mechanism that will, in fact, stifle the development of parties. It is a point that has been debated and some people do not agree, but this is my strong view that that is so.

In order to facilitate this, I expressed these views very openly to my colleagues. They are all aware of it. I would not go into the details, but we had a full session. I was disappointed in this session, but everyone is entitled to their view. I produced a five-page document on this, calling, in the first instance, for a joint select committee to be established so that there can be more in-depth analysis and the public can be invited; and then calling on looking at all the requirements in order to make sure that this attempt at constitutional change does not simply end up one that is appealing to populist goals but, more fundamentally, to things that are going to sustain our democracy.

I was disappointed that such a mechanism was not accepted or any other mechanism of that nature. I know the Prime Minister expressed a deep commitment to bring things in the future and, at the same time, the Prime Minister said to us that we must make a start, and she is right. We must make a start, but why do we have to make a start if we have not gotten a consensus on the issues before us. That is my concern and that is my dilemma.

I am not saying this here for the first time. I have said this within the corridors of Cabinet. They are all aware of it and I believe it is somewhat in recognition of that, as well as the fact the Congress of the People took a strong position on this issue, that the Prime Minister did indicate she was withdrawing the obligations of collective responsibility.

**10.05 p.m.**

In other words saying, “Well, you are free to vote how you want”, and I say I appreciate that. But, for me, if conscience matters and, indeed, it matters, and we must exercise our conscience on an important issue like this, it is also important to exercise thy conscience in the concept of collective responsibility. So, I am not

prepared here to simply accept the conscience matters in the vote before us, I am also prepared to accept the obligations of that vote in the context of collective responsibility. [*Desk thumping*] I will seek a further audience on that matter with the Prime Minister.

But, at this stage, I want to say I have an obligation to myself and to my own conscience to support the aspirations of the 140,000 people who voted for the Congress of the People in 2007 and, perhaps, beyond that. Now, I also have an obligation to ensure that the young people of this country would have a political and electoral system in which they can in fact have free and independent choice in the exercise of their democratic rights. Those are the two fundamental concepts and in whose name I have to stand. This must not be construed to suggest that there is anything diametrically opposed to what is being proposed, but in the context of the debate before us, it is important to recognize that we do have obligations from which we cannot escape, and these are political obligations, but these are also personal obligations.

In all my political life—and perhaps it has been too long—I have always attempted whether it is in the formation of the NAR, whether it was in dealing with the most direct attack on our democracy in 1990, whether it was in the re-creation of the transformed United National Congress or eventually in the formation of the Congress of the People, I have had one star and one star always, and that star is now looking at me in the eyes and saying: what is your inner voice, Mr. Dookeran?

**Miss Mc Donald:** Yes.

**Hon. W. Dookeran:** I am here today, I respect every Parliament, and I respect my own Parliament, and because I have to listen to my inner voice, I have to indicate to this honourable House that I really would be unable to support this Bill in its present formation and will, therefore, have no choice but to vote against it at this point in time. Thank you, Mr. Speaker. [*Desk thumping*] [*The Member for Point Fortin on her feet*]

**Madam Deputy Speaker:** Member for Point Fortin, have your seat.

**Mrs. Gopee-Scoon:** Sorry.

**Madam Deputy Speaker:** Hon Members, I know it is really out of habit and that no one really intends to disrespect me on this Chair. I have been called on several occasions, several times, “Mr. Speaker”. Please note that our Parliament does have a Speaker and a Deputy Speaker. The Speaker of the House is called

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Mr. Speaker and the Deputy Speaker, fortunately, is a woman and should be called, Madam Deputy Speaker. [*Desk thumping*] Maybe I should have had some penalty in this revised document here [*Standing Orders in hand*] where I can minus a minute or two from your contribution. [*Desk thumping and laughter*] Member for Point Fortin. [*Desk thumping*]

**Mrs. Paula Gopee-Scoon** (*Point Fortin*): Thank you, Madam Deputy Speaker. [*Interruption*] What a day, Madam Deputy Speaker. I am very, very pleased to join in this debate to speak in defence of my country and to speak in the defence of the 1.3 million people of this great Republic of Trinidad and Tobago. I am even more pleased today to speak after the esteemed Minister of Foreign Affairs and Member for Tunapuna.

What I am disappointed in is some of the responses that we have had earlier. When, for instance, the Member for St. Augustine started his debate, he said that he was in a state of happiness but Member, I do not know if you realize, but your own Government assigned a position to you in this committee which was designed to eliminate you and your party [*Desk thumping*] so that any aspirations that you may have had for high office it is all over, but you have shot yourself in the foot.

And then, of course, when the hon. AG spoke, one could not believe that he appeared to want to compare the governance of this country with football. That was the analogy that he made, and that in itself showed the level of concern that he has for this country and for the citizens of this country, and I ask the AG today: where is your conscience on this matter?

I must admit that when the Minister of Foreign Affairs and the Member for Tunapuna began his contribution, I sometimes saw a bit of a pendulum swing, and I was really concerned as to where we were going, but he did say from the outset—he did admit to the State being in a bit of turmoil, and that he had a general concern for the democratic rights of society, and I thought that we were heading down the right road.

He spoke also about the COP and its position which was voiced in response to the Manning draft constitution in 2009, and he did say that the position of the COP was that it was entirely opposed to a Constitution that did not reflect the will of the people. He then alluded to the process and the importance of process, and that it must have legitimacy, and that if the content is to be right, the process must be right if it is to have any validity at all. Am I right, Member?

**Mr. Dookeran:** Yes.

**Mrs. P. Gopee-Scoon:** Right. But then, again, he swung a little bit and he spoke to the joint select committee—that possibly could have been part of the process—and I thought to myself, which road are we going down now? I am very pleased, because my position on this—and I am sure that it is the voice, the position of the People’s National Movement is that a joint select committee could never suffice for the voice of the people of Trinidad and Tobago. The voice of a few parliamentarians could never be compared to the number of voices out there and that have been speaking on the radio in response to this constitutional amendment, and therefore a joint select committee could never have been enough.

It is very, very clear to me that the UNC faction of this Government has taken a very unilateral position on this constitutional matter and that they have really bypassed the COP and did not take into consideration the views and the opinions and the basis under which that party was founded if I understand it to be what it is. And what they did today and what they did last week when they introduced this Bill is that they have ambushed the Parliament at this time of vacation period, fixed period of recess, to bring this matter that is, in fact, highly unprincipled and highly undemocratic. It is an ambush on the Parliament; it is an ambush on the democracy; it is an ambush on the people of Trinidad and Tobago.

So today one or two people spoke about a referendum, and we are not opposed to a referendum because a referendum will absorb the voices of all of the people of Trinidad and Tobago. So if it is a referendum that they want, all I can say is use the Prime Minister’s words and “bring it on”. Bring it on if it is the voice of the people that you want.

So, I am very pleased that the esteemed Minister and Member for Tunapuna has exercised his conscience, and that he has put the people first and not his party—and when I say “the party”, not his Government which he is a part of. You have exercised your conscience and your conscience I guess of your party minus the Member for St. Augustine, right? And you have put the people first and not the coalition. I congratulate you for that. [*Desk thumping*] You have stood for democracy and you really have restored our faith and my faith in the political process that we can now expect going forward. I am pleased that the principles of freedom, the principles of fairness and the principles of responsibility will be exercised—at least I hope so—hereon on this matter of the constitutional amendment.

I mean, the Member is part of a system, a coalition, which ought to work for the democracy of our country, but it is very obvious that the coalition has not worked, is not working, has not worked, and I could only now endorse what our Leader has said, we need an election now [*Desk thumping*] and it makes no sense

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fighting it anymore. The coalition has not worked and the continuing voice of the UNC over and above their other parties will not get us anywhere. It is only sending our country further downward while we wait until June 2015 or perhaps September 2015.

I was wondering, as foreign Minister how would you export our democratic policy in the position that that coalition has put you in? How could you really be the voice and visibility for our people and our country if you did not single out yourself and extricate yourself from that coalition here today? A number of countries—and I am in touch and you know that—that a number of the missions out there and Prime Ministers and missions have been voicing—[*Interruption*—sure.

**Mr. Dookeran:** I would like to thank the Member, but I do not think that democracy is under threat in Trinidad and Tobago. I want to make that clear.

**Mrs. P. Gopee-Scoon:** Thank you for your comment on that, but I think the people have been speaking and you need only to have tuned in to the radio stations this week to know that it is alive, but it is threatened, and if it is you did not do as you did today, this Government would have foisted on the people of Trinidad and Tobago, through a simple majority, a constitutional amendment which will not work in the interest of Trinidad and Tobago. [*Desk thumping*]

So that, Madam Deputy Speaker, I welcome the arrival of the Member for Diego Martin North/East who is back from vacation and he has come in from Germany non-stop for this debate only.

I want to continue on with this debate, but you know when I really got scared as a foreign Minister for our democracy, it is when this Government in the very early stages went to war with the Caribbean through the kinds of statements they were making. They actually went to war with the Caribbean, and in a democracy countries do not go to war. People do not fight in a democracy. Democracies do not go to war with each other, and it is from there I recognized that your Government was hurting our international image and our international posture. It is from that moment, Member.

**10.20 p.m.**

So here we are, Madam Deputy Speaker, I am very pleased that we have gotten through this hurdle and that we could now look forward to a vote where the Member would be joined by his other colleagues from the COP, and that this will not go through tonight. I want this to go to a vote. I want this to go to a division and let us put on record exactly how that coalition is broken, and that this ambush here, today, was only facilitated by the UNC—only by the UNC. [*Desk thumping*]



So, today, I stand in defence of my country's democracy. I think that this is almost as bad, this ambush, this is almost as bad as July 27, 1990, when right here in the Parliament there was a bloody coup d'état, because right here, today, what we have had is a constitutional coup. That is what we have had, a constitutional coup, which in my mind is worse than section 34. That is the level of deception that we have been exposed to today. It is terribly disappointing that here we are, using the constitutional back door, using the legislative back door to win an election. This is what the UNC has done, attempted to do today, and I am happy that they have stopped in their tracks.

So, I need not go over all that my colleagues have said, I agree with all of their comments on this side. I even agree with the Member for Chaguanas West, and I do not always agree with him. I do not always agree with him, very little, but I do acknowledge that he is the father of the UNC. He is the father who has put this PP there and, today, I must say that I revelled in his discourse on this constitutional amendment.

**Mr. Warner:** I apologize.

**Mrs. P. Gopee-Scoon:** You apologize.

Let me just say something about process. What has really affected us today with this constitutional amendment—the biggest issue again, as the Member had pointed out, is the consultative process. The entire constitutional reform exercise which was nothing more than a farce. It was nothing more than a farce. How could they have stood here today and have decided among themselves that a visit of 17 constituencies and two private visits could be enough?—when in some cases, I know that in the constituency of Point Fortin, I think a mere 10 or perhaps 20 people turned up. And if that is the case, what they should have done is that they should have gone back to those areas because, obviously, they have not prepared the constituents, they have not prepared the people of the country for this exercise of constitutional reform.

They have not done their duty to educate the people, to do civic education so that they understand, look, this is a conversation we are going to have. They have not done that, and that is one of the problems with the exercise, it did not start there first. They spent \$14 million and I do not know where it went, but it should have gone, whether through comic books, whether it had gone through talk shows, whether it should have gone through debates, but, certainly, the people needed to be informed. There needed to be sufficient civic education that people

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understood what they were getting to. Talk shows, it should not be post the laying of the Bill. All of the talk shows should have taken place before, Madam Deputy Speaker; that is when the discussion and the conversation should have taken place.

So the conversation has been all wrong, because today I ask you, where are the voices of the 41 constituencies? Where are the voices of the Chambers of Commerce? Where is the voice of AmCham? Where is the voice of civil society? Where is the voice of the university students? The UTT, the UWI students, where are their voices? The secondary school students, they have something to say about amending the sacred Constitution of our great nation.

This has really just been a mock consultation, and it is nothing more. It was not a committee that the UNC had put together. It is not. It is nothing more to me than a People's Partnership party group that they put together and, save and except one or two members of the committee, and they sent them out there to do the business of the UNC party. That is what they did. It is a party group, not a consultative committee that was put out there, and when you look at the people who have sat on that committee, Madam Deputy Speaker, you are starting with the Member for St. Augustine. That committee should never have been headed by a member of a political party. What image is that sending to our people? Is this a UNC thing that is coming to us? Is it a PP thing that is coming to us? Is it an independent voice that is coming to us? He should never have been there.

In addition to him, you then had, I think you had Justice Amrika Tiwari-Reddy—well, I know she is no friend of the PNM. I know she was a Cabinet Minister in the NAR Government, if I am not right. That certainly would not have been reflective of any other voice but, I think, the voice of a UNC Member. When she was a Member of the Cabinet, the hon. Member for Siparia was probably an alderman in those days, but she was part of the whole NAR faction. Then you had the former UWI lecturer, Dr. Merle Hodge, but I am happy that she has had a crisis of conscience as well, but, again, when she was put on the committee, she was put there as a member of the COP. I know she is a very good friend, as the Member for Tunapuna has acknowledged and, of course, the Attorney General did not forget to remind us about that as well. And then you had the erstwhile Dr. Hamid Ghany, who as well—[*Interruption*] Yeah, who was it?

I know that Mr. Carlos Dillon was on it, but I do not know if he was perhaps a representative of the TOP or what, but, whatever, he was there, and then, of course, there was Justice Sebastian Ventour. I know that he was a former judge

and he has resigned, thankfully, and gone to the Integrity Commission, so I do not think he would have been involved in that. But, really, this so-called membership of a national consultation committee on constitution reform, I do not think that was really an independent representation that should have gone on there that would have attracted comments from all sectors.

I mean, let us be realistic, a committee like that with no prior, let us say, civic education; so they do not know what it is about and they are coming around to constituencies, and you go to a constituency that is, you know, a PNM constituency, to say—you go to Laventille, you come to Point Fortin and so on, if the Member for Tunapuna is coming and all of his cohorts, do you think those people will come out in their numbers to participate? They are not. So, therefore, from day one the process was flawed with the appointment of persons to the committee, and that is where it went wrong.

So, I can tell you, the Minister had said that the Member for Diego Martin Central was very good to have shown up at it, but how could any of us, all of us, how could we have been a party to that charade? It was not a national committee. It was a UNC, PP, and they invited the COP in it, but they shot the St. Augustine Minister in his leg, that is what was represented. You could not really get a pure and proper representation from the people. That is not a democratic consultation.

I think we went wrong from that. I think they should have taken a page from the PNM, and when, in the past, we had in fact appointed commissions, and we were very, very careful about the types of persons we would put on those committees. When you go back to the commission, which looked after, I think our Republican Constitution—they gave us our Republican Constitution—that was headed by the Right Hon. Sir Hugh Wooding, and then there was Justice Telford Georges, Mitra Sinanan, Michael de la Bastide, Gaston Benjamin, Julius Hamilton Maurice, Solomon Lutchman, Reginald Dumas, Dr. Anthony Maingot and Dr. Selwyn Ryan. That was the very distinguished committee which gave us our first Republican Constitution, and you can understand the difference in the calibre of persons that are represented on that particular committee in 1976 with what we had on this occasion.

Thank God, Dr. Merle Hodge—and she is out there even to this hour. She is out there waiting to hear what is going to happen in this Parliament tonight. Thank God for her conscience, late as it may have been exercised, but thank God for that. I would tell you something, Madam Deputy Speaker, as we are speaking, do you know at the beginning of today's exercise there was a large-screen

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television which was put out at the back of this building? Can you believe, as soon as the hon. Prime Minister had finished speaking, and before the hon. Leader of the Opposition got a chance to speak, they shut that down? Ask yourself, could this ever be democracy? Could this ever be democracy? Put by the UNC for the particular purpose to facilitate them. This cannot be democracy.

Madam Deputy Speaker, I have to be very mindful—I feel that the 30 minutes is almost up.

**Madam Deputy Speaker:** Your 30 minutes takes you to 10.39.

**Mrs. P. Gopee-Scoon:** Okay, fine. Oh, I am good. Right.

Let me cut this part about the consultative process and say that it is entirely flawed, when they have not even consulted with the Members of Parliament, with the Leader of the Opposition; it has to be flawed. It is nothing more than the fulfilment of a partisan objective; this is what it is, in keeping with the commitments which were made in the party's manifesto. That is all that it is. Everybody in that committee, they were all of the same mind, and I think that is what the psychologists call "group think". That is what we got here today, group think, but it did not work, thank you to the Member for Tunapuna [*Desk thumping*] and, I guess, the Member for San Fernando West, when she speaks.

[MR. SPEAKER *in the Chair*]

I just want to speak a little bit about, funny enough, the UK Constitution which has been—I will tell you why—bandied about here today, on both sides. It is only natural that we would look to see what happens in other jurisdictions on such an important debate as we are having today. Now, as you are aware, in the UK there is no written constitution, and what you would have, really, is an uncoded or unwritten constitution, and it is made up of laws and of conventions, and treaties, and so on. So, many of us spoke about the Recall of MPs Draft Bill, and—[*Interruption*—I would just make reference to it again.

I actually have a copy here, I found it quite interesting, and you would be surprised, this is an important subject matter, and what they had put out for—of course, there is no constitution so there is a draft Bill and White Paper which was laid in their Parliament—and what they have put out is 96 pages of detail, 96 pages of justification, 96 pages of process. Yes, it may have been what the party wanted, the coalition party; yes, it is what they wished to have, but, in so doing, they did not compromise on the process that should have taken place. And this is

it, we perhaps had something like 96 words, mind you, that is the Constitution, but that is the extent that we got in terms of the legitimacy of the proposal that they were putting forward on the recall of MPs.

**10.35 p.m.**

We are not afraid of that. I am not afraid of that at all, and I know that the person who speaks after me will probably say, “Oh, you will be the first to be recalled”, and I am not here about that foolishness. But what I am saying is, what I looked to it for was the process which I found quite proper. And as you would know between 2011 and 2013 this Bill it never passed, and in fact, there was significant objection from MPs that it will not—and for good reason, and I will tell you about it.

But in that Bill the Government really was very careful, and they detailed the circumstances within which a recall position would be triggered. They actually detailed the circumstances. And what they said it would be, if an MP is convicted in the UK of an offence and receives a custodial sentence of 12 months or less because the representation of the People’s Act will actually take care of the offence being over 12 months. And then they also said that the second way in which this recall may be petitioned, it would be if the House of Commons resolves that an MP should face recall. But what is good about this, Mr. Speaker, is that it lays out very carefully the process, within the House of Commons, for examining whether or not this petition should, in fact, be triggered.

So if there is an issue with a particular Member, it actually goes before this committee. And what they have—we have a committee of privileges. What they have in the UK, and I am sure you might be familiar with it, is a House of Commons Committee on Standards and Privileges. So it is in fact very, very much wider. So before the issue, I mean, what the Government is advocating is that the two people come forward, they get the support of 10 per cent of the constituency, and then that is it, you are out there, for no good reason, for no defence by the MP, and you are out there and you are facing a by-election. That is the simple way that they have gone, but at the same time there is no justice in the position that they have taken.

What they have done here is that they have said it must go to the House of Commons committee on Standards and Privileges, and where it will be thoroughly investigated, and the decision taken as to whether there are really any grounds of major wrongdoing. And if there are no grounds of major wrongdoing, that is the end of it. The House regulates its own matters. Right. So that is what is

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interesting about it. And it is that even on that House of Commons Committee on Standards and Privileges there are two laypersons who sit on that committee as well. So it is just not left simply up to Members of Parliament. There are two laypersons who are sitting on that committee as well. And of course, there is also the Parliamentary Commissioner for Standards. There is the Code of Conduct for MPs, again, which helps guide the process. So it is very clear.

And I was disappointed when I read about it, that after looking at the Standing Orders, and after amending the Standing Orders, and after the Government has boasted that after 50 years they have come with this amendment, that they did not look, and did not consider, in fact, expanding the Privileges Committee to include standards of MPs as well, and then there will be no need for us to look at inserting this into the Constitution of the Republic of Trinidad and Tobago. We could have regulated our own matters, and then if it became necessary, then section 49 could have probably been amended, and that included as one of the reasons why an MP could be removed. We could have looked at that. That could have been the alternative.

**Mr. Speaker:** Are you interested in extending?

**Mrs. P. Gopee-Scoon:** Yes, please.

**Mr. Speaker:** All right. Okay. Hon. Members, the question is that the speaking time of the hon. Member for Point Fortin be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** You may continue, hon. Member.

**Mrs. P. Gopee-Scoon:** Thank you, Mr. Speaker, [*Desk thumping*] and thank you to my colleagues as well. And what I liked about this system there, Mr. Speaker, is that there is a role for the public. That the public can also bring a matter concerning the wrongdoing of an MP to this House Committee on Standards and Privileges, so that the public is involved, even at the parliamentary level. So, I think that is something that we could have looked at. But it is in putting the Bill forward the Government also sought to look at alternative models, and all of that is in here. And surprisingly enough, surprisingly enough there was a section which was devoted to campaign spending, expenses and donations, should this ever go to a by-election. So that too was addressed. We are still talking about campaign spending in here, and of course, we are still waiting on the Bill to come forward, but this Bill also addressed campaign spending and expenses and donation during the period of a by-election.

And at the end of it all, as I said, the MPs who had looked at it found that the plan was deeply flawed, and they found that you could have been the worst MP in the world, and yet still it did not take care of getting rid of the worst MP, so they were concerned about that. But the point about it is, the Government in response to the draft Bill and White Paper, and also in response of the report of the Political and Constitutional Reform Committee which was also formed, the Government also listened, the Government made their recommendations, they analyzed the comprehensive views of everyone, there was a complete analysis.

This was not done in this case, and the Government came forward and they said, and I want to quote for you what they said in the end, that at the end of the day—yeah, at the end of the day, I want to exactly quote from it because it is quite interesting. If you would just—yeah. I cannot seem to—oh, yes. And this was the Government here.

We welcome and endorse the committee's comments on the participation of lay members—and so on, and they go on.

Oh, and they went on to say that a recall should never be the substitute for elections. That is recorded in here by the Government, and they of course, they undertook, they listened—they took under consideration all of the views of the members of the public, and of the MPs and so on, and they undertook to work closely with the House on the issue before reintroducing the Bill whenever it is. So it sounds really good that there was collaboration, and they worked closely together on it.

I mean, this Government's approach has not been serious, and perhaps they really did not look at the consequences of introducing this kind of Bill. Right. They never looked at the consequences. I mean, when you look at the whole question of the MPs, and I am not going to dwell on it, both—in fact, sections 49, 67 and 73; 49 which deals with the recall, and 67 and 73 which deal with the supplementary poll, all those attach themselves to the election of MPs. And of course, admittedly everyone in this country is concerned about the performance of an MP, but the fact is a Prime Minister cannot run a country, cannot govern a country on his or her own. And you must depend on having good MPs.

So the idea must not be a sort of a willy-nilly approach to treating with MPs. And this is what, to me, we have been getting from this Government in terms of the salaries review, in terms of the pension, and even now in terms of this Bill where you are just prepared to get rid—the people say they do not want the MP, get rid of the MP.

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But I want to ask you, Mr. Speaker, who would even want to be an MP? We have a governance problem in Trinidad and Tobago, and the Prime Minister should be thinking heavily about how we are going to attract young, clever, capable people, persons, and professionals to the profession of an MP. How would you ever do it with the positions that you have taken? Who in their right minds would leave their professions to join a political party? People who have great aspirations, people who are capable, why would they leave their professions to come here to join a political party and, of course, have the tenacity to remain in Opposition because they stand for their country and the position they have taken. And then to know in the fourth year that they can just be done away with because the people have the ability to do so by virtue of the 10 per cent, and then the 66 per cent which we know we cannot work, but the uncertainty is too much. And this country would never, never find the right people to govern this country.

And I will tell you something, it is a difficult country because it is a plural society, and there will always be intricacies that are connected with the fact that we are a plural society. It is difficult because we are an energy country as well because we depend so much on foreign direct investment. The level of business which we do, the types of decisions which we make, our interactions with the rest of the world. We depend very much on connectivity with the rest of the world. How would we sell a shipment of gas? How would we export oil? Connectivity is important to us. This is the level at which we operate.

How would we ever attract the right minds, if it is that this is a Government who is just focusing on getting rid of MPs because it is the attractive thing to do with regard to the constituents? This is what they want, and let us do it. But we have to be really, really very serious. I mean, there are a lot of scholarly people out there, prominent professional persons out there who are willing—people of ministerial and prime ministerial calibre who want to come forward, but the politics of the day, and the proposals which they are making, and the treatment of MPs are not ever going to find or attract the right people at all. No one is going risk their positions for the kind of policies and positions that these people are advocating. You just will not get the right or the top calibre people involved who are really interested in our country's development.

And the other thing that I am really concerned about is the economic consequences of recall, the economic impact. And this Government just did not look at the economic impact at all. And what you are going to have if we go through with this recall in the fourth year is—we could have recall after recall after recall, especially if this Government is in Opposition, and I predict that they



will be in Opposition, but they are going to be guaranteed periods of uncertainty because you are going to be having election after election.

In any election period we must acknowledge, in an election year, that it puts the country in a period of uncertainty. All of the business people will tell you, Mr. Speaker, that in an election period people do not spend as they would normally spend. Businessmen do not invest as they would normally invest. You may be thinking of buying a new car, you may hold back from doing it. So prosperity is not there. Economic activity is not there. So the election year is an issue.

The fourth year will be an issue. Post-election will be an issue, if you are going to have the considerations that these people are supporting on the other side as well. It cannot, cannot be good for our country. There is expected to be a lot of economic, a lot of social, and a lot of political instability as well. Now is not the time for economic uncertainty in our country because generally we have already just gone through a period of poor performance, poor economic performance whether you would like to believe it or anybody would like to admit it, we have had a period of poor economic performance. There has been very little growth. In fact, I think in 2011, there was no growth. In 2012, I do not think there was any growth as well. And then there was 1 per cent or one and a half, and that is where we are.

**10.50 p.m.**

Countries of our stature, countries with our economic fundamentals are operating much better than we are. We are only existing and getting by on high energy prices. That is it. But in terms of economic performance, it has been poor, and therefore, with that background of instability, of poor economic performance, to put us in number one, we are in an election year so people are holding back, and then, again, to face all of the suggestions that they are making which will impact on our economic situation, this is not good, Mr. Speaker. This is not good at all.

I mean, you have a Minister of Energy and Energy Affairs who speaks a lot about FDIs and the number of FDIs we have and so on, but we know that is only from existing businesses, the existing BHP and the existing BP who, they are here, so they will continue to invest and, of course, they know that the PNM will be back in power, so they are not too concerned about the little period of political instability in which they are existing, but they know that the conditions will improve so they are continuing. But apart from that there has been poor economic performance, and we have had no new entrants in this country. So, I am very concerned that these proposals will only add to economic uncertainty.

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It is just not business as usual when the country is in a state of flux, and that you have to admit will only worsen when you have constant trips to the polls and there is going to be legislative and bureaucratic slowdown. I looked—very briefly—at a study which was done by the Chilean Central Bank, and the comment was made that constant trips to the polls can end up shortening policymakers' horizons, making long-term planning very difficult.

Legislative and bureaucratic slowdown that an election causes does affect projects because Parliament is basically on autopilot. And it goes on to talk about—the concern is that money is being spent on vote-buying promises that have no effect on the economy, then the posture becomes that you are in a campaign so you are just concerned about giving out goodies, so that economic policy is then formulated based on voters rather than the economy.

Mr. Speaker, therefore, when the Government loses and moves away, it is dangerous, you know, because when the other party comes in, what do you have? You then have—it is a boom-bust cycle because then you have to control spending for the excessive spending that has been done on the campaigns, et cetera. I am saying that the constant elections are really not in the country's favour at all and all of these run-offs and supplementary polling are not good for us at all in terms of proper planning and development planning, and that kind of thing. I mean, all this too is very dangerous for these economic consequences and our social and political instability.

It is also very dangerous for our foreign affairs and our foreign policy and for how the world looks at us. Everybody is looking in at us, you know. Everybody is commenting on us—the Prime Minister of St. Lucia, many other countries as well, they are looking in on us. Our image has already deteriorated over the last four years, and a position that this UNC has taken on foisting this constitutional amendment on us has only made the position worse. So, we are not looking good and, I think, it would even affect our trading relations, and I am really concerned.

So, as I close, Mr. Speaker, I am really disappointed about the approach by this UNC towards the amendment process; I am disappointed in the Prime Minister and the kind of statements she has made in the Parliament both last week and today. I would have expected to hear from her their vision and their principles of democracy. Thankfully, the Member for Tunapuna has saved the day, but our Prime Minister has disappointed us. This PP Government has disappointed us; this UNC Government has disappointed us.

I thank you. [*Desk thumping*]

**Mr. Fitzgerald Jeffrey (La Brea):** [*Desk thumping*] Thank you very much, Mr. Speaker. Let me start by saying from the outset that this Bill is a distraction from the very serious revelation of the corruption and nepotism of the LifeSport Programme. I want to say here now, Mr. Speaker, that this controversy will not go away. After this debate is finished the LifeSport Programme will be reignited. [*Desk thumping*]

Mr. Speaker, like my colleagues on the Opposition Benches, I reject this Constitution (Amdt.) Bill outright because we know deep down in our hearts that this Bill has nothing to do with democracy, but rather political survival. [*Desk thumping*] You want to get rid of the ILP and the COP, and therefore, you are prepared to do anything possible. Mr. Speaker, you are prepared to secure your seat alone from the UNC, so you are prepared to sacrifice the COP for self-preservation. A drowning man will clutch at a straw.

Mr. Speaker, as I listen to the Member for St. Augustine, I remember the term from my good friend, the Member for Diego Martin North/East, “sanctimonious hypocrisy”. If there is one person who knows the Member for St. Augustine inside out is the Member for La Brea. [*Interruption*] When you are talking about democracy you got to understand where we are at this point in time. I ask the simple question, how many persons attended these consultations on the Constitution? Because, we know we have an electorate of over one million persons. How many persons attended, in total, those consultations?

I ask further, why there was no Green Paper nor White Paper? You see, Mr. Speaker, you come to this Parliament trying to rush controversial legislation, as you have done so often in the past, but that would not help. In the words of a famous calypsonian, “Captain your ship is sinking”.

**Hon. Member:** Whooo.

**Mr. F. Jeffrey:** The Constitution (Amdt.) Bill is no lifeboat. [*Interruption*] You will drown even faster in the political waters.

Mr. Speaker, I want us to look at the element of recall. The procedure is as follows: that two persons who are registered to vote and who reside in the constituency can apply to the EBC for the issuance of a petition for the recall of an MP. But, all that person needs to do is to get 10 per cent of the electorate to sign this petition. But, how did they arrive at this 10 per cent? And I am going to demonstrate here tonight that it is just to cause confusion, mischief in the electoral process in Trinidad and Tobago.

Let us go back to 2002; I will just take five constituencies. In Arima with an electorate of 26,584 only 17,241 cast their votes. The winning candidate got

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12,348 votes. Now, that 12,348 votes is 71.92 per cent of the total votes cast, which means, that there are approximately 28 per cent who did not support the winning candidate, and inside of that 10 per cent who could cause trouble, could come from that 28 per cent.

Let us go further: of the percentage of votes cast against the electorate was only 64.85 per cent, which means that 35.15 per cent did not vote; 10 per cent of that could spoil things for the Member of Parliament, because that 35 per cent may have no interest in terms of whether or not the MP is a good representative or not. They may have all kinds of other reasons. Maybe they want to destabilize the country, and therefore they might very well sign the petition to cause the problems in the constituency.

Mr. Speaker, that 10 per cent is there to cause trouble. Every single constituency, there are more than 10 per cent persons who do not take part in the electoral process, or there are more than 10 per cent who do not support the winning candidate. So, you are telling me that even though, as in the case of Arima, where 71 per cent of the persons support the winning candidate, after three years, even though that Member happens to retain that 71 per cent support, that 10 per cent could trigger off a recall. Something has to be wrong if 10 per cent could cause that trouble, even though the Member of Parliament still has 71 per cent support of those who voted. That cannot be right. And the same thing could go to Barataria/San Juan, Pointe-a-Pierre, Princes Town, Fyzabad, you name it. It is the same scenario, and therefore that is something that I think that we need to look at.

Mr. Speaker, the next point that we need to understand is that after two persons get that 10 per cent, who will check to find out for sure that these persons live in the constituency? Who will check that? The EBC does not have the resources to go and check those things, so they are depending on this declaration. After that happens, they get the 10 per cent and the EBC issues the petition—the issuance of petition—what happens after that, Mr. Speaker? The process has to start. So, for 21 days you are going to have people coming to cast their ballots. I thought the operation of the EBC is a private thing, very confidential. So you are saying that two things would happen: one, John Public would know who those two persons are who triggered off the—

**Mr. Peters:** “You done say that already, man.”

**Mr. F. Jeffrey:** Could you keep quiet? Secondly, Mr. Speaker, those 10 per cent also would be exposed. Could you imagine what about the security of the lives of that 10 per cent as well as the two persons? That is a recipe for trouble.

You could imagine in a constituency where the MP might be working hard, but because of the starvation of resources from the Government he is not able to deliver, and you have the Opposition forces or the Government forces triggering this thing. What is likely to happen, Mr. Speaker, you could have real political instability in a country in that area.

Mr. Speaker, I want to ask another question. What is the justification or the evidence for a recall? Those two persons who are triggering off this recall, do they have to provide any evidence or any justification for triggering off this recall? And if so, if not so, what about the candidate or the MP? Where is this ground for—to defend himself? The way the situation is set up, Mr. Speaker, it seems as though that he is a lame duck in this scenario. That cannot be correct.

**11.05 p.m.**

Interestingly, when we look at clause 49B(6), and I want to read what they have here:

“A person shall not submit to the Elections and Boundaries Commission, the signatures of persons who are in support of the application, unless he first makes a statutory declaration in the form set out as Form No. 2 in the Fourth Schedule declaring that he is registered to vote, and resides, in the constituency specified in the petition, that the signatures were voluntarily given and were not obtained by means of harassment, intimidation or threat, and that to the best of his knowledge, the signatures were given by persons whose names appear on the list of registered voters in the constituency.”

Mr. Speaker, interestingly, nothing is said about bribery and inducement. They talk about harassment. They talk about intimidation and threat, they cannot do that as far as voters are concerned. But it seems as though you could “pass ah change” and get a man to sign your petition. We all know, all kinds of inducement in the Tobago House of Assembly election, you had food cards and money. Similarly, we had a similar situation in St. Joseph and I think the Member for Chaguanas West had a similar experience.

Mr. Speaker, that has to be a serious omission, or was it deliberate? Was it deliberate by leaving out this question about bribery? We need to understand that that is a very serious omission on the part of the drafters of this Bill. How many times in year four can a Member of Parliament be subject to recall?

**Mr. Deyalsingh:** Correct, correct.

**Mr. F. Jeffrey:** Mr. Speaker, I say so against a background of—take for example, La Brea. In La Brea—

**Dr. Browne:** “Nah, dey ent go recall you.”

**Mr. F. Jeffrey:** Well, you know, “we gehin starvation for resources, eh”. In La Brea I have 53 polling stations, and if I have to put agents in those polling stations for 21 days, [*Laughter*] Mr. Speaker, at \$300 per agent, that will work out to something like \$333,900. Who is paying for that?

**Mr. Warner:** SIS.

**Dr. Browne:** Not Petrotrin.

**Mr. F. Jeffrey:** “Ha to be SIS.” Three hundred and thirty-three thousand, nine hundred, and that is just for one recall. What happens if you have three or four, Mr. Speaker? When will the buck stop? And given how this Government operates, we can expect to get many such recalls being instigated. Mr. Speaker, that is set up to cause trouble. You see, they know very well, that come hell or high waters whenever a next election is called, “is gone dey gone”. [*Desk thumping*] But the whole plan is when they are out of office to create mischief, they have money from SIS and company so they could afford to spend and they are going to pay people for this recall. “Man does plan, but God does destroy man plans.”

Mr. Speaker, we have to understand that it is not only a question of the money, but think about the time. From the moment those two gentlemen or two women or man and woman get that 10 per cent of electorate to sign that form, up to the 21 days, could you imagine what happens in terms of the operations in the constituency. Things are at a standstill. What happens if it happens to an MP, for example, a Minister, and he is subject to that kind of recall, what will happen to the operation of his Ministry? Mr. Speaker, we have got to think very carefully about this whole question of recall.

**Mr. Deyalsingh:** Good point, good point, excellent point.

**Mr. F. Jeffrey:** We have got to think about that. We have got to think about that because that is a very serious scenario. Mr. Speaker—[*Member pauses*]

**Mr. Peters:** The Parliament time is going, you know.

**Dr. Browne:** It is his time.

**Mr. F. Jeffrey:** I will take my time, “doh” worry.

**Mr. Deyalsingh:** Take your time.

**Mr. F. Jeffrey:** “Yeah, man.” The whole question of the recall, because I, as the Member of Parliament for La Brea, could talk with authority on the starvation of resources.

**Mr. Deyalsingh:** Tell us about that.

**Mr. F. Jeffrey:** I am on record in this Parliament for making numerous requests for resources and services for my constituency. It is a record. I have filed numerous questions on the Order Paper for things in my constituency. The files in the various Ministries are overflowing with correspondence from my constituency, me. The cell phones are choked with calls from me to various Ministries. Mr. Speaker, I have spoken one on one to most Ministers here about things for my constituency. Well, what has been the response? I heard the Member for Diego Martin West speaking about a fishing complex. Little do we know about La Brea, the trouble that we see in La Brea. I always have to bring it to the Parliament’s attention what has happened to us in the La Brea area.

Let me start first and foremost, Mr. Speaker, with the recent oil spill. I have seen how the discrimination is meted out in this country. In Penal there was an oil spill recently, a very small oil spill, and, Mr. Speaker, I see relocation take place for those affected by the oil spill. I see compensation being organized for the people in the oil spill. But, for the people of La Brea, it is a different story.

**Mr. Deyalsingh:** They wicked, wickedness.

**Mr. F. Jeffrey:** The EMA came down and said listen, evacuate these people here and so on, immediate evacuation. And all we had from this Government is mamaguy. From the acting Prime Minister at the time who at a news conference, together with the Minister of Housing and Urban Development just give people the runaround in the La Brea constituency. And what is even worse, they use a highly toxic chemical, they dump the chemical costing \$9,500 in the La Brea area. And you know what happen?—nothing for the people of La Brea. But hear what is happening, I have a Miss Alana Charles who, before the oil spill, had nice long flowing hair on her head, all has dropped off.

**Mr. Peters:** “She wash she hair with oil or what?”

**Mr. F. Jeffrey:** Yes, you make joke with that. You make joke with that.

**Mr. Deyalsingh:** “All he could do is make joke whole evening, Mayaro, making joke.”

**Mr. F. Jeffrey:** Recently, she went to the doctor and they are talking about lung, liver and skin disease. She never had that before. Ms. Melissa Joseph and Miss Sherry-Ann Francis have also been diagnosed with serious lung infection which did not occur before the oil spill. Miss Tenesha Modeste and her son have serious blotches and rashes on their skin and have serious scratching at night. Mr. Alpheus Lee—I do not want to say the wrong thing, let me get the right thing, [Crosstalk] Mr. Alpheus Lee, blind, bedridden, 80-year-old pensioner, his condition has worsened considerably since the oil spill. The very knowledgeable Arthur Benjamin Forde has contracted a very serious lung disease since the oil spill, and this Government talking about democracy. They talking about caring. Mr. Speaker, they are talking in terms about recall, but when you are talking about recall and you are treating the constituency like that there is a heavy price you will have to pay.

Mr. Speaker, I often ask the question, you know: why do we discriminate the way that we do? You see the minute the Prime Minister talk about Canada, she talk about the United States and Switzerland, as reasons why we should have recall, because they have it. But they do not discriminate as this Government does.

Mr. Speaker, we had community centres—I will come back to explain that in a while. You had community centres, I will always remember that, because my Chief Whip went to the Minister of Community Development—Mayaro got three community centres, Siparia got three, of course, La Brea got three, but they were not completed. The Vessigny community centre was about 80 per cent completed in 2010. The Los Charros community centre was about 75 per cent and the Palo Seco Settlement community centre was about 70 per cent. Four years have gone and the Los Charros and Palo Seco Settlement community centres are not yet completed. In the case of the Vessigny community centre thanks to the contractor, he completed the community centre but he cannot get the money yet, so he cannot release the centre.

**Hon. Member:** That is democracy.

**11.20 p.m.**

**Mr. F. Jeffrey:** But we have seen, since this Government came in, areas that did not have community centres, got community centres and they were opened already.

**Mr. Peters:** You want to give way?

**Mr. F. Jeffrey:** For what? For what? For what?



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**Mr. Deyalsingh:** Keep quiet! Get up and talk on your own steam, nuh.

**Mr. Imbert:** “Doh waste yuh time with him, yuh know. Yuh have less minutes now, yuh know.”

**Mr. F. Jeffrey:** Yeah, yeah, yeah.

**Mr. Deyalsingh:** “Yuh making joke whole evening; who is who fadda an ting. Yuh makin joke.”

**Mr. F. Jeffrey:** Mr. Speaker, those are the kind of things—[*Interruption*]

**Mr. Peters:** I want to be serious now.

**Mr. F. Jeffrey:**—that when you are talking about recall, “yuh ha tuh hush up because that recall eh making no sense when yuh discriminating like dat.”

Recreation grounds: for four years I have been asking for the upgrading of recreating grounds in my constituency. Not one! But they fixing all over the place.

**Dr. Browne:** Dustbin divers.

**Mr. F. Jeffrey:** “All over de place!”

**Mr. Deyalsingh:** “All yuh payin dem people—gone from here.”

**Mr. F. Jeffrey:** Housing: We know that the Minister of Housing could grant houses. Mr. Speaker, I have the detailed records for my constituency. Over 2,000 persons from my constituency applied for houses—we have records—not one get a house.

**Dr. Browne:** Not a house?

**Mr. F. Jeffrey:** Not one got a house.

**Dr. Browne:** “Not an apartment self?”

**Mr. F. Jeffrey:** And that includes those people in the oil spill who they were asking for to get relocated. Not one! And then you want to talk about you want democracy? Mr. Speaker, we could go on and on, you know.

**Dr. Browne:** Go on.

**Mr. F. Jeffrey:** We could go on and on to show what is happening.

**Mr. Deyalsingh:** You take your time, man.

**Mr. F. Jeffrey:** Our roads, Mr. Speaker, are a far cry. That internal road in La Brea, for four years, “it eh pave. Eh pave”—four years. Mr. Speaker, we “cyar” just talk the talk but we must walk the talk.

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Mr. Speaker, let me talk a little bit—you know, we were to get a UTT campus in Point Fortin. When the last government was about to leave office, plans were already drawn for a UTT campus in Point. Government changed, UTT campus plans squash, and “we gone Debe and we put up a UWI campus”. Now we glad for the people in Debe to get the UWI campus, but I say, “But wait, nuh”, where is Point Fortin and La Brea? Are we not part of Trinidad and Tobago?

**Mr. Deyalsingh:** “PNM people, gone from here!”

**Mr. F. Jeffrey:** Mr. Speaker, you see, we are trying to cause strife in this country because when we take the majority of the resources of the State and they put them, or you spend it—

**Mr. Speaker:** Are you interested in an extension?

**Mr. F. Jeffrey:** Yes, Mr. Speaker.

**Mr. Speaker:** Well, let me put that immediately to the House. Hon. Members, the question is that the speaking time of the hon. Member of La Brea be extended by 15 minutes.

*Question put and agreed to.*

Hon. Member, you may continue, please. [*Desk thumping*]

**Mr. F. Jeffrey:** Yes, Mr. Speaker. We were talking about the allocation of resources, and this Government has established the unenviable record of pumping the majority of the resources of the State in their stronghold areas.

**Mr. Warner:** Not Chaguanas West, you know.

**Mr. F. Jeffrey:** “Dah eh no joke, yuh know”: Debe, Penal, Siparia, Chaguanas, Couva.

**Mr. Warner:** Not Chaguanas West.

**Mr. F. Jeffrey:** I did not say Chaguanas West. All right, okay. Mr. Speaker, you check the PNM constituencies and see what they have gotten. Whatever they got is like crumbs from the master’s table. The big chunk and slice of bread is what the UNC-controlled constituencies have been getting. Mr. Speaker, that is ridiculous to the highest point. That is ridiculous! Why are we functioning in that way?

You see, they could say all kinds of things about the PNM, you know, but we never operated that way. We built the Point Lisas Industrial Estate, not in PNM

stronghold. It was in Opposition stronghold we built it. We built the Siparia Health Centre. That is not PNM stronghold. That is the UNC stronghold. We built it. Now you tell us what it is that you have done in the PNM stronghold for the four years that you have been there. Mr. Speaker, nothing but fooling around—promises, promises, promises.

In my La Brea constituency, the amount of promises we got for industrial developments, all kinds of industries were supposed to come to La Brea. Nothing, Mr. Speaker. Iron and steel plant, polypropylene, bitumen plant, solar panel, you name it. I could give you about 16 industries. Not one has materialized. Not one!

**Mrs. Gopee-Scoon:** And not the BME either.

**Mr. F. Jeffrey:** Of course. I could go on. It is a whole long list, and then you want to talk about recall. Mr. Speaker, you see, one of the things about this Member of Parliament, I communicate with my constituents and let them know. As a matter of fact, they follow the Parliament Channel and see what is happening. They recognize that, “Aye, their MP fighting to represent them”.

**Hon. Member:** “Wokin, wokin.”

**Mr. F. Jeffrey:** But the constituency is being choked because it is PNM. Well, let me tell you something. They could choke how much they want, La Brea would still remain—

**Hon. Member:** Ahh! [*Desk thumping*]

**Mr. Deyalsingh:** “Eye ya yai! Tell dem, brodda.”

**Mr. F. Jeffrey:** Always will remain PNM.

**Mr. Deyalsingh:** “You tell dem brodda.”

**Mr. F. Jeffrey:** And, Mr. Speaker, you know what? There are some constituencies, you better watch out, you know, because there are other constituencies that are now controlled by the UNC that are coming across to the PNM. We have had a number of people, like Fyzabad and company, who have come to us and filled out membership forms. They want to join the party. Because you know why? They realize that their party only on games. They only on games. They see, for example, the inequity that is happening in Trinidad and Tobago and they got to understand that there is a heavy price to pay. So when you are talking about recall, you have got to be careful about what you do. The people of La Brea are watching. They are watching.

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Mr. Speaker, I want us to understand as well that the Prime Minister had spoken about the whole question about fossilized leadership, and I think I need to respond to that because I cannot understand whether—in the words of the people in my constituency in the rum shop, we call it rambunctious logic—that you could say, for example, that we have fossilized leadership and so on.

When you look at what has happened in the PNM from 1981, we have changed leaders six times in 33 years. Since 1981, no Prime Minister has served for two five-year terms. Not one has served two full five-year terms. Not one! So what is the purpose of putting that in the Constitution? But let me tell you, in closing—“ah cyar help but talk bout dat”. One of the most damaging statements in this whole Bill is on page 9, where the President shall not appoint the Prime Minister before the results of—what?—all the supplementary polls! Not one, yuh know, all! All!

**Mr. Deyalsingh:** “Dat is MP. Dat is MP. [*Crosstalk*] No, no, you talk, brodda.”

**Mr. F. Jeffrey:** Crazy! Crazy, Mr. Speaker! So you could just imagine 2014—because I “eh” think the Prime Minister dare go down to 2015. In 2014 we have general election, PNM gets 26 seats; UNC 14, one seat has a recall—  
[*Interruption*]

**Mr. Warner:** Chaguanas West.

**Mr. F. Jeffrey:** All right, Chaguanas West—and you telling me—  
[*Interruption*]

**Hon. Member:** A run-off, a run-off.

**Mr. F. Jeffrey:** A run-off. You are telling me that President Carmona cannot appoint Prime Minister Keith Christopher Rowley? Are you telling me that President Carmona cannot appoint Prime Minister Keith Christopher Rowley as Prime Minister of Trinidad and Tobago because of that one seat, that will not affect the overall result?

**Hon. Member:** Good point. Good point.

**Dr. Rowley:** Who drafted that?

**Hon. Member:** The cabal, boy.

**Dr. Rowley:** The cabal drafted that.

**Mr. F. Jeffrey:** “Ay ya yie.” Mr. Speaker, you know we had a situation in La Brea with the Alutrint Smelter. We are awaiting a judgment for five years now. You would just imagine that in the run-off—sorry, in the supplementary

poll, you could just imagine that after you get the initial results after the 15 days, that there is a challenge and for three years they “cyar” decide the 41<sup>st</sup> seat. Are you saying that defeated Kamla Persad-Bissessar Government will remain in office? Mr. Speaker, “yuh lookin fer trouble”. I thank you. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Arouca/Maloney. [*Desk thumping*]

**Miss Alicia Hospedales** (Arouca/Maloney): Thank you, Mr. Speaker. I am thankful for the opportunity to contribute to this debate on the Constitution (Amdt.) Bill. You know, I am really happy for the opportunity to speak in defence of the democracy of all the constituents of Arouca/Maloney, as well as all right-thinking persons across this country who are not in support of the recommended amendments made in this particular piece of legislation.

I sat through the entire debate, listening to Members on the opposite side and I heard the Member for St. Augustine indicate that they consulted with all of the people. And I made sure and I wrote it down and put capital letters for the word “all”—A-L-L. He said that they consulted with all the persons in society, asking them, “What do you want”? Mr. Speaker, I would like to ask him when did he consult with all the people in the society? All, you know. That is what he said in his contribution.

He talked about participatory democracy. The Prime Minister, in her presentation, even made reference to participatory democracy and representative democracy. They use the word “democracy” so loosely, you know, talking about participation and representation and all of that kind of thing. And, you know, I am really surprised that the Member for St. Augustine did not let his conscience move him, as did the Member for Tunapuna.

**Mr. Warner:** Some of us do not have conscience.

**Miss A. Hospedales:** Mr. Speaker, they use—[*Interruption*]

**Mr. Deyalsingh:** “Conscience unconscious.”

**Miss A. Hospedales:** Yes, yes. Mr. Speaker, they use “democracy” so loosely, and they made reference to the point that participatory democracy and representative democracy are basically applied to the second run-off ballot where none of the candidates would have gotten 50 per cent of the votes cast.

**11.35 p.m.**

Mr. Speaker, even the Prime Minister in her presentation spoke to the run-off ballots as a measure that would respect the voice of the minority, while giving

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effect to the will of the majority making every vote count. I really want to know exactly who in this country they were really trying to fool. You know, there is a mantra that you used to tell them—fool the people, fool the people fool the people—and I think that is what they thought that they would have had the opportunity to fool the people once again.

Again, the Member for St. Augustine said they consulted, the consultation was broad, it was wide, et cetera, but, Mr. Speaker, there was no consultation whatsoever on the run-off ballots. This particular aspect of the proposed amendments to the Constitution, there was no consultation. Mr. Speaker, if they had taken the time to consult with the people, I am sure they would have heard the conscience of the Member for St. Augustine or the voice of the Member for St. Augustine, because in today's *Newsday* there is a report that indicates that the Congress of the People leader, the Member for St. Augustine, he called for a delay in today's debate of the Constitution (Amdt.) Bill, and I am surprised that during his contribution he did not even raise this particular issue. I wonder if maybe he said that under duress yesterday or day before yesterday.

Mr. Speaker, he said a better understanding of the proposed amendment was needed and he thought that the debate should be postponed until that kind of discourse or dialogue occurs and people better understand exactly what are the implications, consequences; what are the benefits, et cetera, if there are any. I do not think that there are. He also further said that the manner in terms of the speed and complaints, justifiably so, from some quarters are things they have to attend to and that is why he was calling for a postponement. He even suggested, I guess in agreement with the Member for Tunapuna, that the Bill should be sent to a joint select committee.

Mr. Speaker, I sat, I listened and I read the article with the comments by the Member for St. Augustine, but I also listened to something that he said which caused me to be a little confused. Because in the article he is saying, send it to a joint select committee, postpone it a bit, let there be further dialogue, but then in his contribution he said, "Nobody is going to stop the proposed changes to the Constitution". You know, he said that with so much zest and saying that nobody is actually going to stop them. They are going through with it.

But, Mr. Speaker, I would want to believe the good things that he said, and that his conscience will move him and they would have announced that they would have a conscience vote. I hope that his conscience will move him and that he will do the right thing when he gets the opportunity to vote this evening, soon to be morning.

Mr. Speaker, there are other persons who also indicated their concerns concerning the legislation. I really hope that the Government would take the time to listen to the concerns not just expressed by Members on this side, members in the wider society, but the Member for Tunapuna as well because he recognized the danger in the Bill and he said he would not be able to support it in its current state. I hope that the other Members of the Government would listen carefully to the concerns that have been raised.

Mr. Speaker, Dr. Merle Hodge called for the postponement of the debate also, because she said the contentious run-off proposal was not in the People's Partnership manifesto, it was not a part of the consultation that took place, it was never the voice of the people, it was not a part of the dialogue, it was not part of any recommendation that came forth and it was not part of an addendum to the report as stated by some source. Mr. Speaker, even another member of the commission, the Constitution Reform Commission, Mr. Carlos Dillon, has also called for the debate to be stopped and also stated the issue of the run-off vote was not discussed with the people during the Constitution consultations.

So, apart from us here calling for the measure, calling for good sense to prevail where the Government is concerned, there are so many concerns that have been expressed and some persons would have indicated that there should be full discussion on the proposed amendments to our Constitution, there should be full discussion, there should be a full discourse on it. Some are saying engage all interested parties, slow down and have the dialogue and even consider sending the Bill, as indicated by the Member for Tunapuna and the Member for St. Augustine, to a joint select committee. Some persons even called for the entire withdrawal of the Bill because they recognized the dangers, the threat to our democracy.

Mr. Speaker, even Senior Counsel Martin Daly, he said the proposal ought not to be brought in haste. He recognized the fact that it is being brought in haste. There is no dialogue, there is no time, there is no time for meaningful consultation and thought, and even so thinking through the process in some of the things that have been stated in that particular piece of legislation.

Mr. Speaker, these are genuine concerns of individuals across the society and, you know, I was really shocked to hear from the Member for Tabaquite basically pushing aside the concerns of all of us who are raising the concerns about the threat to our democracy, the fact that these recommendations, particularly the run-off ballot, is unconstitutional. He is pushing aside our concerns and saying that he finds it curious that some people who have been calling for constitutional reform

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in the past have a problem with the amendments today. Mr. Speaker, I am very, very, very concerned when I hear a Member of Parliament putting aside the genuine concerns of citizens with respect to the right to vote for whoever they wish to vote for and the concern that they have expressed with respect to the run-off ballot, with respect to the recall of an MP and all that kind of thing, being pushed aside, cast aside, because they do not care.

Mr. Speaker, the other thing I would like to say is that Members on that side constantly, as I said, made reference to the fact about deepening democracy, representative democracy, participatory democracy, but really, is that what the Bill is all about? We all know that there is an open agenda. We cannot even say it is hidden because we all know that there is an open agenda with respect to this piece of legislation that is before the House today. The Bill really—and all of us, everybody I guess, would recognize that the Bill is really about deception, dishonesty, distrust, and it certainly does not seek to enhance our democracy as stated by the Member for Pointe-a-Pierre.

The Member for Pointe-a-Pierre said, “Yes, it is there to enhance our democracy”.

**Dr. Browne:** He said that?

**Miss A. Hospedales:** Yes, he did. He said that the Bill will enhance our democracy. The Bill will not enhance our democracy and I hope that, you know, good sense will prevail where the Member for Pointe-a-Pierre is concerned as well—he is sitting next to the Member for Tunapuna—that something would rub off.

Mr. Speaker, the Member for Pointe-a-Pierre, you know, it is almost as though he is—I really do not know, but I tried to listen to his contribution. I tried to give him a fair opportunity. The Member for Pointe-a-Pierre said that they will continue to consult with the people of Trinidad and Tobago. If that is true, Member for Pointe-a-Pierre, I am asking you, let us stop the debate right now and I am asking the Government to go to the people tomorrow. In the next few minutes we will be heading into tomorrow, go to the people tomorrow. I am asking that the Government go to the people tomorrow and begin the consultation, begin the dialogue. They need to begin to listen. Hear what the people have to say about the run-off ballot. There are major, major, major concerns.

Mr. Speaker, you know, the Member for La Brea, in closing, raised the issue of a defeated Prime Minister with her Government remaining in Government even after they have lost at the polls. That is kind of strange. That is really, really, very strange.



**Dr. Browne:** That is counter the democracy.

**Miss A. Hospedales:** Yes.

**Dr. Browne:** The majority of the population have already spoken.

**Miss A. Hospedales:** That is it. I find that to be really strange. We need to hear from the people.

Mr. Speaker, the constituents in Arouca/Maloney and all right-thinking persons in this country deserve the opportunity to let their concerns be heard. We have to hear from the elderly, the young persons, we also need to hear—I need to hear from my colleagues too—from the disabled community. They have a voice as well [*Desk thumping*] and most times we push them aside. They think that the deaf cannot understand. They also need to be a part of the process. So we are saying, let all persons be given the opportunity to speak.

Mr. Speaker, the other concern that I want to raise is whether—so we recognized that even though the Member for St. Augustine said that all persons were consulted on the proposed amendments, we recognized that there have not been consultations and there is need for them to go out and consult with the people, particularly with reference to the run-off ballots.

Mr. Speaker, I want to ask the Members on the opposite side whether officials at the EBC were consulted. Because you are talking about introducing measures that will put an even greater burden on the EBC, whether the EBC has been consulted. I read an Elections and Boundaries Commission statement on constitutional reform and in that statement, N. J. Masson, he indicated that the EBC was not consulted in connection with the preparation of the draft Constitution. There was no consultation at that particular point in time. In this particular report he said, he submitted his thoughts—well, I guess in terms of his thoughts, the thoughts of other officials at the EBC—to the Government; and he said there was no response received from the Government on the Elections and Boundaries Commission statement on constitutional reform, either by way of acknowledgment—there was no acknowledgment—or otherwise, which brings him to the statement. He actually quoted something that was said by CLR James in his book *Party Politics in the West Indies*.

Mr. Speaker, if CLR James was alive today, I think he would say to Members on the opposite side that they are demonstrating the most backward or they are the most backward elements in West Indian politics. He may also say to them that they are dead weight on the people of this country. None of them, not a single

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one—okay, I would say only one. Only one had the intelligence or courage to tell the people what the real problems are and that is particularly—he said because the majority, in this instance, have failed to speak out and talk about the issues regarding these particular amendments that are being made in this Constitution (Amdt.) Bill, none of them basically are aware, and not all of them have the reality and basically they are not in touch with reality.

**11.50 p.m.**

Mr. Speaker, Dr. Norbert Masson also made mention to the fact that the proposal for a run-off is not ideal, and you could recognize that no consultations were made with the officials of the EBC because of the fact that he would not be making a statement like that if there was some form of consultation. He further stated that the proposal to have only persons who win 50 per cent or more of the votes elected as MPs was not ideal, and called for a more inclusive reform. He recognized that there are many problems concerning the run-off voting, and he also said that the EBC was still in the process of conducting a review of the measures that were proposed in the Bill.

If they were consulted, if the Government even cared about the EBC and the fact that they would be overburdened with the amount of work—the implementation of this piece of legislation requires of the EBC—they would have taken the time to consult with them, to inform them, to even go through the process, refine the process with them, but they did not care, they do not care about anyone except themselves.

The other thing that I recognize is the fact that in the right to recall, it indicates that two persons who are voters in a constituency, who reside in the constituency, could apply to the Elections and Boundaries Commission for the issuance of a petition for the recall of the Member of the House of Representatives who was elected to represent that particular constituency for the holding of a by-election. These two individuals can apply for the petition, but it is not necessary—you know, what I recognize is that there are a lot of people who may be living in a particular constituency but they are voting in another constituency. They are registered on the voters' list in another constituency.

You know, what the legislation also states is that the EBC, the Elections and Boundaries Commission, may not have the resources to ensure that each registered voter who casts a vote during the by-election as well is still residing in the constituency. So when I read that, I was a little concerned because of the fact that you have someone who is registered on the voters' list but not living in that

constituency, living in another constituency. And all of us, as Members of Parliament, could attest to the fact where even during a campaign, somebody would say, “You know, ah voting for you all but ah not living here”—no, “I am voting for you all but ah not voting in this area. I am voting in an area where I lived before when I was much younger”.

That is called, based on a report done by a commission of enquiry, “ancestral voting” where people are accustomed—they would have lived at a particular place when they were small, their parents live there or grandparents, great grandparents live there, and as a result, they never changed their address and they remained on the voters’ list, and they would go, leave their home in one constituency, say Arouca/Maloney and go to Laventille to cast their votes.

So, Mr. Speaker, one of the things that I would like to find out is whether or not the Elections and Boundaries Commission has the capacity to do the verification, because you are telling me that they do not have the resources, that is no excuse. You are telling us that two individuals who are registered voters in a constituency, who are supposed to be living there, would not be verified, and even the 10 per cent of the persons who come to vote as well would not be verified, by the EBC, as persons who are residing in that particular constituency.

I know that there are significant concerns with the Elections and Boundaries Commission, and I could give you one example of a voter living in a constituency—registered in a constituency and living elsewhere. I remembered in the months of January and February, there was a verification exercise being done in my constituency, and I went on the exercise as well and visited this particular home where the resident was not at home, so we revisited. The second time, the person was not at home and the third time when we visited, we were told by someone who answered that the person is no longer living there, the whereabouts of the person are unknown, and so we did take a note of it. But, approximately five months later, I was at a meeting and this individual introduced himself indicating that he was from that particular area, lived at that particular address.

So, at the end, I said, “Well, I visited your area, we did the verification there but you were not there”, and the person said, “Well, yes, I moved out, I am living elsewhere”, but yet still the person remains on the voters’ list. These things are not properly checked by the EBC and that is the main concern that I have. The fact that EBC does not have the capacity, the staffing capacity, to address issues such as the ones that I am raising. The fact is that they are unable to verify at times whether or not someone is actually living at a particular address.

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There was a commission of enquiry done in 2002 on the functioning of the EBC, and in that commission of enquiry, it spoke to the fact that sometimes the verification exercise is not done properly, and sometimes it is actually done in a day, because when they did an analysis of the verification exercise at the EBC, they recognized that there was a lot of verification done in one day, and what they were saying is that they queried it, because sometimes—like in my instance, we had to do callbacks three times in order to find the person at home. In some instances, there would have been callbacks twice, three times, four times in some instances, but what they explained is that the verification part of it is not done properly and for the legislation to state that the EBC may not be able to do the verification exercise because of not having resources, I think that is a very poor excuse.

Mr. Speaker, you are talking about the right to recall an MP and then you are saying that one—I remember the MP for Port of Spain South raised the issue—there is no justification for recalling the MP; there are no specific criteria; there is no job description within which they can evaluate the Member of Parliament, none of those things exist. And individuals who are not living in the constituency, who may be on the voters' list, are not verified by the EBC, and I think that raised for me a lot of red flags.

Mr. Speaker, the other thing that I would like to talk about is the fact that the—with reference to the run-off ballot, we are told that once candidates make less than 50 per cent of the votes cast, the candidates with the first and second highest votes, they will actually be going back to the polls, and that process is to take place within a 15-day time frame. What I would like to ask is, if the process takes longer—for instance, there may be complications arising, somebody may decide to ask for a recount, what happens if that continues, prolongs over a three-month period? Would the Prime Minister and Government expect to remain in office for a three-month or six-month period if the challenges continue to go on and on and on with no closure?

And then the other question I would like to ask: what happens if the candidates do not get the 50 per cent of the votes cast? Say, for example, due to rejected ballots and spoiled ballots, they get 46 per cent and maybe 47 per cent, would they have to go back to the polls?

**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 15 minutes.

*Question put and agreed to.*

**Miss A. Hospedales:** Thank you, Mr. Speaker. So, I was asking: what happens when candidates get less than the 50 per cent of votes cast due to rejected and spoiled ballots? Would they have to go back to the polls again? It just does not make any sense. This Bill is just so confusing, and it is a recipe for a major, major disaster.

The other thing I would like to talk about is the fact that the long duration of time. For instance, for the recall of the MP, that particular Member of Parliament would have to—the election process is 21 days. Mr. Speaker, 21 days is a long period of time, and on top of that, for the 21-day period, they said that the Member of Parliament, or a representative—the person acting on behalf of the Member of Parliament—would have to be present at the various locations to sign every day—to sign off on the ballots counted, et cetera, et cetera. I find that to be so cumbersome. So, I do not think a lot of thought went into it.

This Bill was just, you know, something—I do not know who really came up with the thought, but it is really, really a recipe for disaster. I do not think that people understood the implications. Members on the opposite side, I do not even think that you all even understand the implications of this Bill. It does not deepen democracy at all, Member for Pointe-a-Pierre. It does not deepen democracy.

Under the second ballot run-off, the candidate who—that 15-day, just imagine an election—a general election occurs and within 15 days after the general election, you have to go back to the polls again. The candidate has to go and re-campaign and try to mobilize members to come out and vote. Mr. Speaker, this is craziness. I am not sure if you all understand the physical, the mental toll that campaigning actually has on a candidate. You lose a lot of weight, you tend to be a little weakened mentally—I mean, at the end of a general election, you are just waiting to exhale, you are drained, you just want to rest, recoup and get ready to go again. So just imagine, at the end of a general election, you have then within a 15-day period to begin to go back to the polls. No, no, no, it is just unimaginable for any candidate to have to go through that.

Mr. Speaker, as I indicated, the EBC, I am sure, would be overwhelmed with challenges, especially when it comes to the implementation of this particular piece of legislation. And, as I indicated, I read the report of the commission of enquiry into the functioning of the EBC, and one of the things it raised was the issue of

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staff. The fact that the staff had been experiencing a lot of pressure for a number of years under which it has to operate. The thing about the house-to-house survey takes a lot out of the staff. They are overworked, under pressure, some of them take shortcuts to try and complete the work, and that is what I was talking about. The verification exercise is not done properly. All of us know that our electoral lists are not up to standard. There are flaws in it still, and whenever possible, the report also indicated, they are trying desperately to keep on top of the situation.

Mr. Speaker, the EBC, I am sure, does not have a cadre of field officers who are able to competently carry out verification exercises and revisits, et cetera.

**12.05 a.m.**

Mr. Speaker, it is important that if—when you are thinking about implementing a measure like this, the consultation has to be done. This should have been number one on the list of Government, with reference to consultation—this should have been.

Then you have the issue of funding. Staffing and funding are two items that have been raised, even by the Chairman of the EBC. One of the things that they have indicated is yes, they get an annual budget and the annual budget in the 2014 Draft Estimates is \$35,089,800. Do you know what they said? Even though that has been allocated, they rarely ever get that amount. Then they said the long process to get the funding is another challenge that they experience. Mr. Speaker, issues of staffing, issues of funding are major challenges that they experience. You know, it is important for them to also have a voice in this entire process.

Mr. Speaker, the Member for St. Augustine did indicate that their leadership is in—he was really talking about us, but I really want to throw it back at him—the rear-view mirror, not to take us forward but to take us back. And when you really look at the implications of this Bill, it is not to take us forward in deepening democracy. It is not to take us forward in enhancing the participatory representation or participatory democracy. It is not to do any of those things. It is simply to take this country back in a state of confusion, in a state of dismay, in a state of—you know, I cannot even describe it. It is just so confusing, the Bill of itself is so confusing. Mr. Speaker, I am just really, really, very concerned for our nation and for the people of our land because what this Government sought to do is to trample on their democracy. They sought to disrespect their rights, their right to vote, their right to have a choice. That is what this Government sought to do.

Mr. Speaker, even in the commission of enquiry's report, they made reference to democracy and they said the electoral process is the bedrock of any parliamentary democracy, and for a Government to want to tamper with that and to bring in a system that would just manipulate the whole electoral process for their own benefit, that is very, very terrible. For their own benefit, they try to manipulate the electoral process and not consider the needs and the concerns of the people that they are serving.

They further said the will of the people is paramount and it is through general elections that the people's will is expressed and determined. Mr. Speaker, the Government tried to trample on the rights of all constituents that we represent, even their own constituents.

Mr. Speaker, one of my constituents, I would just say, Miss James, she sent a message and she said: "No government has the right to haste, hustle or force me into making a decision on constitutional reform"—a constituent of mine said that—"that changes the way I choose my representative and the country's system of governance without adequate time." They have not given the people of this country time to think, time to discuss, time to make recommendations. They have not given any time whatsoever. They disregarded that. They do not care. So, time for dialogue and reflection and the approval of the maximum majority of the people.

She further went on to say: "Do not bully me. Furthermore, saying that this amendment was done during the national consultation is disingenuous." I hope the Member for Pointe-a-Pierre, some of what the Member for Tunapuna said would rub off on you and you would make a good decision again. And Members on the opposite side, you as well, all of you who are listening. You all will make good decisions and you will say no to the Bill when the time comes to vote. My constituent, Miss James, further went on to say that the Government should pull back the Constitution (Amdt.) Bill. The Government should pull back the Constitution (Amdt.) Bill.

Mr. Speaker, I just want to say this, I heard the Member for Tunapuna make reference to Dr. Eric Williams and what democracy is all about and I want to say that Dr. Eric Williams, he believed in the process of democracy and he said:

"What use will you make of your independence?"

This was his Independence speech in 1962.

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“What will you transmit to your children five years from today?

The first responsibility that devolves upon you is the protection and promotion of your democracy.”

He further went on to say:

“Democracy means more, much more, than the right to vote... Democracy means recognition of the rights of others.

Democracy means equality of...”

—all in the eyes of the law.

“Democracy means the protection of the weak against the strong. Democracy means the obligation of the minority to recognise the right of the majority.”

And I hope the Government recognizes this because this is a minority Bill that they have brought to the House. I hope they recognize this.

“Democracy means responsibility of the Government to its citizens...”

I hope they hear this. It means the:

“...responsibility of the Government to its citizens, the protection of the citizens from the exercise of arbitrary power and the violation of human freedoms and individual rights. Democracy means freedom of...all.”

It means:

“...freedom of worship for all and the subordination of the right of any race to the overriding right of the human race. Democracy means freedom of expression and assemble of organization.

All that is Democracy.

Democracy, finally, rests on a higher power....It rests on an informed and cultivated and alert public opinion.”

Mr. Speaker, I am appealing to the people of Trinidad and Tobago guard your democracy, protect your democracy. Do not give it up. Do not allow the Government to just come in and railroad you and bully you, as my constituent would say. I am saying to them again, guard your democracy. Mr. Speaker, I just want to say thanks.

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker. On June 27, I piloted a Motion of censure in this House against the former Minister of



Sport, Member of Parliament for D'Abadie/O'Meara. In his response, the former Member shouted and screamed, denied that there was any wrongdoing in the programme that I had highlighted, the LifeSport Programme. But what was most interesting, not the hysterical loudmouth behaviour of that former Member, it was the behaviour of the Prime Minister, because when the former Member for D'Abadie/O'Meara shouted and screamed and denied all culpability and liability, the Prime Minister banged the table in support, egged him on, encouraged him in his misconduct. That was on June 27.

At the end of July, I went on vacation, confident in the belief that the Government would respect the new Standing Orders—I am saying the Government, Mr. Speaker—which prohibit sittings of this House in August, unless there are matters of an urgent or emergency nature. Standing Order 14, crystal clear. I should have known better. I should have known that this Government only pays lip service to political integrity. [*Desk thumping*] So, in defiance of Standing Order 14, we are here now today on the August 11, debating a matter that is certainly not urgent or an emergency, at a time when Members of this House and the other place routinely take their vacation. You see, Mr. Speaker, the Government thought they would catch us offside and the Independent Bench offside, so that this ill-conceived, ill-advised legislation would not be subject to criticism.

Mr. Speaker, speaking on behalf of my colleague from Laventille West, who terminated his vacation to be here, as a loyal PNM Member of Parliament. Today I travelled 5,000 miles. I left Frankfurt this morning. I passed through Tobago, and I must give credit to the people at Caribbean Airlines and the Tobago Airports Authority who facilitated my transit from Tobago to Trinidad so that I could be here to speak on this most important debate. It is not an important Bill. This Bill is nonsense. The debate is important.

And I notice, as I came into the Chamber, that the garrulous loud-mouthed former Member for D'Abadie/O'Meara is no longer sitting across there and I wondered: where is he? And I see we have a plate in the back here.

**Mr. Warner:** That is a sign.

**Mr. C. Imbert:** What is the point of that? You cannot have a by-election in the fifth year, so what is that? Some sort of ceremonial device?

**Mr. Warner:** To keep me company.

**Mr. C. Imbert:** Yes, an empty seat, which will remain empty until the next general election.

Mr. Speaker, as I was driving down from the airport tonight, I tuned in to the radio for about 10 seconds, only 10 seconds, on channel 105.5 and heard the Member for Pointe-a-Pierre. That is why I only listened for 10 seconds. I could not take it for more than 10 seconds, because I had to listen to the Member for Pointe-a-Pierre talk about the benefits of this legislation, how this term limit for a Prime Minister will allow for succession planning and for young people to take their rightful place. That is what I heard in that 10 seconds.

The Member for Pointe-a-Pierre clung like “lagglee” to the position of President General of the Oilfields Workers’ Trade Union for 21 years, until he had to retire because he had reached the age of mandatory retirement, and not content from blocking younger members of the Oilfields Workers’ Trade Union for 21 years. He did not see anything wrong with that when he was head of that organization. At age 66 or 67, or some age like that, pensionable age, he decided that was not enough. He wanted to block a young person from contesting the Pointe-a-Pierre seat. So now in his 70s, he is the MP for Pointe-a-Pierre. But I had to listen to him talk to the nation about succession planning and making space for young people. What political hypocrisy! Political hypocrisy! Arguments of convenience.

I did not hear the Member for St. Augustine. I am glad I did not.

**Mr. Warner:** You missed nothing.

**Mr. C. Imbert:** Well, I am sure I missed a pathetic display, but I am glad I did not hear him.

Because, you know, Mr. Speaker, in the United States, there is a wild horse called a mustang and the mustang has given rise to a legend of the Judas horse. The Judas horse, Mr. Speaker—you see, in the prairies of the United States, they have these herds of wild horses roaming free, and what the cowboys learnt very quickly, if you domesticate and tame one of these wild horses and you train them to lead the other herds of wild horses into a corral, you have created a Judas horse. That is what a Judas horse does. It is a wild horse that has been tamed and it leads its colleagues into certain slavery and death.

**12.20 p.m.**

Judas horse, like the Pied Piper of Hamelin led all the rats into the river so that

they would drown. I did not hear him, and I am glad I did not hear him, because it would have been empty and hollow. I also did not hear the Member for Tunapuna, *[Interruption]* but I understand he was good.

**Mr. Deyalsingh:** He was excellent!

**Mr. C. Imbert:** So I am told, he was good. And you know, when I heard his lament, I decided to take a look at the 2007 general election results, Mr. Speaker. Now, in 2007, the Congress of the People got 148,345 votes out of a total vote count of 655,828; 22.6 per cent of the votes. If we had a system of proportional representation, that would have given the Congress of the People nine seats in the 2007 general election. So I understand his lament. I understand his sorrow, his sense of betrayal. I understand it, Mr. Speaker. I understand it because this is the antithesis of proportional representation as I understood, that is the point he made. The antithesis, everything that he has worked for, this Bill defeats it, I understand. I heard that he is not going to support it. Well, good for you Member for St. Augustine, good for you, show some backbone, show some gumption—*[Interruption]*

**Hon. Member:** Tunapuna, boy. *[Desk thumping]*

**Mr. C. Imbert:** Tunapuna, sorry. Oh, how could I make a mistake like that? I apologize. How could I confuse you with the Member for St. Augustine, oh? What a bitter pill. I apologize profusely, Member for Tunapuna—backbone and gumption, stand up for your principles. Let us see which one of those others will speak now after the Member for Tunapuna has made his point. But, Mr. Speaker—or speak in support of this nonsensical legislation. Let us see if one of those, you know, those others who are seduced by the trappings of office, by flashing lights, by blue lights. Let us see if they will speak now after the hon. Member for Tunapuna has spoken.

But be that as it may, Mr. Speaker, I asked the Parliament as I was on my way here, to get me the report of the Elections and Boundaries Commission on the parliamentary election held on Monday, October 07, 2002 and Monday, November 05, 2007, because I wanted to do some analysis. Let us start with the 2002 election, Mr. Speaker. In 2002 in Arima, the PNM got 72 per cent of the votes; in Arouca North, 73 per cent; in Arouca South, 81 per cent; Diego Martin Central, 77 per cent; Diego Martin East, 74 per cent; Diego Martin West, 75 per cent; La Brea, 61 per cent; Laventille East/Morvant, 87 per cent; Laventille West, 94 per cent; Point Fortin, 65 per cent; Port of Spain North, 81 per cent; Port of Spain South, 78 per cent; San Fernando West, 51 per cent; St. Ann's East, 79 per

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cent; Tobago East, 60 per cent; Tobago West, 72 per cent; Toco/Manzanilla, 61 per cent; Tunapuna, 51 per cent; Ortoire/Mayaro, 51 per cent; San Fernando East, 65 per cent, Mr. Speaker, 2002.

You know, those whom the gods wish to destroy, they first make mad; that is 20 seats out of 36 that the PNM won in 2002, with more than 50 per cent of the votes. So if this run-off foolishness was in effect in 2002, PNM “still win”. But more interesting is the 2007 result, Mr. Speaker: Arima, 64 per cent; Arouca/Maloney, 76 per cent; Diego Martin Central, 60 per cent; Diego Martin North/East, 61 per cent; Diego Martin West, 60 per cent; La Brea, 65 per cent; La Horquetta/Talparo, 58 per cent; Laventille East/Morvant, 81 per cent; Laventille West, 88 per cent; Lopinot/Bon Air, 55 per cent; Port of Spain North, 68 per cent; Port of Spain South, 67 per cent; San Fernando East, 69 per cent; San Fernando West, 51 per cent; St. Ann’s East, 70 per cent; Tobago East, 53 per cent; Tobago West, 58 per cent; Tunapuna, 51 per cent; Toco/Sangre Grande, 57 per cent; D’Abadie/O’Meara, 59 per cent; Point Fortin, 59 per cent. Twenty-one out of 41 seats, Mr. Speaker, the PNM would have won in 2007 with over 50 per cent of the votes. So who is fooling whom? Who is fooling whom?

The forces that came in combination against the PNM were no stronger than they were than in 2007, Mr. Speaker. Now, the COP is a shell of itself caused by the Member for St. Augustine. The UNC, a discredited party; the TOP, a nonentity; NJAC never was; MSJ, poor fellas, they mean well, “cyar make”. If you combine the results of the 2013 local government election, the 2013 THA election, Chaguanas West by-election and St. Joseph by-election of 2014, Mr. Speaker, PNM would have been ahead in 20 seats, clear 50 per cent, leading in another four. So what is all of this about? What is all of this about? Who is the crazy person who dreamt up this foolishness, Mr. Speaker? Who? Just wasting people’s time.

**Dr. Rowley:** Rodney Charles and Hamid Ghany.

**Mr. C. Imbert:** Yeah, Hamid Ghany, Rodney Charles whoever, wasting people’s time, Mr. Speaker, wasting time.

Look at the proposals, term limits for a Prime Minister, who asked for that? In the United States you have 300 million people, so you have a vast number of persons you can choose from to make President. We just have about a million persons. What kind of crazy country, if a Prime Minister performs well when he reaches the end of term two, and the country is booming, and people are living in peace and harmony, “he say dai’s it”. Why? Where is the logic and the rationale

in all of that, Mr. Speaker? What is the reason? Is it that we have 300 million potential Prime Ministers in Trinidad and Tobago, like the United States or a billion like in India, Mr. Speaker? Who comes up with these crazy ideas? Who?

Recall, what is the point of that? You have to take this bad MP for three years, then you have a window in the fourth year, and then you set the bar so high, that it cannot even happen. Just wasting time, resources, people's—"yuh frustrating" people with this nonsense, Mr. Speaker.

Let us go to the run-off. Now, Mr. Speaker, it is about time that truth had its place in this country, it is about time. It is about time that we give truth a chance to be heard. Because there are too many lies and untruths that have been put into the public domain about the origin of these ill-advised proposals, by the UNC, too many lies. Contrary to the untruths out there, Mr. Speaker, this run-off thing was not in any report of the commission of December 2013. It did not exist in the public domain until after this Bill was laid in this Parliament on August 04. And it only came out after one of the commissioners in outrage made the point, where did this thing come from? But you know, there are people who want to live a lie and would like the country to believe that at all those consultations that my colleagues spoke about, that this run-off thing was discussed and debated, and people clamoured for it. A pack of lies, it is time for truth to be heard in this country.

And let us look at this run-off foolishness now. Mr. Speaker, I have checked, there is not a single country in the Commonwealth of Nations, not one—there are 53 nations in the Commonwealth of Nations, Mr. Speaker, 53—not one has a run-off system at the national or federal level, not one. Because England "doh have it, Australia doh have it, Canada doh have it, New Zealand doh have it, India doh have it, buh we must have it". And the countries that have it like France, they have a presidential system, Mr. Speaker, they follow the Napoleonic Code. Their laws are not based on English common law. It is a completely different system. *[Interruption]* Yes, the entire court system, the judicial system, the administration of justice, they are based on that Napoleonic Code, completely different to our English common law system.

Who is the madman, looked through the whole 53-nation Commonwealth of Nations, seeing nothing inside of there with a run-off, and decided we must be, what, trailblazers? It is obvious where this thing came from, Mr. Speaker, obvious. The UNC is of the view it cannot win the next election under the present system. It somehow believes that if there is a third party in the race, which I assume, there will be. *[Interruption]* I assume, Member for Tunapuna. They

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somehow believe that if there is a third party in the race, and it splits the vote, that they will have this run-off madness, and somehow they will be able to coerce, bully, induce—[*Interruption*]

**Hon. Member:** Bribe!

**Mr. C. Imbert:**—bribe, pay—[*Interruption*]

**Hon. Member:** Cajole!

**Mr. C. Imbert:**—cajole, torture supporters of other parties to support them. Well, Mr. Speaker, I cannot wait for the next general election, they have a shock coming. [*Desk thumping*] And you know what is so fascist, and I have to use the word “fascist”, fascism is a form of authoritarian government that is associated with Mussolini and Hitler. And I have to describe this proposal as fascist, because when I look at this Bill—let us take the example of 2007, where the PNM would have won 21 out of 41 seats. So you are going to tell me, Opposition party wins clear majority, but somebody else is in Government? What is democratic about that? How does that give power to the people? It is political hypocrisy of the highest, Mr. Speaker. [*Desk thumping*] “What you want to stay in office for, if you cyar win fair and square?” You lose a majority of seats, the PNM gets 22, 23, 24, 25 seats whatever. We get more than 20.

**12.35 a.m.**

You want to stay there? What is the rationale? And you must stay there until the run-off is finished? Why? Who is the mad person came up with this? How is that democracy? So the people have spoken. The people with a vote of more than 50 per cent, in more than 50 per cent of the seats, have decided they want a particular political party to be the Government and you want to stay inside there? How many corrupt contracts? How many underhand things would be done in that two or three-week period or one-month period? Why?

The inevitable conclusion as to the person who drafted that rubbish that you lose, but you stay in office until these foolish run-offs are—the inevitable conclusion is that whoever drafted that is motivated by corrupt motives. What do you want to stay there for? You gone; you lose; you could win all the run-offs, you still gone, but you want to stay?

My God, Mr. Speaker. Imagine that. The President cannot appoint the person who, in his opinion, commands the support of the majority of Members of the House of Representatives, “doh mind PNM win 21, 22, 23 seats, yuh know, so it is obvious wha go happen, whenever. Yuh telling the President he must siddong” and wait for this nonsensical run-off nonsense.

And in that 15 days, Mr. Speaker, you can have such an obscene rape of the Treasury, improper use of state resources. Mr. Speaker, I took a look online—I interrupted my vacation yesterday and took a look online—at one of the newspapers and I see, what is it I see?—page after page after page of full page advertisements. It must be \$10,000 or \$20,000 a pop. It must have about 10 or 20 of them in each paper. What is all that for? And that will give you some idea, Mr. Speaker, of what this anti-democratic fascist, political party has in mind in that 15 days with these run-off elections. That is what they plan to do. So they will use the state resources or they will induce private sector supporters, who would get contracts in those 15 days to assist them to pay for all these things and to induce voters to vote for them.

Mr. Speaker, “I sorry”. They have absolutely nowhere to go with this; absolutely nowhere to go with this. This entire legislation is founded on a lie. It is alleged that it is based on what the people want—power to the people. The people did not ask for that. [*Desk thumping*] Every person I have spoken to and explained this craziness about a government remaining in office, no mind they lose, while run-offs are conducted, have reacted with astonishment.

The other thing that the population has reacted with astonishment to is the concept of being able to amend the Constitution with a simple majority. Trinidadians cannot believe and the framers of our Constitution—“ah hear one bawl dais de law”. Yes, that is the law. PNM had 36 seats in 1970. They “aint” put this rubbish into the Constitution. NAR had 33 seats in 1986, they did not put this rubbish in the Constitution. PNM had 26 seats in 2007, they did not put this rubbish in the Constitution.

When Sir Ellis Clarke and the other framers of our Constitution drafted our Constitution not in their wildest dreams would they imagine that a government would come along that would cherry-pick the Constitution; go and look through, look through, the 100-odd sections, take a look at section 54 and see which ones they could change without a special majority. So what they do is they bypass the other place, deliberately bypass the other place, in addition to this House as well —[*Interruption*]

That is democracy? Okay, that is the law. That is what you say. That is the law. You know what will happen to you. I remember the THA election. I remember the Prime Minister screaming in a public meeting in January of 2013, two days before that election in January 2013. I remember listening. The Prime Minister was hoarse, screaming and telling the assembled gathering that

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“tomorrow, Monday, we will rename Market Square, Freedom Square, when we win the House of Assembly election”. Even my misguided colleague behind me said it was 10:2.

**Mr. Warner:** I apologize. I apologize. It will never happen again.

**Mr. C. Imbert:** We will see. But, Mr. Speaker, they thought—they spent about \$70 million in that election. They outspent the PNM 10:1 or 15:1.

As I said in this House before, I went to Tobago two days before that election and everywhere I looked, I saw yellow—yellow on the road, yellow on the lamp post, yellow on a tree. If you look up at the cloud, you see yellow. All I saw was yellow everywhere. I had to drive about 10 miles to see a piece of red. I remember that; \$70 million they spent. They lost every seat because they misread the mood of the population and they are misreading the mood of the population now. [*Desk thumping*] That is the mistake they are making now, misreading the mood of the population.

July 2013, it was like the Government shut down for a month. In fact, I think they said that. No business for a month; every one of them inside Chaguanas West; money like peas.

**Mr. Warner:** Contracts, 118.

**Mr. C. Imbert:** 118 contracts, you say?

**Mr. Warner:**—“Yep, and they aint pay a cent yet”.

**Dr. Rowley:** Not true, it is 117. [*Laughter*]

**Mr. C. Imbert:** They paraded up and down. They walked every street, every trace, every canal in Chaguanas West. They dropped money from the sky; 3:1 licks.

**Mr. Speaker:** Hon. Member, are you interested in an extension?

**Mr. C. Imbert:** Of course.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Diego Martin North/East be extended by 15 minutes.

*Question put and agreed to.*

**Mr. C. Imbert:** Thank you, Mr. Speaker. As I was saying, they dropped money by parachute into Chaguanas West. They paraded on the TV.

**Hon. Member:** They married the candidate.



**Mr. C. Imbert:** I tell you. They married the candidate, “yuh right”. [Laughter] They married the candidate. [Interruption] “I not in dat.” Mr. Speaker, protect me from these fellows and their “kankatang”. “I not in dat”. But the fact of the matter is they poured millions of dollars of resources into that constituency. [Interruption] You can say what you want; 3:1 licks.

Local election, “they try all kina thing”. They bring a proportional representation Bill in the dead of night. [Interruption] They feel they would “pull a skull” on this Parliament. Mr. Speaker, will you control the Member for Mayaro. He is obnoxious.

**Mr. Speaker:** Allow the Member to speak in silence. Continue. [Crosstalk]

**Mr. C. Imbert:** Mr. Speaker.

**Mr. Speaker:** Member, please, please. [Crosstalk] Member, please, please, please. Member, Member, Member, please, please. Let us have some order and discipline in the House. I do not know if you would like to speak later on in the proceedings, but you will have the right to speak. But let us have some order and respect at the same time, even though we disagree with what another Member is saying, he has a right to speak and he has my protection. Continue hon. Member, please.

**Mr. C. Imbert:** Thank you, Mr. Speaker. Anyway, same thing again, they poured money like rain up and down Trinidad. At the end of the day, when the dust settled, PNM won 85 seats; 36 aldermen out of 56. The PR thing backfired, Mr. Speaker, and then we had St. Joseph and that was the worst.

Every day the UNC candidate on the TV starting some project, WASA, T&TEC, building school, bridge, all kinds of thing. Same “cut tail” they get, but you see, there is a common thread in all of this.

I was also told, when I was coming through Tobago this evening, that the Attorney General in his weak attempt to defend this nonsense, said this is such a good thing, the run-off election, because you know when you vote the first time, you vote with your heart and when you vote the second time you vote with your head. He is a plagiarist, Mr. Speaker. That is straight out of a newspaper article that I read last week on the Internet. It is also irrational. It is not just plagiarism, it is irrational because it is more likely it is the opposite: that the first time you vote, you vote with your mind, you vote for the party you want to vote for; and the second time, you vote on emotion or tribal loyalty. It is the opposite. There is no rationality or logic in anything they say.

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What is an ILP or COP supporter supposed to do in this run-off? What are they supposed to do? They do not support PNM; they do not support UNC—yes, as you say, they get a CEPEP contract. So you are telling the voter now, you are denying the voter their democratic right of choice. You are telling small parties, new parties, that they might as well not bother because if you cannot get 50 per cent of the vote, what it is “yuh” doing there? I can well understand the Member for Tunapuna’s lament about proportional representation. I can well understand his issues after so many years of fighting for this thing. He has been in Parliament almost as long as I have, so many years, and then you come with this thing to crush the hopes and aspirations of everybody who is interested in a Parliament comprised by percentage voting.

What you are essentially doing is reducing Trinidad and Tobago to the 1950s and the 1960s: tribalism, economic interest, vested interest. That is what the other side is hoping will be the factors in this next general election. But, you know, the “vengeance of Moko” will be upon them because I have detected an anger from abroad. Reading the online newspapers every now and then and looking at social media, I have detected an anger, an outrage and you know what is going to happen to them? The population is going to punish them. The population will punish them.

So they could pass whatever Bill they want to pass. Like the Member for Tunapuna, I will not support it. What kind of Government is this? Before you circulate your legislation for comment, before you send it to parliamentarians, political parties and other interest groups, you come here and you try to railroad it through in the vacation period and I think that is what has got people so angry. There is an anger outside there.

### **12.50 a.m.**

What kind of people is this? You want to do your thing by subterfuge, by underhand means, Mr. Speaker. You do not want to have any discussion; you do not want to have any dialogue. You set up a sham commission with a Government Minister heading it. Where is the neutrality and impartiality in that? It is a joke! It is a joke! You set up a Constitution commission and put a Cabinet Minister to be the chairman of it, Mr. Speaker. What do you expect? No wonder secret addendums come out of the woodwork, Mr. Speaker.

Mr. Speaker, I have looked at this legislation. As I said, I do not know who is the crazy person who came up with this. I do not know who is the fascist who drafted clause 9, which says, you know, even if you lose the election you will

remain in office. It is a fascist who came up with that, Mr. Speaker. I do not know who is the crazy person who decided that if you have a good Prime Minister, you must get rid of them after 10 years. Who came up with this trash? Mr. Speaker, this has no parallel anywhere in the world. It is something dreamt up by some intellectually bankrupt empty mind by some desperate, desperate group, Mr. Speaker. There is nothing of value inside of here. It is a lie. Everything in this Bill is a lie. [*Desk thumping*]

**Mr. Speaker:** Member, you have repeatedly said that. I have ruled that “lie” is an unparliamentary word. I have ruled on that and I have allowed you some elasticity, but I think you are testing my patience. Do not use that expression in this House again. Do not use it. You are capable of using better language, do not use that expression, please.

**Mr. C. Imbert:** Mr. Speaker, as I said—[*Interruption*] Oh, be quiet. As I said, Mr. Speaker, it is time in this country for truth to have its place [*Desk thumping*] not untruth. It is time for truth. There are times when the truth must be told and this is a fraud. Mr. Speaker, is that a better word? This Bill is a fraud; it is a fabrication; it is a mamaguy. It is built on sand; it is froth. Do you prefer those words, Mr. Speaker? This is a naked, greedy, desperate [*Desk thumping*] lust for power [*Desk thumping*] and like everything dirty, Mr. Speaker, it will fail. I thank you. [*Desk thumping*]

**Mr. NiLeung Hypolite (Laventille West):** Thank you kindly, Mr. Speaker. Mr. Speaker, at 10 p.m. yesterday, I came off a plane and at 11.30 I found myself here in this Parliament to make a contribution on this Bill. The penultimate sitting of the Fourth Session of Parliament, I received the new Standing Orders which stated under section 14:

“Fixed Recess

Notwithstanding Standing Order 11 (Meeting Days) and subject to Standing Order 13 (Extraordinary Sitting), unless there are urgent or extraordinary reasons for so doing, no sitting of the House of Representatives shall be held from the first week in the month of July to the first week in the month of September in any year.”

Mr. Speaker, I would have sent you a note indicating that I will be out of the country for a certain period of time—[*Interruption*—to deal with people like yourself, idiot—[*Laughter*—having a short vacation with my family, seeing that according to the Standing Orders, between July to September, we shall be on recess, but I got a phone call indicating that I needed to be back here, and as a loyal PNM-mite I am, [*Desk thumping*] receiving instructions from the Leader of

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the People's National Movement, I am back here.

Mr. Speaker, the Prime Minister, during the period June to July, went off on a personal private trip to Brazil.

**Dr. Rowley:** With Spiderman.

**Mr. N. Hypolite:** With Spiderman. And, Mr. Speaker, at that point in time there was no emergency, no need to have this House debate this particular Bill. So one has to ask oneself the question: where this Bill came from? Mr. Speaker, you are hearing talk that it was in the manifesto, but when you look through the UNC, the People's Partnership, or whatever you want to call them, manifesto, there is absolutely nothing that speaks about a run-off. In fact, Mr. Speaker, this is a case of total confusion and a case where a government runs this country, manages this country in a very helter-skelter kind of a way.

**Hon. Member:** By vaps.

**Mr. N. Hypolite:** By vaps! They use the word "obfuscation" to deal with the manner in which they manage the affairs of this country.

Mr. Speaker, continuing from where my colleague, the Member for Arouca/Maloney, left off when she was speaking about democracy and Dr. Eric Williams, he also said:

"...when I gave the Nation its slogan of all time: Discipline, Production Tolerance. Indiscipline, whether individual or sectional, is a threat to democracy."

Mr. Speaker, it seems as if we have reached the case whereby this Government is bordering, if not, geared towards being very indisciplined in the manner in which they manage the affairs of this country.

Mr. Speaker, we are dealing with three key things: one, a recall of Members of Parliament of which you have to ask yourself the question: why a run-off? Mr. Speaker, in a 100-metre dash, you have in all a line-up of eight persons; a line-up of eight persons in a 100-metre dash. All of those individuals competing for that first prize, but the person who crosses the finish line first is the person who will get that gold medal. What this Government is saying is that after that final race, and you have the first place and the second place winners, you have a third and a fourth place, you will now ask the first and the second place individuals to go back to the starting line and run a second time.

Mr. Speaker, I do not think that the people of Laventille, the people of Diego Martin, the people of Caroni or Chaguanas voted or will want to vote for a first

race followed by a second race simply because this Government believes that the person who came in second should be first and the person who came in first should be second, simply because what they want is to be in government for the rest of their life, and that will not be, because the People's National Movement is ready, set and will be the next Government of Trinidad and Tobago whenever this election is called. [*Desk thumping*] And I am hearing, Mr. Speaker, that the election will be somewhere between June and September of next year. It could be November, it could be December, whenever it is called, Mr. Speaker, the People's National Movement will form the next Government.

Why, Mr. Speaker? This Government, this Government of confusion; this Government that runs the country in a very helter-skelter manner seems to want to follow; if not, use the advice of the People's National Movement. You are hearing again, the Prime Minister indicated something about the People's National Movement had a run-off for their election and what have you and what have you not. Mr. Speaker, this has nothing to do with the People's National Movement. It has all to do with good governance.

If it is a case whereby the Prime Minister and this Government want to follow the guidance of the People's National Movement, then there is only one thing to do. Call the election, let the people of Trinidad and Tobago make a decision. You cannot make a decision. Let the people of Trinidad and Tobago make a decision as to which party is best suited to run the affairs of this country. Mr. Speaker, so far, it seems as if it is only one political party, the People's National Movement, because everything that takes place is a run-off or a spin-off or alteration of what the People's National Movement would have put in place.

Mr. Speaker, let us look at the no-property-tax situation. It was the People's National Movement who spoke about the property tax, and then the UNC Government. This Government, all right, came through the back door and slipped on the table a property tax piece of legislation. Do you remember that, Mr. Speaker? They slipped it on the table. The people of Trinidad and Tobago are forgetting that. That is why I am saying that the Government runs the affairs of this country in a very helter-skelter manner. They slipped it on the table, but that is not all, Mr. Speaker, that is not all.

**1.05 a.m.**

Mr. Speaker, they also had a number of mishaps. The UNC has been using a very confusing way to manage the affairs of this country. The UNC's style is hiding of intended means in communication. Miscommunication to evade

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accountability, they are always making communication confusing to the people of Trinidad and Tobago, wilfully ambiguous in presenting to the people of Trinidad and Tobago what they really and truly mean. I am saying that this Bill, especially the run-off of the elections, is something that we would not support. I stand against that.

Mr. Speaker, I cut short my vacation to register—[*Interruption*] Well, you have no speech at all, so you could just sit down there and keep quiet. Mr. Speaker, to come back here to register my views on this point, also to indicate that the people of Laventille West also stand against this. They also stand against this. Mr. Speaker, while that is so, let me also thank the people of Laventille West and all the other Members of the various constituencies who stood up against this particular Bill, and those who would have come down to the Parliament building early yesterday to stand up for their rights and to register their support behind the People's National Movement for standing and taking lead against this particular Bill. The Member for St. Augustine is the person who quote, unquote chaired this Constitution Reform Committee.

Mr. Speaker, remember the run-off will put third, fourth, fifth and sixth place persons totally out of the race. I cannot understand how an individual who is leading a party, also chairing a committee of such a nature, could present to the Parliament of Trinidad and Tobago, and to his own supporters, a Bill that will exclude them totally from an election. [*Desk thumping*] I could understand why the Member for Tunapuna supported someone else, or threw his support behind someone else to lead that party other than the Member for St. Augustine. [*Desk thumping*]

I go further than that, Mr. Speaker, an Anna Ramdass statement indicated, and I read—it is August 09, *Trinidad Express*:

“Legal Affairs Minister Prakash Ramadhar chaired the Constitution Reform Committee (CRC) which conducted consultations with the people of the country on changes to the Constitution.”

I am advised that the consultation had approximately 1,000 persons. One thousand persons from where? Who? What organizations? I am not aware of anybody from Laventille West attending these consultations, but a Bill is here. It continues:

“While there has been an outcry and objections to the proposed amendments in the Constitution (Amendment) Bill 2014, Ramadhar—also the leader of the Congress of the People (COP)—has advocated for the bill, saying there should”—be—“no fear in the passage of the legislation.”

He continued:

“The commission had to take a position on what we could achieve because we did promise in the manifesto many things in relation to Constitution reform.”

Mr. Speaker, I repeat:

“The commission had to take a position on what we could achieve because we did promise in the manifesto many things in relation to Constitution reform.”

This is the chairman of the Constitution Reform Committee making a statement in the *Trinidad Express* on August 09, but what you had were two Members on that same commission saying something totally different. One of them indicated as follows, and I quote:

“My concern with the run-off proposal is not so much where it first appeared; at this point I don’t care. My concern is how the population has reacted to it.”

Mr. Speaker, you would have seen how the population reacted, because in every barbershop, hairdressing salon, bank, credit union, maxi-taxi, Opposition office—well, I do not know about the Members of the People’s Partnership, what is taking place in their offices, but I can tell you, Mr. Speaker, the people of Trinidad and Tobago have spoken out against this Bill, and that is what one of the commissioners is speaking about.

She continued:

“Many people are offended and alarmed by this particular item, and a democratic government would take heed...”

What the commissioner is saying is that they did not preside over this piece of legislation. She is also saying that the people of Trinidad and Tobago are against this and, therefore, the Government, the Prime Minister, and every single one of them who are sitting down on that side, including the Member for Mayaro, should stand up and vote against this piece of legislation—vote against this. This is just totally wrong. Mr. Speaker, she continues:

The run off proposal was not there.

The Member for St. Augustine is saying that:

The commission had to take a position on what we could achieve because we did not promise.

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Mr. Speaker, the Member for St. Augustine, I think something is totally wrong with him, something has got to be wrong with him. Not only that, but that is just one of the commissioners and there is another one—[*Interruption*—the 3 per cent leader. There is another one, and this is an article by Gail Alexander, Saturday August 09, and it states:

“2nd CRC member wants hold on move”

Not one, but two of the commissioners who sat alongside the Member for St. Augustine who indicated that we must have this, that they took a position, two of the other commissioners are saying, no. This one is saying:

“Constitutional Reform Commission (CRC) member Carlos Dillon has become the second member of the body calling on Government to hold its hand on the Constitution (Amendment) Bill 2014.”

So even the Members of the Constitution Reform Commission are indicating that this is not what is supposed to be coming to this House for debate and to hold on it. The same way the people in Trinidad and Tobago, every single person in the east, west, north, south and Tobago, are indicating that this Bill should be withdrawn and be withdrawn immediately. [*Desk thumping*] That is what they are saying.

Mr. Speaker, term limit of a Prime Minister, as I indicated just now, that in the next couple of weeks there will be, there must be a general election. The people of Trinidad and Tobago have already identified that this Government is, in one way or the other, following the proposals, the policies that would have been in place by the People’s National Movement, but with the helter-skelter way in managing the affairs of the country would have changed things here and there to make it seem as if it is their own policy. For instance, they would have spoken about—well the People’s National Movement would have spoken about a rapid rail and then they came with a light rail; a cable car but also a light rail.

A light rail to run, I think it is over the PBR, all right. So that was the second thing. The “axe the tax”, when the PNM said property tax, they said, no, but then they flung onto the table a new tax system. When the PNM spoke about rapid rail, they said no, but they came with the cable car and the light rail system. The PNM spoke about OPVs, they said no, but they came with some long-boat thing that they are looking at.



Oh God, Mr. Speaker, then if they do not have any ideas of their own, then all they need to do is call the election and let the people of Trinidad and Tobago do what is right, [*Desk thumping*] which is to put the People's National Movement to chair, to run, to manage the affairs of this country once again. But, in so doing, you cannot tell me, you cannot tell this House, that Dr. Rowley is the Leader of the Opposition, he is in line to be the next Prime Minister of Trinidad and Tobago, taking over the affairs of this country, which money is being spent left, right and centre. You are looking at LifeSport here LifeSport there, money going here, there and everywhere; when he takes over the management of this country, we will be in a state of affairs that the people of Trinidad and Tobago will have to hold their heads and bawl.

It will not be five years for him to get this country back in order, it will not be 10 years, but if it takes 15 years for him to get this country back in order, are you telling me that you are saying, no, he must only have 10 years and then go, and then somebody else must come in? Mr. Speaker, we need to revisit that also. That must be revisited. It must be revisited. Let us look at the whole question of recall. Mr. Speaker, for you to be a Member of Parliament under this new piece of legislation, you must have 50 per cent plus one, all right, you must get 50 per cent of the votes, but for you to be recalled, two-thirds of the persons registered to vote must sign a petition.

**1.20 a.m.**

Mr. Speaker, the members of constituencies, most of them, do not understand the work of a Member of Parliament. They sometimes confuse themselves, the same way this Government tries to confuse the people, that the work of a Member of Parliament is similar to that of a councillor and vice versa. Even the Salaries Review Commission does not even understand. Members of that commission do not even understand what a Member of Parliament does. So here it is we are leaving it up to two-thirds, and mind you, Mr. Speaker, in some constituencies not even one-third of the amount of persons registered to vote come out to vote. Not even one-third. So, we are now saying two-thirds of those persons must present themselves, must present themselves by way of signing a petition, so as to recall a Member of Parliament of which they themselves do not even know what is the job description of that Member of Parliament.

Mr. Speaker, there are some Members of Parliament who come to Parliament almost every day, almost every day. If it is not a joint select committee it is the sitting of the House or Senate or they have some kind of meeting somewhere or

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something, something, almost every day. Not only that, but they are at their constituency offices or I hope that they are, especially on that side, because we on this side go to our constituency offices. Some of us go two and three times a week to our constituency offices. We see the public at least once every week. We have dates set aside for that. [*Crosstalk*] We have days set aside for that. You should—the people in Mayaro looking for you. [*Laughter*] All right. Mr. Speaker, once every single week, at least once a week. All right. We are mandated to sit in office and listen to the issues presented by our constituents.

So, you have party matters to deal with. You have parliamentary matters to deal with. You have constituency matters to deal with. You have where one o'clock in the morning you will get a phone call, you will get a phone call with someone telling you, “MP, my gas finish.”

**Hon. Member:** Really?

**Mr. N. Hypolite:** Yeah. [*Crosstalk*]

**Hon. Member:** “Yuh sure is not NP that they saying?” [*Laughter*]

**Mr. N. Hypolite:** Not NP. “MP, meh gas finish.” Okay. [*Laughter*] Mr. Speaker, that is the situation that Members of Parliament face on a daily basis, on a monthly basis, on an annual basis. Mr. Speaker, many constituents, many of them outside here do not know that. In addition to that, they want roads fixed, drains fixed. They want—[*Interruption*]

**Mr. Speaker:** Are you interested in an extension?

**Mr. N. Hypolite:** A few minutes.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Laventille West be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** Hon. Member, you may continue, please.

**Mr. N. Hypolite:** Thank you, Mr. Speaker, [*Desk thumping*] Members all. Yes, Mr. Speaker, so Members of Parliament are faced with not only looking after those issues that may pop up when they sit at their constituency offices, but they have to come to Parliament, they have to sit on many different committees, and in this new session there are new committees which makes it even more—time being spent in the Parliament. We have to go to various Ministries to represent those same constituents. So here it is you are saying that at the end of the Third Session,

but not after the end of the Fourth session—I think that is how it goes, all right—which basically means that within the fourth year, within the fourth year, a constituency with a petition of two-thirds of the members registered can send this letter to the Elections and Boundaries Commission asking for a recall, with those persons not realizing or understanding the amount of work that MPs have to put out, that MPs do on a daily basis, weekly basis, monthly basis. But because somebody, and it could be orchestrated by a political party, not the PNM, so as to get or to continue to hold on to office, all right, to force or to bribe or to encourage, Mr. Speaker, some of these constituents to do just that, sign a petition, so as to recall an MP, and probably force an election. I wonder if we can have that for Anil?

Mr. Speaker, why a recall at this point in time? Why? Why? Why is the Government forcing this Bill on the people of Trinidad and Tobago? Mr. Speaker, this is about democracy. My colleague for Arouca/Maloney would have indicated what Dr. Eric Williams spoke about when he spoke about democracy. Mr. Speaker, I want to indicate that the pattern of challenges created by the style of this UNC Government has been the reality of this nation since 2010. It is like an anxiety disorder of the UNC. They create helter-skelter—by using the Parliament, passing laws that are ineffective in delivery—Bills needing work in the select committees, and there is always the creation of chaos, uncertainty and confusion. Mr. Speaker, the purpose of their parliamentary plans are achieved never for the greater good of all.

Mr. Speaker, it was the late Lloyd Best who argued that any Constitution can work, once the cultural rules determine democracy and there is respect for the rule of law. The flip side of this is that no matter how well intentioned or well-drafted a Constitution is, it can be undercut by poor cultural rules, by persons who favour subservience and autocracy, obfuscations and deceptions. The people's rights must be protected. It is Prime Minister Anthony of St. Lucia who said to the UNC Government, "Let the people..." elect their leaders. The world is watching, the PNM is on guard for the nation of Trinidad and Tobago. No more UNC helter-skelter. We must live with moral and spiritual values in Trinidad and Tobago as our Constitution's preamble states.

Mr. Speaker, just like my other colleagues, I am also stating, I am also requesting, I am also, Mr. Speaker, indicating to the Prime Minister and the Members of Government to withdraw this Bill now and start serving all the citizens of Trinidad and Tobago in a democratic manner, so that at the end of the

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day every creed and race, every single individual of Trinidad and Tobago will be able to have a voice, will be able to have a voice in the direction of this country's future. I thank you. [*Desk thumping*]

**Mr. Speaker:** Hon. Member for Caroni East, Minister of Education.

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Mr. Speaker, at 1.31 on Tuesday morning, almost 15 hours since we started the debate at 10.30 a.m. yesterday on the Constitution (Amdt.) Bill, 2014, there were three issues that were posed for discussion and deliberation in this august Chamber. One is the fixed term, two terms for the Prime Minister. The second is the question of recall, and the third is the question of the run-off. A lot has been said about the run-off issue and it is behoving of us to discuss this a little more.

Mr. Speaker, why would so many countries around the world have run-off voting, and what is their rationale for having such? The two-round system, where is it used in the world? The two-round system is used around the world for the election of legislative bodies and directly elected Presidents.

For example, it is used in French presidential, legislative and cantonal elections, and also to elect the presidents of, and I will quote the countries, Afghanistan, Argentina, Austria, Brazil—which is one of the BRIC countries, one of the developed countries—Bulgaria, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Ghana, Guatemala, India, Indonesia, Liberia, Peru, Poland, Portugal, Romania, Senegal, Serbia, Slovakia, Slovenia, Timor-Leste, Turkey, Ukraine, Uruguay, Zimbabwe.

Mr. Speaker, why would all these countries around the world—developed—and the largest democratic country in the world, India, have a two-round system or a run-off election? I have stated the amount of countries here. We are now wanting to introduce the run-off system, and you would hear a lot of talk around for the entire day, without any substantial rationale being put forward by the other side, to oppose this introduction by the Government for the run-off on the electoral process. Why would all these countries, why would they have engaged in making a decision to have this type of election, an electoral process? And where are instant run-offs being used? The instant run-off voting, the one-winner form of rank, choice voting, is used as well on the municipal, state and at the national level in governments around the world, as well as by non-governmental organizations and corporations.

**1.35 a.m.**

In the United States, what are the states and local governments which are using instant run-off voting as of November 2013?—Arkansas; Alabama; Berkeley, California; North Carolina; Louisiana; Minneapolis, Minnesota, it was adopted in 2006 and first used in 2009 in elections for mayor, city council; Oakland, California adopted in 2006 and first used in 2010; Portland, adopted in 2010 and first used in 2011 for electing mayors; San Francisco, California, adopted in 2002, first used in 2004 and used every November election since then for mayor, city attorney, board of supervisors and five additional city-wide offices; San Leandro, California; South Carolina; St. Paul, Minnesota; Springfield, Illinois; Maryland. Mr. Speaker, these are the areas where this run-off voting is used in their electoral process for a number of different areas, in terms of—for municipal, state and national level in governments around the world.

We are now seeking the support of the Opposition in introducing this electoral process in our constitutional reform and constitution amendment. What are the benefits of the run-off voting system? It is often said that in the first round, as indicated by the Attorney General this evening, you vote with your heart and in the second you vote with your head. I did some research and I found this website, [equalvote.org](http://equalvote.org); the run-off voting system has been described as, “The Solution to Many Political Ills.” This is from the [equalvote.org](http://equalvote.org). Its benefits:

“...Runoff Voting pays attention to voters’ first preferences, and if their first preference does not have a chance of winning, cast the full strength of their single vote for their second-place preference.

This respects the wishes of voters’ more than other voting systems, and has other advantages.”

It is quite clear, Mr. Speaker, that the run-off voting pays attention to voters and has a number of advantages. It is a system which ensures majority winners, which is the essence of our democracy, that the views of the majority win. It is preserving their influence on the end result. That is the voters’ influence on the end result. The vote-counting method drops the weakest candidates while preserving the power of the single vote for each voter.

As has been mentioned this evening, it encourages larger voter turnout, and the hon. Attorney General gave some statistics to show where using this electoral process, there was larger voter turnout, and therefore ensures that democracy prevails. It is a system which ensures that more people come out to vote, just

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adding to the democracy process and strengthening the democracy. There will also be a larger turnout because voters know their vote makes more of a difference. So, you vote once, your party that you supported runs third, but you make a decision for yourself, and you decide who you are going to vote for on the second round.

So, citizens do decide whether to go to vote on the basis of whether their vote matters or not. So, they know they have cast a vote for a particular party, the party did not place first or second and they have a choice now to elect which party they want to put into office. So, therefore, they are quite practical about this, and they go and vote on the basis of whether their vote matters or not.

So, Mr. Speaker, the whole question of the run-off voting is quite well exemplified and used in so many developed countries around the world. It is used in the largest democracy in the world, which is India, and in many of the developed countries including Brazil, which is one of the BRIC countries, and France, one of the seven countries within the United Nations that is in the Security Council as well. So, Mr. Speaker, we have been speaking about constitutional change and constitutional amendment, what is a constitution? I want to quote from Wade and Phillips, *Constitutional Law*, Fourth Edition:

“A constitution means a document having a special legal sanctity which sets out the framework and the principal functions of the organs of government”—of a—“state, and declares the principles”—governing the operation of those organs.

That is from Wade and Phillips on *Constitutional Law*, Fourth Edition.

It is a body of rules which govern the distribution of power to the various agencies within the political system and its legitimacy is derived from wide consensus. Moreover, a constitution is a social and political document and in a democracy power is attributed to the people on whose ratification the legitimacy of a constitution depends. A constitution also establishes a system of government, by which the people and not the government wish to be governed.

So, Mr. Speaker, a constitution represents the granting of power to the Government by the people, and it is essential for a government to respect and obey the wishes of the people. This is what the People's Partnership Government has brought before this legislature here today, and yesterday.

So, we know that the Constitution is an organic document and malleable, and should be subject to reform, and this is what we are seeking to do—the reform, as and when circumstances warrant, to correct social inequalities and economic injustices. So, this imposes institutional checks and balances on the Government in order to prevent the misuse and abuse of power.

Mr. Speaker, we continue to ensure that our democracy flourishes and our democracy remains strong, and as a result we sought to bring about this constitutional amendment following the widespread consultations in Trinidad and Tobago in the 21 consultations held across the country. And subsequent to that in December 2013, there were further consultations from which the addendum was derived.

Mr. Speaker, we have been—as a country we inherited the British Westminster system, and so in 1962 when our leaders at that time, Dr. Eric Williams and Dr. Rudranath Capildeo, and the team went to Marlborough House, the British Government indicated for you to get independence you have to have your own Constitution written for you, by you. You have to present your Constitution.

We all know that the British does not have a written Constitution. It is an unwritten Constitution, where common law has over centuries been the process by which they are governed. So, we had in the Marlborough conference in 1962, our first Constitution written and we went with that Constitution until 1971. Nine years after independence the Government and the people, recognizing the need for constitutional reform, appointed a constitution commission headed by the then Chief Justice, Sir Hugh Wooding.

Now that is 1962 to '71, nine years later the Hugh Wooding Commission came into being. The Hugh Wooding Commission made a plethora of recommendations, among which were:

- (a) “...that Trinidad and Tobago shall become a Republic with a President as Head of State and a Prime Minister as Head of Government. The role of the President will not be purely ceremonial.”
- (b) “...that Parliament shall consist of a single Chamber”—that was the Hugh Wooding Commission—“to be called the National Assembly, presided by the Vice-President as Speaker. For the time being it will consist of 72 members... Half of these will be elected as at present from the 36 constituencies into which the country is divided.

We were 36 constituencies then.

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“The other half will be selected from lists put up by political parties contesting constituencies. This is a mixed system of electoral representation.”

That is what the Hugh Wooding Commission recommendations were.

The Government then at that time, however—your previous administrations—while adopting the recommendations of that commission to abolish the monarchical system of government and establish in representation. The rejection of proportional representation was clearly open to interpretation. Dr. Williams rejected proportional representation. The rejection of proportional representation was clearly open to interpretation that Dr. Williams might have had no desire or interest in.

Today we ask the question, the whole question of the issue of referendum and proportional representation came up on the debate on many occasions within the last 15 or 16 hours. We know that the Opposition will never support proportional representation. The Member for St. Augustine asked the question, and if they were prepared to say anything about proportional representation. Their silence was deadly. There was no answer from them because they knew that they will not support proportional representation, and it has a history from the PNM, since the hon. Dr. Eric Williams mentioned at that time that proportional representation is like a dagger in the cloak of the PNM.

From since then they know that they would not support proportional representation, and we know that we want proportional representation, as the Member for Tunapuna has been speaking about, but the Prime Minister said, “we will deal with that; we will bring it out together with the question of the referendum subsequent to this piece of legislation.”

These three pieces of legislation just need a simple majority and we will deal with this as we promised to the population, and we want to keep our promises to the population, and here it is we brought it. And we are saying that we will bring the issue of proportional representation and the referendum subsequently, knowing fully well that this would need a special majority and possibly a three-quarters majority, and knowing fully well that the Opposition would not support it as well.

So, we brought the ones that we believe will get the support, and by a simple majority, so we would make a meaningful contribution in our democracy, in advancing our democracy, strengthening our democracy, by ensuring that these three pieces of electoral process reform will be accepted and voted for by a simple majority.



**1.50 a.m.**

Mr. Speaker, so when in 1976 Trinidad and Tobago moved from a monarchical system of government to that of a republican, the Queen was replaced as Head of State by a President who acted in all matters on the advice of the Prime Minister save as otherwise provided in the Constitution. In other words, the Prime Minister continued to have the controlling power in the administration of the Government. And our Prime Minister told this country in our manifesto, which became our word and our bond with the people, that she does not want to hold on for more than two terms. We do not want any Prime Minister to be more than two terms because we have seen abuse.

Many of us who are senior in age, and so on, have seen the abuse over the number of years by Prime Ministers who have held on for too long. And at the end of that you would see that some of these Prime Ministers, after a while people are so disenchanted with them, they sometimes go into disrepute, in terms of the work and their performance. So, our Prime Minister said we will go for two terms. The people voted us in with that promise and we are keeping our promise to ensure that we have a true democracy at work.

So here we are today, fixed term, two terms for a Prime Minister maximum. That is a Prime Minister who knows that a real democracy must flourish with succession planning, and once you have served two terms you have done your best. Just like in the United States, two four-year terms and the Presidents move with tremendous respect having served their country very well. Then the question of the recall, and we promised that, here it is we brought it and it is for us to accept it in this House.

“On June 01, 1987, about 15 years after the appointment of the Wooding Commission another Constitution Commission was appointed headed by another Chief Justice, Sir Isaac Hyatali (the late)”—Sir Isaac Hyatali—“to hold an inquiry in public to consider the Republican Constitution and to make recommendations for its revision.”

That was the Hyatali Commission, June 01, 1987.

“This Commission conceded that the first-past-the-post electoral system did not always recognise the popular will and in fact perpetrated on the electorate an injustice where the party with a minority of votes got more seats than the party with a majority of the popular votes.”

I want to repeat this, Mr. Speaker.

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The Isaac Hyatali—"Commission conceded that the first-past-the post electoral system"—which we have now—"did not always recognise the popular will and in fact perpetrated on the electorate an injustice where the party with a minority of votes got more seats than the party with a majority of the popular votes."

This is what we are seeking to change.

So, Mr. Speaker, the question of proportional representation we promised will come.

"It is...significant...that both the Wooding Commission and the Hyatali Commission found that the first-past-the-post system did not inspire confidence in the electorate."

Both commissions, Wooding Commission and Hyatali Commission found that the first-past-the-post system, which we are attempting to change now, did not inspire confidence in the electorate.

"What was indeed quite manifest was that the call for constitutional reform had evinced that the Westminster model constitution had not only failed to address the excessive powers"—and so on.

Mr. Speaker, we have two major constitution reform processes, the Wooding Commission and the Hyatali Commission, both acknowledging that the first-past-the-post-system was not a good system, did not inspire confidence in the electorate. And this is what we are attempting to change at this time.

"And when India was about to become an independent sovereign nation it established a Constituent Assembly for the purpose of drafting its own Constitution. Mahatma Gandhi had said:"—and I quote—"Indians must shape their own destiny; that only on hands of Indians could India become herself."

And Jawaharlal Nehru also said in relation to the drafting of the Indian Constitution that:"—the political, and I quote—

"...the political and psychological conditions are present, and the urge and sanctions come from the masses."

We are trying to give more power to the people. And these three aspects of the electoral reform process—more power to the people by what we have brought to Parliament today. And by doing that:

"...a constitution that would serve the ultimate goal of promoting national unity and justice and equality for all."

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And they went on to quote; I want to quote JL Brierly on law and government. And I quote:

“‘the government is only an agent, an agent of the real sovereign, which is the people or the community or the state as a collective person’. Indeed government is not a broad concept as the State; government is not the State but the servant of the State and must accordingly recognise and accept its subservient status.”

We in the People’s Partnership Government do acknowledge that we are subservient, we are a servant of the State and we accept our subservient status and therefore we are seeking to give more power to the people.

Then came Sir Ellis Clarke’s Draft, and that was about, I think, 2009:

“...three areas of substantial reform; the first being the establishment of the office of an Executive President; the second, the establishment of a Senate the members of which will be appointed on a proportional representation basis...”

And this is something for us to consider in the Parliament here, Mr. Speaker. We are not saying that we are not looking at proportional representation, we are looking at it. We are looking at the issue of referendum, and those are pieces of legislation that will come to Parliament.

So to indicate that we have not decided on proportional representation is a fallacy, but we cannot bring everything together and mix it up in one and none will be passed. We separated the three that can be passed with a simple majority and will bring on the other two when there will be larger debate and we will seek the support of the Opposition on those other matters.

And the third area is:

“...the appointment of the Chief Justice by the President after consultation with the Leader of the Opposition and subject to negative resolution of Parliament.”

And then they spoke about:

“...the existing offices of President and Prime Minister under the current Constitution and merge them and their powers in an Executive President...”  
But they are quite mindful of the fact, the Sir Ellis Clarke Draft:

“...that the history of Executive Presidents in third world countries such as those in South America and Africa has been one of dictatorship and authoritarianism.”

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They were quite aware of that, Sir Ellis Clarke's Draft was quite aware of that. Let me just read that again:

"...the history of Executive Presidents"—which was the advice from his draft—"in third world countries such as those in South America and Africa has been one of dictatorship and authoritarianism."

So, Mr. Speaker, then came the former administration by their former Prime Minister—[*Interruption*]

**Mr. Speaker:** Hon. Minister—

**Hon. Dr. T. Gopeesingh:** Yes, I would like some extra time.

**Mr. Speaker:** Hon. Members the question is that the speaking time of the hon. Member for Caroni East and Minister of Education be extended by 15 minutes.

*Question put and agreed to.*

**Hon. Dr. T. Gopeesingh:** Thank you very much, Mr. Speaker, and thank you very much colleagues. I would not be long again because it is late in the morning, but I just wanted to quote from an article written by Prior Beharry, October 18, 2007:

"Manning's 'Secret' Constitution leaked.

A DOCUMENT purporting to be the secret draft constitution that Prime Minister Patrick Manning allegedly wants to implement if he gets a special majority in Parliament after the next general election is now in circulation..."

It is a—"...162-page document..."—a—"Draft Constitution of the Republic of Trinidad and Tobago. June 2007."

And it was our Prime Minister who was then—we were in Opposition when she said it is:

"The sudden leak of the document"—this is what Prior Beharry is saying—"came days after Opposition Leader Kamla Persad-Bissessar claimed to have received a copy of the draft constitution from an unknown source, and"—showed—"a document on the platform during a campaign meeting at Debe, last week Wednesday.

She has claimed the draft is what PM Manning will implement if he gets a constitutional majority in the November 5 general election."

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...this”—was a—“secret constitution”—and it—“would give Manning control over the DPP since he would have to seek the approval of the Attorney General before he proceeds with a criminal case.”

That was the constitution that was being brought by that administration, by their then Prime Minister in 2007.

“...control over the DPP since”—the DPP—“would have to seek the approval of the Attorney General before he proceeds with a criminal case.”

Mr. Speaker, that is interference in the independence of the DPP by their administration. They are talking about constitutional reform and that is what they were going to do under their administration and under their former Prime Minister. So this is just one area.

“The document also allows for a person who was not elected to the House of Representatives to become an MP...”

That is what was in their constitution.

“...as an alternate to stand with the MP who is to become President. When the candidate wins his seat and takes up office as president the ‘alternate candidate shall automatically assume the vacant seat in the House of Representatives.’”

And that spoke about raising the amount of Senators and so on. And the Chief Justice:

“...the President to appoint a Chief Justice after consultation with the Minority Leader...”

Mr. Speaker, where is the separation of powers there? The Prime Minister then, who really becomes the Executive President, will appoint a Chief Justice with consultation with the Minority Leader, not on the advice of whatever.

“...and the president of the Law Association.”

**2.05 a.m.**

And it will be subject to negative resolution of Parliament. That is the type of constitutional change that the previous administration was dealing with, and wanted to bring to Parliament.

So, Mr. Speaker, I can go on and speak about a lot of things this evening, but in the interest of time I just wanted to quote a few things. I want to show where the PNM Government had anti-democratic measures. One, the proposal in 2005,

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and then again in 2009, to amend the Integrity in Public Life Act, where amid rampant reports of corruption in public life, they sought to essentially make it impossible for the Integrity Commission to operate as a functioning body. I could expand on that but time does not permit.

I will go on: the curtailing of the state enterprises which fell under the Freedom of Information Act. About 15 companies they removed from the freedom of information, including the Central Bank. Their refusal to call local government elections for three consecutive terms, citing local government reform which never came to the Parliament. No public procurement legislation, despite the construction sector and Joint Consultative Council calling for it since 2005.

No Parliament for one year during the 2002 18/18 deadlock where decisions were taken illegally in governing the country and \$18 billion spent without any accountability during that time. And former Prime Minister, Mr. Manning, and former Attorney General, John Jeremie's illegal attempt to force the sitting Chief Justice, Satnarine Sharma, to resign his office or be charged for a false crime. The matter created Commonwealth history in the courts and amounted to nothing but a blatant act of discrimination, and attack on the independence of the Judiciary. Mr. Sharma was illegally suspended and then at the end of a horrific ordeal, went back to work.

Mr. Speaker, I can give you a dissertation on the ills of the PNM Government in terms of the abuse of power and dictatorship, but this evening we will wind up. I will wind up at this time and give way to my distinguished Prime Minister. We can show where the PNM shamelessly violated the principles of separation of powers and so on. I have it all here, almost 50 areas of abuse of power and dictatorship by the then administration, and they are speaking about constitutional reform and lack of support for our own where we are putting more power into the hands of our people.

Mr. Speaker, I would say that it has been shameful and disgraceful, the type of discussions that emanated from the other side in terms of not wanting to support the strengthening of our democracy and the movement and the reform of our electoral process in Trinidad and Tobago. Mr. Speaker, subsequently I will have more to say but I thank you very much for the opportunity on this issue. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for San Fernando West, Minister of Public Administration.

**The Minister of Public Administration (Hon. Carolyn Seepersad-Bachan):** Thank you, Mr. Speaker, for the opportunity to contribute on this Bill, the Constitution (Amdt.) Bill, 2014. I just want to start by saying that, you know, the principle by which we operate—the Congress of the People—is that we put country first over our party, and in keeping with that particular principle, my contribution to this debate is not about the preservation of any political party, but it is about the future of Trinidad and Tobago. Therefore, we are not here about the preservation of any political party.

However, I do want to put my contribution in context and I do want to say, eight years ago the manifesto of 2007 of the Congress of the People—and I just wanted to read a few lines out of it to put it on record. Most of this was repeated in the 2010 manifesto for the People’s Partnership Government:

“The Congress of the People will, as a matter of urgency, engage the population in consultations for Constitutional Reform as anchored to the bedrock principle that the Constitution should emerge out of the collective will and judgment of the people of Trinidad and Tobago. If necessary a COP government will table amendments to provide for and/or strengthen provisions for:

- Checks and balances to safeguard against the abuse of power
- Respect for the voices of minorities, as well as those of the majority
- A free press...
- Access to official information
- Integrity in public life
- Eradication of corruption
- A right of recall for non-performing parliamentary representatives
- A fixed election date
- Opportunities for a referendum process
- Limiting the Chief Executive to two successive terms as head of Government

Towards these ends, a COP Government will establish a Constitution Commission to engage in the widest possible consultation...”

Mr. Speaker, I put that on record because I wanted to establish that the methodology adopted by this Government was one where we felt that there needed to be widespread consultation, and that any amendments to the Constitution of Trinidad and Tobago should emerge from the people of Trinidad

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and Tobago. Therefore, I would like to congratulate the Prime Minister for taking this bold step in terms of Constitution reform. I also want to congratulate the Member of Parliament for St. Augustine who chaired the Constitution Commission and, therefore, was able to bring this forward. Whatever we say today, Constitution reform has started.

However, Mr. Speaker, yesterday—and let me correct this because I keep hearing everybody talk about, we only met last night as the Congress of the People and so on. We had a national council meeting yesterday, and at that national council meeting—and in addition to that we had a national executive meeting last week Wednesday—it was established—because I should state for the record, in preparation for Constitution reform, when we came into Government in 2010, the COP—and you heard the Member for Tunapuna spoke about the number of committees that were established by the COP for Constitution reform. But one such committee was established right after 2010 in order to conduct its own consultations.

The Member for St. Joseph alluded to that when he spoke about the PR consultation in San Fernando, and the reason for that is—the purpose of the committee was to be able to inform the party's position in preparation, in getting itself into a form of readiness, to make a contribution to the Constitution Reform Commission whenever they commenced their work.

So members of the COP did indicate that, you know—they followed, they monitored and they would periodically report to the national council and national executive, and on many occasions they would indicate that there was interest. They had several discussions with the commission as well. They monitored, they participated and, yes, there were several issues, and let me just name the issues that arose out of those consultations.

Mr. Speaker, the issues, according to the COP Constitution committee is that there was agreement on fixed dates for election, two terms for the Prime Minister, proportional representation, recall and referendum. And this is also the position that has been confirmed by Merle Hodge in her recent article, that these issues were widely discussed. At no point in time did the committee indicate that they had any discussions, or that they were privy to any of the consultations, or that during any of the national consultations were there any discussions on the run-off system.

This is why I would like to join with the Member of Parliament for Tunapuna [*Desk thumping*] and I cannot support this Bill [*Desk thumping*] because if we are



to ensure that Constitution reform is anchored in that bedrock principle that the Constitution should emerge out of the collective will and judgment of the people, then we should ensure that there is widespread consultation on these issues.

Mr. Speaker, I want to indicate, as well, and let me demonstrate—I think Merle Hodge said it very well in her article—that it is clear that the Constitution Commission, chaired by the Member for St. Augustine, agreed—had widespread consultations and agreed on principle as to where we want to take our Constitution, and therefore agreed that we must go with the fixed date, the two terms, proportional representation, recall and referendum. But what we are into now is the second round, the second phase, where we now have to look at the “hows”—what are the mechanisms to implement these principles that we are talking about?

I say this because I want to make sure that we are clear because there are so many different ways. They always say there are nine ways to skin a cat, and there are many mechanisms available in order to implement these principles, and I think, given the public outcry, it is clear, therefore, that the people of Trinidad and Tobago want to be part of this reform process. This is why yesterday the COP moved a Motion—the Congress of the People—that we ask that the vote on this Bill be postponed to allow for that further consultation with the public, and it does not have to be a very long consultation. It can be achieved in a reasonable time frame. But most important, that the people of Trinidad and Tobago will be part of this process.

Mr. Speaker, let me start with the issue of recall, for example. We have agreed—it is established that we support recall of non-performing Members of Parliament, but much has been said about the proposed amendment here today, and a lot was said, as well, about the coalition government of the United Kingdom, the Conservative-Liberal Democrat coalition government. But let us put that in context. The Member for Point Fortin sort of alluded to that issue, but I keep hearing from the other side—and there were so many confused messages coming out on recall, and I think, again, it is because it is the confusion between the support for recall and how to implement the recall.

You know, Mr. Speaker, how this recall came about in the UK, I do not know if many would recall that there was an example of an abuse of expenses by Members of Parliament. They call it the expenses crisis and the expenses scandal. It was as a response to that, that the people were of the view that the public should be given a direct voice in holding MPs accountable, who have committed such serious wrongdoing and financial misconduct. Therefore, this is why they started

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the discussion on the recall and the mechanism itself, and they felt that a recall mechanism will improve the regulatory oversight of MPs, and constituents themselves can participate in this regulatory oversight process.

It was felt, therefore, with a recall, there can be improved accountability. But the recall that is being proposed currently is one, although you use a 10 per cent—a petition—to get the trigger, you force a by-election. It does not go to another petition, it goes to a by-election. But recognizing that, the UK has also recognized—the Government. In fact, their election commission—well, I call it their Constitution Reform Commission, because similarly the coalition government appointed a Constitution Reform Commission to investigate this. And what happened is, they recognized there is also an increased vulnerability to attack from those who simply disagreed or thought they—you know, they cannot—therefore, I know the measure being proposed here to counter that, increased vulnerabilities, the 67 per cent required from the electorate.

But there are hardly any times, and I do not think there has ever been a time when we have had 67 per cent of the electorate coming out to vote in a national election in the first place. Therefore, how the UK got around that—and the Member for Point Fortin was speaking to it when she spoke about the Parliamentary Committee for Standards and Privileges—is because they are using prescribed criteria, for example a custodial sentence of more than 12 months disqualifies you from your seat. However, a custodial sentence of less than 12 months can be used as a criterion to determine if there can be a recall. If there is a serious breach of a code of conduct—and in my view, the Member for Laventille went on and on about this issue and says, “You know, but we do not know the role of MP, we do not know the job description” and so on.

But, you know, these opportunities—opportunities such as this, a mechanism like recall allows us to think through and to take a more progressive approach, adopt a progressive methodology and therefore probably allow us to describe the criteria which is along the lines. We must know what is the role of MPs. But if we have widespread consultation in the public and we are able to come together on a consensus, I am sure we can work through this very quickly.

### **2.20 a.m.**

So, Mr. Speaker, you know, I find it hard when many have said that it is impossible. It is not impossible to implement recall, but I think what we need to do is to work through the mechanism to implement it and there are many different mechanisms that have been adopted globally as well. And you know, Member for

St. Joseph, recall—you know, one minute you were saying it is too low a trigger, then the next minute you were saying it is too high, then the next minute you were saying—you know, I was getting confused from the messages.

But what I am saying is, you mentioned that it is not good for all these names to be at the EBC, et cetera, and so on, but you know, if there are people who feel strongly that their Member of Parliament is not functioning and is in a serious breach of a code of conduct, why not? Make yourselves available, make yourselves known. Keeping all of this anonymous only encourages more rumour-mongering and more propaganda instead of something based on facts.

So, Member for St. Joseph, I would agree that if people are serious about this, the constituents, then they should be prepared to let themselves be known, and it is not necessary that we have to protect them because they are going on prescribed criteria. So, I just thought that I will make that point. You know, Mr. Speaker, the recall is not a substitute for a national election. So therefore, this is why you have that 10 per cent trigger. It is not a substitute for the national election. Mr. Speaker, you know, this is where I feel that we need further consultation, but this is an example of where I am saying that we support the principle of recall but we have not worked out the mechanisms adequately, and that is why the population is rising up and that there is this outcry because they do not understand it, they have not participated in it, and therefore, they do not feel they can share that vision.

Mr. Speaker, this brings me to the other issue of the majoritarian rule, this run-off that is required for recall, the third provision. Mr. Speaker, I just wanted to make very clear because the Member for Tunapuna spoke on this particular issue. First of all, I do have a map in front of me and I was looking at all the various national legislatures in the world globally that use this system of—well they call it the two-round system which is like the run-off. When I looked at the map, what I am seeing—*[Interruption]*

**Dr. Gopeesingh:** It is all around the world.

**Hon. C. Seepersad-Bachan:** No, it is not all around the world. *[Laughter]* It is Mali, it is Central African Republic—I am talking about the national legislature.

**Dr. Gopeesingh:** I counted up to 50.

**Hon. C. Seepersad-Bachan:** Let us not confuse the issue of election of Presidents. I am speaking now about the national legislature. So, for example, Iran, Egypt, and these are the countries that have been using the two-round system

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and the reason for that is that it is said that the research is showing that it tends to deepen divisions in a country in a two-round system, and it does not necessarily mean that it deepens the democracy.

In fact, you know, when we are talking about deepening democracy, what are we speaking to? We are talking about ensuring that we are forced to consult with the people before we make decisions. And therefore, if we are looking at systems to deepen democracy, the run-off in my humble view is not one that will allow us to deepen the democracy of Trinidad and Tobago.

Mr. Speaker, the Member of Parliament for Tunapuna spoke about the coalition within parties and not among parties and that is the problem. If you look at what the two-round system does, the people collapse their vote and third parties know for a fact that without the big brother they are nothing, and that is not why—I do believe that we need the run-off system or a majoritarian system to go complementary with a recall. Because, Mr. Speaker, the recall is not coming until about the fourth year, and what happens at that point in time is you have given the Member of Parliament an adequate time to be able to demonstrate his or her competence to perform.

So I do not think that it is necessary. I do not link the two, but what I feel that can happen, Mr. Speaker, as I say, it really gets rid of the third parties. I agree with the Member of Parliament for Tunapuna, it is a direct counter to the proportional representation system. A lot was said about figures here today, for example—and I will just use one set because everybody quoted a lot of figures, but I will just use 2007 as an example.

In 2007, most people quoted the figures. In fact, the PNM got 46 per cent of the total votes; UNC, 29.86 per cent; and the COP, 22.71 per cent of the votes. Yes, that was an opportunity for run-offs, and I have this spreadsheet which shows how many constituencies would have gone into run-off elections. But there were only two seats in which there would have been a run-off election which involved the Congress of the People in a second place, and that would have been Tabaquite and St. Augustine, and therefore, that is because third parties, really, most of the time they run third, or they run third and fourth. Mr. Speaker, they do not run first and second, especially when they are in embryonic stages and they are now developing. The COP when it was at its peak with 149,000 votes, 23 per cent of the votes would have only been able to participate in the run-off of two seats, Tabaquite and St. Augustine.

So therefore, Mr. Speaker, I am not of the view—I think what happens is that run-off systems tend to strengthen big parties. They make big parties bigger. So it is not necessary, and you find yourselves having to negotiate. I am one—I know others have mentioned it, but I am not one of them who believe that negotiating space that everyone is talking about, that is a coalition. That is not a coalition in my view and instead, as I said, it really just collapses their vote and the third parties know now that in fact there is now a big brother and they have to accede to that big brother. That is because, you know, as I said, but if you had implemented proportional representation, Mr. Speaker—

Let us say you had 30 seats in the Senate—which in my view, I really, really agree with the commission's report that the ideal situation is for proportional representation in the Senate. So let us assume the Senate has 30 seats. If the Senate has 30 seats and if you use those same figures, you will see that, for example, because if you are talking about 30 per cent of the seats in the case of UNC, they would have gotten nine seats; if you looked at the PNM because they got less than 50 per cent of the votes, 46 per cent, they would have ended up with 14 seats; and the COP would have ended up with 6 seats. But compare that with just two seats that you have as a run-off, and that is the issue here when we say it does not really match together, and therefore, one really counters the other.

Mr. Speaker, the fears—I just want to say one thing because I heard a lot about the two-round system and the Opposition raised a number of issues about the two-round system and uncertainty and instability. I think Trinidad and Tobago is too much of a mature democracy. Member for St. Joseph, let me just say, I hear you talk about, oh, who will know who to negotiate with and whether it is BP. I do not want us to create that impression because I have seen in governments from one government to the other, in the energy sector, negotiations continue. When the Government of the UNC came in 1995, you had negotiations ongoing with Atlantic LNG train. Well, it was completed by the UNC Government.

Similarly, when the Government of the UNC left in 2000/2001 negotiations had already started in 2002. The other thing that you are saying they would not know which politician to talk to; that is not correct because in the first place, in accordance with good governance—and the practice today is that Ministers do not negotiate.

Negotiations take place with teams, teams of people comprising of public officers. So it is not that you are going to talk about—those things continue and I am sure during the time when there was that two-week period in 2001, the public

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servants continued their jobs. If they had negotiations going on, those negotiations went on. So the fears of uncertainty and so on, why that has happened is because the countries that use the two-round system is because of the countries I just called. And if you look at those countries, those are countries that already there is so much uncertainty and there is a lack of stability based on the countries I called off the map that use the two-round system, the run-off system.

So therefore, Mr. Speaker, I am not really too concerned about that issue, but what it has really raised in the public domain in terms of the run-off system is that the whole issue here is that if we are talking about, you know—we want to look at majoritarian rule which I do not agree with. I believe that PR and I do not think they are one together with the other. I think one contradicts the other, but I want to say that even if you wanted to go with majoritarian rule and the country decided that in the consultations that is the consensus, I have no problem. I will go ahead with that because that is the will of the people, but I do want to say that there are again mechanisms.

If we want majoritarian rule, then there are other mechanisms. It does not have to be the two-round system like the run-off system where you have two ballots separated by 15 days. You can have other mechanisms. You can have the alternative vote (AV) system or you can have the single transferable vote (STV) system and, in fact, the STV has been used. The AV has not been used as much as the STV system, and the STV can be. It is a way of ranking the various candidates. So it is a form of indicating in terms of preferences.

But you see, Mr. Speaker, by not allowing this second phase of consultations—as Dr. Merle Hodge has said—to say, okay, we want to move forward with principle A, we have not had the debate on what are the most adequate and suitable mechanisms to be deployed. Mr. Speaker, as I say that, I want to say that I want to commend Dr. Hodge. I know Dr. Hodge and I think it was unfortunate, some of the public statements, and I want to apologize. I want to apologize to Dr. Merle Hodge [*Desk thumping*] because I think she did yeoman service on the Constitution commission.

Mr. Speaker, I want to say that as well, you know, and I do not know what is this issue with us. Not because we have adopted something. Dr. Merle Hodge has said, “Listen, at the time we have produced a report, we know what the principles are. We did not have time. Yes, this came to me as an email. I was out of the country, I said, okay, let it go forward”. This is what I am understanding from Dr. Hodge. “Let it go forward and, if so, let us have a discussion on it.” But I do not

think that she expected that this was going to go to an implementation stage without having widespread consultation.

And even if you had—let us say the commission did decide that this is the way forward and decided to draft a Bill, if based on the way the people of our country feel, what is wrong with us saying, “Okay, we have erred and let us go back out for the consultation”. The most important thing is that we represent the will of the people. That is what we are here for, to represent the will of our people. Therefore, I say that I agree that the commission has finalized on the principles of the two terms, the fixed dates, the recall, the proportional representation, the referendum, and therefore, we must start the next round on debate, on “the how” and the mechanisms to be used.

This is why, again, Mr. Speaker, I say I cannot support this Bill today, mainly not because I am saying that I am against fixed dates. I am for it. I am for fixed dates, two terms, I am for the recall mechanism, I am here for referendum, and if the country says majoritarian rule, fine. I say, yes, I will go along because I am representing the will of the people. So, Mr. Speaker, because again too, we cannot in all good conscience make amendments to our Constitution when the Constitution itself is not a shared vision of the people of Trinidad and Tobago. At all points in time we must ensure that when we make those amendments the people are on board because it is their Constitution, and when we amend it must be their vision as well. It must be that shared vision.

I do want to say, however, Mr. Speaker, I am heartened this evening by the comments coming from the speakers opposite. I want to say I was happy to hear the comments coming from the PNM Opposition today. I was so impressed to hear how much interest you guys have in third parties. I was indeed very impressed. Come, thump the table, [*Member thumps the table*] they have an interest in third parties, Mr. Speaker.

**2.35 a.m.**

Mr. Speaker, and you know what was interesting is how much you all spoke about the tribal voting, and therefore, if you have a deep concern and you recognize that tribal voting is not good for our country, then you would agree with us the time has come for us to represent this pluralistic society, this diversity, and therefore, let us move and give the voices to the smaller parties. And therefore, I am of the view that I think the PNM Opposition is now ready to support the Government in proportional representation. [*Crosstalk*]

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So, Mr. Speaker, with PR—[*Interruption*]

**Dr. Browne:** That is opposite of this.

**Hon. C. Seepersad-Bachan:** That is what I am saying. So, let us bring—the Government will bring PR legislation and therefore, we need the constitutional majority and the PNM will support, because all of this evening, all I heard from the PNM is your concern for the minorities and minority parties, so you cannot contradict yourself now. [*Crosstalk*] So, therefore, Mr. Speaker—no, I am very heartened to hear how much of your concern for deepening tribal voting, and you know that first-past-the-post system brings about a level of tribal voting.

Mr. Speaker, I agree, however, that with the run-off system, we will tend to deepen those divisions, but recognizing that we do not want tribal voting for a country such as Trinidad and Tobago, and if we are to take this country forward, then we must find a way to get rid of it. Therefore, one of the ideal situations is to get proportional representation into the Senate, and therefore, I look forward to the PNM's support for proportional representation in the Senate.

Mr. Speaker, and finally, I really listened to some of the talk shows this morning and I was, indeed, concerned to see that people were—you know, and I heard a lot of comments, and a lot of negative comments, about the COP's meeting yesterday, and one of the comments about this being a political leader's election and carrying the divisions in the party. I want to say this is not about any internal election and this is not about deepening divisions. This is about the future of Trinidad and Tobago and all of us here have a responsibility to ensure that we act always in the best interest of Trinidad and Tobago. So, I want to warn all those who are making that mischief.

And therefore, I want to say as well, Mr. Speaker, the COP celebrates eight years next month, in September, and I have spent the last eight years of my life advocating for giving a voice to the third constituency who is interested in good governance of this country and for those groups—those many minority groups who need a voice and who want an opportunity, they all want an opportunity to participate. And because I finally believe that this is the way, this is so important, for moving our diverse, pluralistic society forward, I firmly and will continue to believe—[*Interruption*]

**Mr. Speaker:** Do you want an extension?

**Hon. C. Seepersad-Bachan:** Yes.



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

*Motion made:* That the hon. Member's speaking time be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Seemungal:** "They giving yuh basket and they laughing at yuh now."

**Hon. C. Seepersad-Bachan:** Thank you, Mr. Speaker. This is not about anybody giving me basket, this is about me standing here and doing what I have to do for the people of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, as I was ending off there, I was saying that I finally believe that this is a—I think this debate has started, the process of reform has begun, it is in motion. I want to congratulate the Prime Minister who has demonstrated the courage to start this process of reform and the political leader of the Congress of the People, the Minister of Legal Affairs, the Member for St. Augustine.

However, we must ensure that we are not reforming for reform sake. We should be engaging in reform, mindful that this is to ensure our country's survival for decades to come. We must bear in mind that the work we are doing now to strengthen our Constitution, to make it relevant to our people, and the changing dynamics of our society, is being carried out against a backdrop of increasing globalization via trade, culture, entertainment and most important, technology. We all agree, regardless of our political persuasion or party loyalty, that change is needed to our Constitution to propel our country forward into this new age in which we live, an age of rapid, technological advancements with a population becoming increasingly sophisticated and educated to the very highest possible level.

Mr. Speaker, Constitution reform is not and should not be a bad word. This is not a bad thing we are attempting to do. It is a very noble pursuit. However, the crux of the matter is the way this change is carried out and what our country would look like at the end of this reform process. Argument and debate is critical to this process of forging a new Constitution. So therefore, in all conscience, I am of the view that this particular Bill, as it started here with this debate, needs to go out now for widespread consultations. I want to add that we add the PR and the referendum to this package of legislation.

It is my view that more input is needed from society at large if this is truly to be a proper exercise in participatory democracy. It is not enough to say we want

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to improve citizen participation in national politics in a document bringing about constitutional change. We must, in the very act of changing our Constitution, ensure that every citizen has a say, that they share their vision for the new Trinidad and Tobago Constitution. This is the only way we safeguard our democracy and remain true to the mandate stated in our national anthem: “Here every creed and race find an equal place.”

Mr. Speaker, everyone in our society must see themselves in our Constitution. Each successive generation must be confident that the rights of their children, and their children’s children, will be respected, honoured and protected by this great document that is our Constitution. Whatever reforms are undertaken should bring us closer together as a nation and not divide us and rip us apart. We have come to a critical point. We have an opportunity, this time around, to make great strides in this right direction. Let us continue this debate, Mr. Speaker. Let us work our way steadily toward a true national consensus ensuring that every step we take forward, and our goal of a new Constitution, those who must live under it have been able to have their say in what is will and will eventually become. I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of the Arts and Multiculturalism (Hon. Dr. Lincoln Douglas):** Thank you, Mr. Speaker, I appreciate the opportunity at this final hour to make my contribution on the Constitution (Amdt.) Bill. At this stage of the game, almost everything I wanted to say has been said, [*Crosstalk*] and that is a beautiful thing. In that regard, I will be very precise and concise and I am sure I will be done before three o’clock.

I want to thank the Prime Minister, in particular, for the commitment to the manifesto promises. As you all know, I think this administration has been stellar in terms of delivering on its promises in the manifesto [*Desk thumping*] and in particular, the issue of constitutional reform because in a lot of ways, this represents a lot of the ideas of the Congress of the People.

I want to thank the Prime Minister also for the suspension of collective Cabinet responsibility and giving us the opportunity to vote on our conscience. I think this is a first for me in a long time that I have heard in the Parliament of Trinidad and Tobago, and I consider that real good democracy, appreciation of coalition politics. I want to thank my political leader also for his commitment to pursue constitutional reform, issues of term limits, recall, et cetera.

The issue that is most pressing to me has to do with the issue of the run-off. What I want to do is just state my position—I want to go to the end of my

contribution and state my position. I really feel that in the interest of good governance that we should really put off this debate for more dialogue and more participation of the community—at least this issue of the run-off. I think it came as a surprise to a lot of people, and in that regard, it has resulted in a lot of resistance.

One of the things my mother used to say, which is in the Bible, back in the days when I used to be a preacher, she used to say, “Never let your good be evil spoken of”. A lot of times, you might have good intention but if it is done in a certain way where people do not understand or they cannot appreciate it, then it might end up in a way where what you intended to be good, ends up looking bad. So the problem is that, in bringing this legislation forward, we have used a process that has really violated people’s freedom to participate.

It is my understanding that the purpose for making a law is for the development of a society through guidance and discipline, in the sense that guidance tells us where we want to go, and discipline provides both the training as well as the punishment, in order for us to go that way. If we have—and when I talk about development, I am talking about the movement towards a more meaningful way of living. The issue of the run-off provides some concern because the making and the process of the making of the law itself, the thing to govern the behaviour of the citizens, somehow the people feel that they are not involved in the making of that law. If the law is for the people, the people must be involved in the making of the law. That stands to reason.

I mean, if I remember my old anthropology days—the first set of laws that we know about were written by a fella called Hammurabi. Hammurabi lived somewhere, 1700 BC, in Sumeria or in Babylonia—he was one of the Babylonian kings—and he wrote up a whole set of instructions. There were like about 300 of them, and they covered everything from the way of life of people—all kinds of things, but it really was about him as a king and what he considered his wisdom and the things that he wanted to put out. That was 1700 BC and we are not into making laws in that kind of way anymore where the king stands up and makes laws for the people.

We are into making and setting up a code of practice where people can participate, and the process of bringing this law to the community and to our people of Trinidad and Tobago, in a lot of ways, it lacked the transparency. Transparency gives you an idea of what you are after, or what you are trying to accomplish, so that people know the processes behind what is going on. If some things just happen and it comes very suddenly, there is not the amount of

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transparency and so people are suspicious. It lacks accountability. People feel that if somebody brings something suddenly upon them, then they are not responsible for it, and you do not seem to be responsible to them. It lacks the participation of people.

Good law would always involve the people in its making and it lacks that equal access to the process of making the law, the lack of equity. This suddenness of trying to do something is an affront to good governance. Good governance is the process by which government participates with people to form a way—a proper form of leadership and government for the country. When things lack good governance, we find ourselves having to use force, we find ourselves having to use all kinds of other strategies in order to manage the population because they do not understand what is going on; they were not participating in the process, they do not care about what is going on and so, in order to make them care, we will have to use force.

So, this lack of good practice of governance is a significant problem for the people of Trinidad and Tobago. We do not want our people in the streets—and when there is a lack of good governance, the ultimate result of that is lack of trust—lack of trust in political figures, lack of trust in the governing system. Mr. Speaker, this affects the lack of trust in each other.

**2.50 a.m.**

The people who talk about trust now, all the management gurus, et cetera, they say trust is the fundamental capital of any society. It is our negotiation. It is the currency that we have to build our society, trust. They say business happens at the speed of trust.

I remember one time I went to the port to get—“yuh know long time you use to go and get barrel and ting, some people still go.” I remember there were 12 stations that you had to go through. “Yuh hah tuh go by dis one, go by dah one, come by dis one, go by dis one—about 12 things you had to do—and come back tuh de first person.” The purpose of that was because there was an absolute lack of trust on that space. It was considered one of the most corrupt spaces. “All kinda ting use tuh go on.” And so you implement. And so you could not go and get something and come back. You had to, at least, take two days off, because you could not finish the process in one day.

And this is the role of the State. The role of the State is to infuse the level of trust in society so that we could break down the negative things that fight against our people. And if we try to make laws that are good, but the process that we are

using is not instilling trust in the people, then we have a fundamental problem on our hands. It is every man for himself. The people—there is a divergence of values between the people and the State. The people begin to feel unsafe and this breakdown of connection between the leaders and the people lends to all kinds of subsequent problems.

This is not a shop that we are running, and even a shop would require some level of negotiation. This is a State. This is a Government we are running and sometimes leaders have to make strong decisions because the people might not really see the real vision and the real future. But still, there is an opportunity to educate the community, to educate our people, for us to participate in a developmental process to understand what the State is about, what a country is about, what a nation is about and why people must participate in their own direction and their own leadership. When you do that, you cannot go wrong, but if we bring things suddenly upon people, as good as it might be, it will cause all kinds of backlash. Our people are in the streets. This is not a good thing. This is not really any grand or great set of things that we are doing here and we have to go through this process.

I mean, look at the states—we have from both sides, people who presented—that use the run-off system and the states that do not use the run-off system, and we cannot really differentiate. We cannot say, because you use the system they are better than the other, or because you do not use the system, they are better than the other. In the long run, it probably does not even make any difference. So, the most critical issue facing us is the process by which we do these things, because these things begin to instil a certain kind of discipline, guidance, belief system and values in our people that teaches them how to behave in public life and if we institute systems in a way that defies or goes against the values that we are trying to put out, then we are making one step forward and two steps backwards.

So my recommendation, Mr. Speaker, is very simple. I would like, first of all, that we just put this whole thing on hold, so that we can have the discussion and the dialogue that is absolutely necessary to bring our people on board. I would like, if that is not possible, to take out this section that is causing most of the angst and the anxiety and the frustration that is building up all around us, and it is affecting our governance process, because governance is based on a set of values and if our value is not the participation, the kind of accountability and transparency of a people, then why are we doing what we are doing?

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I want to encourage my colleagues. We need our people. We need our people involved in the making of the laws. If we do not involve the people they would not want to obey the laws—the very same laws that we are trying to institute—neither will they respect political leadership.

Mr. Speaker, we need dialogue. As Paulo Freire in one of his books, great educator, who said:

Dialogue is not just about the deepening of understanding, it is about making a difference in the world. Dialogue in itself is a cooperative activity involving respect. The process is important and can be seen as enhancing community and building social capital and to leading us to act in ways that make for a more just and human flourishing. Leaders who do not act in a dialogical manner but insist on imposing their decisions do not organize the people. They manipulate the people. They do not liberate the people, nor are they liberated. In a sense, they oppress the people.

This is Paulo Freire from his book *Pedagogy of the Oppressed*. We do not want to oppress our people. We want to present ideas, so that they can participate, so that we can present laws that they understand that comes from their heart.

So, my recommendation, as I have said, right at the beginning, is that we give our people time to participate in this dialogue, to be involved, especially in this part that is providing the most angst, that for us that seems to come so suddenly that we did not have time to really think about it. And I am sure that, in the end, the people would make the right decision. I encourage all colleagues to think in this regard and I thank you very much for the opportunity to participate.

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Thank you, hon. Speaker, and let me take this opportunity to thank all Members of this august Chamber who contributed to the debate. Whilst I may not agree with everything that has been said, I think it is still a credit to Members of this Chamber who are here at almost 3.00 a.m. to contribute and vote in this debate. So, let me thank all of you Members for your commitment and dedication, demonstrating one of the roles of a parliamentarian. So when one Member indicated he did not know what is the role of a parliamentarian, the role of a parliamentarian is, first of all, to be in Parliament. That is one of your roles. And the other has to be in your constituency working with your constituents.

These are but some of the roles and there are many others. And I find it passing strange that at this point in time, after Members would have served in this

House for so long, that they still do not understand what is their role and what is their job description. That is, indeed, very strange, Mr. Speaker. And if you did not understand what is your role and what is your job description, have you, in any way, been fulfilling that role? Yes, you are saying it is the people, and so it is the people who do not know what is your role and what is your job function. Do you really believe that? Do you really believe that these people who would have voted for you to place you in this Parliament, that they do not understand and appreciate what is the role and function of a parliamentarian? Perhaps, you may say that the SRC does not fully understand that role, as you have said before, but I refuse to believe that the constituents who placed us here do not understand what they see to be our role when they elected us to sit in this House.

Mr. Speaker, I thank all Members, again, for contributing. And I want to go back, to back, to back, to back, to way beyond, when it is that democracy was first espoused and spoken about. And I go back to words that still remain so relevant today. They come from Aristotle in the source: *Politics* from 350 BCE. I take no credit for bringing this at this hour of the morning. I want to thank bloggers who have been on the blogs reminding us of what some of our duties are and what some of our roles may be. And so I want to thank—and it is not the person being mentioned by my colleague, the hon. Leader of the Opposition. They are quick to jump and name names. It comes from a group blog and I want to thank them, they will know who they are, who sent it to me. I will not name them because then there will be those inside here who will demonize these people. And so, here we are, from Aristotle, 350 BCE and I quote:

“The basis of a democratic state is liberty; which, according to the common opinion of men, can only be enjoyed in such a state; this they affirm to be the great end of every democracy. One principle of liberty is for all to rule and be ruled in turn, and indeed democratic justice is the application of numerical not proportionate equality; whence it follows that the majority must be supreme,...”

I repeat:

“whence it follows that the majority must be supreme, and that whatever the majority approve must be the end and the just.”

Here we have, Mr. Speaker, differing opinions between two models of governance. One model suggests a plurality. The other model speaks of a majority rule. In our system of governance, in the Constitution that many have spoken about, what the system envisages is that of majority rule. There have been

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proposals to change that into plurality and, indeed, this Government brought legislation to this Parliament for the local government elections, to give effect to the plurality of voices.

But today, Mr. Speaker, I am very proud to be in this Parliament, albeit at this hour of the morning, because I have witnessed a demonstration of democracy alive and kicking in this very Parliament. [*Desk thumping*] We have said in our manifesto, we pledged—all of us—in the Partnership manifesto, that we will respect the voice of the minority whilst we acknowledge the will of the majority and that is the quotation from Aristotle that I was reading to you.

It can never be that if my one voice is different from the majority of voices around me that I must have my way and if I do not have my way, well throw everything out—the baby with the bathwater. That can never be the way of a society. If we live in a society we must be team players within that society. You cannot have one person or two saying: “Well look, I do not agree with you. That is the end of that.” That is where we talk about the model that goes on the majority rule. So I am saying we witnessed here today, giving respect to the voices of the minority.

We saw it earlier in the sitting with the Standing Orders and giving effect to minority, the Member for Chaguanas West being able to ask questions and so on, the minority in the House, the Opposition asking questions, and so on. We saw earlier today. But we saw it again as we came down into the later hours of the night and into the morning, when we saw Members in the Government side stand up and voice their minority view. In that way, we release them from their collective responsibility. I said go ahead. When has that ever happened in this Parliament? [*Desk thumping*] When? That is why I say democracy is alive and kicking, that the minority voice we respect. We have heard you. We gave you the opportunity to express your minority opinion. But, with the greatest of respect, I disagree with you, and then we will see what the majority has to say. We say we speak about the people and the people, and the people, well which people are we speaking of? It would be the people who elected us for us to sit here. I heard Members talking here about the people said that. Did you go to your constituency and talk with them to find out if they are against these measures or not?

**Mr. Deyalsingh:** Yes.

**Hon. K. Persad-Bissessar SC:** What about—well some of you may have done.



**Mr. Deyalsingh:** Yes, I did.

**Hon. K. Persad-Bissessar SC:** Some of you may have but there are many of you who did not. There are many of you who did not do so. And so the persons who were outside, we saw different sides of it, each with their view as taken.

The Constitution framers in their wisdom, hon. Speaker, gave the power to the elected representatives of the people sitting in this Parliament to make laws for the peace, order and good governance of the country. That is in section 53, that you shall have the power to make laws for the peace, order and good governance, but so ever that if you are amending this Constitution, you would either have to seek a two-thirds for some changes or a three-quarters majority for some changes. But for all the other changes, the Constitution framers provided that you can come as elected Members of Parliament and there are provisions that are not entrenched that will allow you to make changes to this Constitution here by a simple majority.

**3.05 a.m.**

The simple majority means still, it is by the majority of the votes in the Parliament. That is why we are here as representatives until such time—and I come back again, I think the Member for Port of Spain South said it very clearly, that until the people, the will of the people will prevail. At the end of the exercise, the will of the people will prevail, and that is why I say we are here being negative in certain regards saying, well, this will happen, and that will happen, and what will happen. You know what is the best thing that will happen, or the worst thing that will happen, is that either some of us will not be back in the Parliament, because the will of the people will decide that in 2015. Or they will decide that some of us will be back, they will decide well, none of us will be back, that is the will of the people, that is the majority view that we must abide by. *[Desk thumping]*

So to come and say where it is we are working within the framework of this supreme document, the Constitution, we are working within this framework within the law to make changes lawfully in this Parliament. Then the only day that a reckoning will come is when we face the people, the will of the electorate. I already indicated earlier that I have no fear of the people of Trinidad and Tobago, of the electorate. I have no fear whatsoever, they will judge when the time comes.

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I have absolutely no fear of the people, and when I hear some of the comments coming, it seems that some of us think that the people of our country are foolish. They think the people of our country have no sense, that they will act and rise up and behave in a certain manner; that is irrational.

The majority of the people of this country voted for you to be here, that is why you are here, and the people of Trinidad and Tobago are wise. They are very mature, and they will make the correct decisions when the time comes for them to make those decisions. [*Desk thumping*] So to say that all these things will happen is to underestimate the intelligence and the maturity of the people of the electorate of Trinidad and Tobago. So I say again, they will be the final arbiters and judge of this. So, the Constitution, I say, we are working with the framework.

Section 46 of our Constitution tells us very clearly, and I want to make it—further emphasize that 46 is deeply entrenched. It is not a simple provision of the Constitution. The Constitution framers put this as deeply entrenched, meaning, you need a special majority to change 46. It is 46 in the Constitution which is the fountainhead of the law which guides us in making alterations now and amendments to the Constitution. What does 46 say:

“Subject to the provisions of this section, the House of Representatives shall consist of members who shall be elected in the manner provided by Parliament.”

So who will provide for the manner in which Members are elected to the Parliament? The Parliament. And that is deeply entrenched, you cannot change that. There is no other way we can change the electoral processes unless, there is no way we can change that provision, which says that the Parliament must do that. In other words, nobody else, no one else has the jurisdiction, has the power in law under the Constitution to provide for the manner in which MPs are elected. It is the Parliament, and, therefore, we sit here today, we are a bicameral Legislature. We sit here today as one House of the Parliament and there is a second House.

And, therefore, those who are calling for a delay in the debate, fail to appreciate that we are a bicameral Legislature. When we are finished here, it is not a one and done deal, the debate is not ended. It does not end here. We have a second House, the Senate, and this will go in due course as all laws go. All Bills go to the Senate for further deliberation. That in effect is a built-in delay mechanism in the passage of legislation. It is a built-in delay that when we are finished here or vice versa, when they are finished there with Bills introduced, it

comes to the other House. It is a system under the Constitution. The Constitution framers in their wisdom so provided that there is that built-in check and balance.

When you go to the Senate you have to give certain notice, you have to lay the Bill, thereafter, you give notice requirements. All of this will take place, that will take time for further debate in the country and, of course, further in the Senate. So it is not all done today, that we must cease and desist from proceeding in a manner, and you ask me, why do we need to do this? We promised these things since 2010. We promised them and the parliamentary agenda must continue.

We have a budget that will be coming very shortly, very shortly! And, therefore, we need to clear matters on the agenda. You know we worked most of July as well to clear the agenda. So that as a Government, we can get our legislation, things we promised, into place. May I take this opportunity, hon. Speaker, to announce in this Chamber today, that budget day in Trinidad and Tobago, will be Monday, September 08, Mr. Speaker. [*Desk thumping*]

So we move on. So that whilst the House continues its work, we must raise money to be allocated for expenditure for the service of the Government of Trinidad and Tobago. Whilst we do that during the rest of this period, and we will not return to this House until the 8th, the Senate will take up this measure now, and so the debate will continue.

I come back, I say section 46 is the fountainhead. It gives this Parliament, which means this House and the Senate to make laws for the peace, order and good government, then you can do that, Mr. Speaker, in the manner provided by Parliament. And how did Parliament provide, Sir? Parliament provided that we shall have a secret ballot, that we shall be divided into constituencies, all of that is in here, and that the manner in which you will be elected is by a first-past-the-post system.

It did not say how you will determine that first past the post, and that is what we are now providing by saying there will be two ballots. At the moment there is one ballot, but we have seen historically that the one ballot results in minority MPs, persons elected by the minority. We had promised we will give effect to the voice—the will of the majority. We respect the minority. We will give effect.

So it is we are saying that cannot be right. We cannot live in a society that is governed by the minority. How can that be right?—where it is the majority of the people are saying, I do not want you in my Government. I do not want you to represent me. The majority says that, but because of a fraud, first-past-the-post system, the minority person ends up. And therefore—[*Interruption*—you know I

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am hearing murmurings about the whole Commonwealth. I come again, there is always such tremendous resistance to change, but if we continue to do things in the same way, in the same old way, we will never achieve those changes, there is always resistance to change. We have seen that.

But you know, if Christopher Columbus had really believed that the world was flat, we would not be here. We would not be here. [*Desk thumping*] He went against all the naysayers, all who preached that the world was flat, and you were going to fall off the edge, and there were demons and dragons waiting out there in the oceans to fall over the edge. That reminds me very much of the debate today, of all the things that would happen should this measure come into the law of Trinidad and Tobago, the demons and the dragons that are awaiting should this become the law. That is what we heard from some Members today, Mr. Speaker.

If it is that we are—[*Interruption*] you know, hon. Member, at this hour of the morning, I really do not appreciate the mumblings and voices coming from the Member for Diego Martin North/East. I am being disturbed. So we speak of these provisions that we have here. So if we believed the world was flat, if we believe that there are demons waiting when we are operating to make laws within the parameters set by the law, by the Constitution, the supreme law of the land. At the end of the day, it is not the demons and the dragons, it is the people who will decide whether it was right or it was wrong. [*Desk thumping*]

So it tells us how to make the law, who will make the law, within what parameters. Should the Constitution framers have believed strongly enough that this could not be changed, they would have entrenched it with the two-thirds and the 75, the three-quarters. And that for proportional representation which we heard spoken about, to change that first past the post, we will need those special majorities. And we all know in this Chamber, let us not fool ourselves, that those on the other side have, from time and time again, said that proportional representation is a dagger in the heart of the PNM. It goes way back when.

Therefore, to get—yes, the Member asked today and, therefore, we know that we cannot achieve the ideal at this point in time, given the majorities in the Parliament. We cannot achieve that ideal of proportional representation because those on the other side are pledging not to support proportional representation. So what do we do? What do we do? Do we stay with a system that puts a minority into office, and wait till those on the other side one day wake up and say, you know what, we are ready to vote with you, Mr. Dookeran. We are ready to vote with you, Mrs. Seepersad-Bachan, Members, hon. Members. Do we wait and,

therefore, no reform will take place, absolutely no reform. I respect your view. I respect the views of the minority, but do we as a Government sit here and see what is happening under the present first-past-the-post system and say, okay, you know what, fold up everything, put it before a joint select committee, ah? Go back out there and consult.

We have been consulting on constitutional reform for over 50 years, over 50 years! Members have shared with you all the commissions that have come and gone. Indeed, the Minister of Legal Affairs shared with us that when the consultations were taking place people told them, “you wasting time”, none of this will happen. No other constitution commission—look how many, “six gone” before you, and nothing was ever put into place. The scepticism and the cynicism because no one took that step to really come to translate that into a Bill to become law.

Hon. Speaker, we are here then to make these amendments. What are the concerns that are being expressed on the other side? We can put them into various categories. First of all, we have—first of all let us see what the line of objections—first objection is that, let us remove these Bills completely, withdraw, withdraw. And you know, I am happy to see someone in the House tonight, and that person is not at my house in Philippines, [*Laughter*] happy to see that, Mr. Speaker.

And here we are, Mr. Speaker, at this time of the morning. One objection—withdraw, do not ever debate. Our Constitution guarantees the right of freedom of expression in the Parliament. In fact, we have Standing Orders, do not intimidate a Member of Parliament or impede in any way a Member of Parliament from coming to this House and speaking freely, provided for freedom in debates, in lawful debates. This is not an unlawful debate you know. The law, the Constitution provides for this debate, and [*Desk thumping*] so you have one group saying, withdraw. Do not debate. Stop it. Stop! Stop! Stop! Stop! Then you have another group which is saying, delay, delay, delay. So those are the two basic groups. Then you have a third group which is saying go full speed ahead with the constitutional amendments. We want the change. So here we have different groups of persons. [*Interruption*] My constituents, Sir, my constituents are saying go ahead with these amendments, they are saying go ahead. [*Desk thumping*] I saw some of them outside today, in fact, [*Crosstalk*] some are still there and some are here.

**Mr. Imbert:** “How much yuh pay dem?”

**Hon. K. Persad-Bissessar SC:** I will not even—“how much you paid yours”, the ones you had outside there? You see, what you do, you think everybody else is doing it. [*Crosstalk*]

Mr. Speaker, so there are these various views, okay? How do we proceed as a Government? We act within the law. We let the Parliament decide—in the first instance it will be the House.

**Mr. Ramadhar:** That is the legal process.

**Hon. K. Persad-Bissessar SC:** This is the legal process. The first, the House will decide. Second, the Senate will decide, and third, the people will decide, at the end of the day. It will be the people; the legal process that we are following.

So let us take the—those are the three groupings, and I am saying we cannot—in long ago days you will pick up your sword or your gun and you will shoot down the other side and say, okay, that is the end of that. In a democracy we speak, we parley. We are in the Parliament. We speak. We have freedom of expression, and then we have a right in the House and in the Senate, to take a vote, this is civilized democracy. You do not walk outside there and “cuff down somebody”, and say, vote this way or vote that way. You do not bully them and intimidate them, vote this way or that way. In a democracy, you give—you have the right of a vote, and what happens at the end of a vote? The majority prevails at the end of the vote. The majority prevails in the Parliament. I am speaking, that is the first one here, and then in the Senate, and then in the Senate, okay?

### **3.20 a.m.**

Nowhere is there a system of governance—except where there is anarchy and chaos—where the minority vote takes precedence to the majority vote; nowhere in the world. What happens is you give the respect to the minority voices and they are recognized. I come back to proportional representation.

It was said that should we go with the system we are now putting into the law, that that will be opposed; that will be in conflict with proportional representation. I beg to differ respectfully. That is not the case. You are saying we have two ballots for the general election; that you will be in effect moving away, conflicting, eradicating proportional representation, which the Constitution Commission recommended. There are many who support proportional representation as giving effect to the minority voices and, of course, the plurality of voices.

But putting this system in place does not, in my respectful view, preclude conflict with, violate in any way, proportional representation. I want to make that

clear. [*Desk thumping*] That is very clear and what it means is that on these ballots, when you vote, the Constitution Commission recommended at this time proportional representation for the Senate because they did not see it as possible to get what you needed to have it for the House.

So that when you vote on the first ballot, that is the ballot that will give you the number of votes to determine the proportional representation for the Senate. So, if you voted for party A, party B, party C, depending on the number of votes that you got, you will have the proportional representation. We did it in the local government and, if you are fair and honest, you will say that those on the other side got more aldermen than they would have got without that amendment.

The party that the Member for Chaguanas West represents also got aldermen. It was not favoured for one party or the other. It was favoured for the will of the people, the majority of the people and the proportion. [*Interruption*] It was a system and so—you know, this backfire talk, this Member is so annoying at this time in the morning.

**Mr. Speaker:** Will you ignore the Member for Diego Martin North/East?

**Mrs. K. Persad-Bissessar SC:** Well, he is disturbing me, Sir. [*Interruption*]

**Mr. Speaker:** Member for Diego Martin North/East, you are disturbing the Prime Minister.

**Mr. Imbert:** She is insulting me.

**Mr. Speaker:** “Keep quiet nah man”.

**Mrs. K. Persad-Bissessar SC:** I think he is trying to provoke you to put him out. I will not be distracted by the mumblings and murmurings. We are on the people’s business. Here we are, proportional representation I am saying is not in conflict with the run-off nor is the run-off in conflict with proportional representation. So I do not agree with that view and, therefore, the recommendations of the commission are not in conflict with each other nor are the measures that we are now putting in place.

Let us understand. The commission recommended and I agree with them. We in the Cabinet agreed with them. We bring the simple majority provisions first and we deal with the special majority provisions thereafter. It is not an either/or. There are some people speaking in this Chamber who seem to be saying, “Oh, so you bring this, what about the referendum? What about the proportional representation? What about strengthening the office of the DPP? What about all

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the other matters we promised in the manifesto with constitutional reform?” Let us be human here. You cannot bring every single one at the same time, in one day, in one Bill. It will have to be in increments over time and so we cannot pick up—you know, I hear people saying, well you promised this and you promised that and you have not done it. You do not expect us, anybody, any government, that you will come in one shot and keep all the promises here in one shot. What we have doing over time, as is normal human, we are doing them incrementally and getting more and more done. We are getting the achievement.

So anybody who sits there and says, well you promised this and you did not bring it; you promised that—they are not being real. They are not being real at all because there is a five-year term and, as we pointed out in the achievement booklet that the Minister of Planning and Sustainable Development put out, many of those promises have been kept and we are coming forward with more and more of those promises. I, therefore, want to debunk the notion as well.

I have heard people saying that they were surprised that these Bills were before the Parliament. [*Interruption*] I am not naming them; I am seeing on the—I do not know who they are. I saw on the blogs where it is alleged that Cabinet Members were saying they were surprised that the Bills were before the Parliament, but these Bills did not appear before this Parliament from the sky. They went to the Cabinet. They went to the F&GP—

**Dr. Rowley:** Whoo!

**Hon. Member:** Oh my God.

**Hon. Member:** Oh, noooo.

**Mrs. K. Persad-Bissessar SC**—and decisions were taken based on that.

When the Bill finally came—they will have the dates. In fact, I can give you that date right now if you really want it. [*Interruption*] It may well be. That may well be; I will not go so far as to indicate what happened to them. But here is the one that is referred to as the addendum, which is the one causing concern because the other one, everybody is saying yes. The addendum.

**Dr. Rowley:** That went to the Cabinet, too?

**Mrs. K. Persad-Bissessar SC:** It went to the Cabinet, yes.

**Hon. Member:** Wow!



**Mrs. K. Persad-Bissessar SC:** And this addendum went to the Cabinet and from the Cabinet, it went to the Finance and General Purposes Committee and thereafter it came back to the Cabinet and the Cabinet then said, “Look, let us make some changes”. For example, there was a requirement for a certain percentage of the threshold required for the petition recall. Some suggested it should be X or Y. There were several other provisions that changes were recommended on the Bill that had gone before the F&GP; Cabinet and then F&GP. Cabinet and then F&GP. That is the process.

I hold that in my hand at the moment, so I want to debunk that idea if it is that someone said they did not know it was before the Cabinet. Perhaps the person was not there that day. I cannot really say what happened. That person will have to account. I know who chairs it. I know who chairs the Cabinet, but I do not know who is saying they are surprised. I just read on the blog someone is surprised.

**Mr. Speaker:** Hon. Prime Minister, would you like an extension?

**Mrs. K. Persad-Bissessar SC:** Certainly, hon. Speaker.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Prime Minister and Member of Parliament for Siparia be extended by 15 minutes.

*Question put and agreed to.*

**Mrs. K. Persad-Bissessar SC:** I thank you very much, hon. Speaker. Again, questions about the LRC. The LRC is a subcommittee of the full Cabinet. The full Cabinet deliberated on the matter, which is the greater body. When a matter goes to LRC, it is still the full Cabinet that makes the determination. It went to the F&GP, which is also a subcommittee of the Cabinet. The full Cabinet deliberated on this matter on more than one occasion. The records are there and we will certainly have those records available.

Now, let us talk about the issues raised with respect to this 15-day period. In this 15-day period so many things will happen; people will go and rob the Treasury and all kinds of allegations are being made. I want to indicate, out of an abundance of caution, even though we do not share the view that the provisions in the amendment would prevent a President from appointing a Prime Minister where there is a clear majority, we will table an amendment in the committee stage to make it abundantly clear, out of caution, that the President will have the

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full powers as under the Constitution that where there is a clear majority of seats, that the President will proceed under section 76(1) to appoint the leader of the party that has a majority. So there is a clear majority. It is only when there is not a clear majority that the President will then be able to exercise his powers after a run-off.

This happened in the 18:18 for example; in the 18:18 position, where we had to wait for the 14 days and so. It happened again on another occasion, more than once, that there was this transition period for the President to exercise his power.

Section 76(1) says clearly:

“...the President shall appoint...

(a) a member...who is the Leader...of the party which commands the support of the majority of the members”—in the—“House.”

That power has not been interfered with. The President retains that power. We have not amended that in any way. Because of some not seeing that, as it were, and there may be ambiguity, we will seek to amend to make it clear once you have a Parliament of 41 seats, once there is someone with a clear 21, go ahead and appoint your Prime Minister. Should there be any ambiguity, one seat for example, there is no clear majority we will await the second poll and the results of that poll.

Further, we will seek to place an amendment with respect to a second provision. We will put in place a time limit for the EBC to verify signatures in support of the application for the recall. There was no time frame so we are now in the amendment proposing a time frame of three days for that first application for the petition.

That first application for the petition verifies the bona fides of the persons who signed in support of the application. So you have two persons and then the 10 per cent. And further, to avoid multiple recalls being used as mischief—and this is in other jurisdictions—there will be a limit to the number of recalls that can be applied for and carried through in a particular constituency. So those three amendments will be tabled at another stage.

There are some who say that this recall provision, you cannot find it for Members of Parliament. Again let me, with due respect, indicate that in the Constitution of Kenya—and Kenya comes out of the Westminster model as you will well know, as a Commonwealth nation—there is a provision for recall in Part IV of their Constitution; section 45—subsections (4) and (5):

A recall shall only be initiated after twenty-four months since a member is elected and not later than twelve months before preceding general election.

It says again:

“A recall petition shall not be filed against a member of Parliament more than once during the term of that member...”

Again, we are amending to get that one recall. And it says here the recall shall be initiated where you get 30 per cent of the registered voters and then, finally, you will come with the petition with another provision for 66 per cent.

So here we have a precedent for recall of Members of Parliament and, of course, there was a lot of time spent by the hon. Leader of the Opposition talking about the UK situation and talking about alternative voting. Another name for alternative voting is what is known as the preferential system of voting—that is, in one ballot, you will state your preferences, in party 1, party 2, party 3.

Hon. Leader of the Opposition talked about alternative voting as a method that failed in the United Kingdom and, therefore, is what we should not use. I know the Member for Tunapuna, in our discussions, had indicated that we should consider preferential or alternative method of the ballot to select the highest scorer.

The Member for Diego Martin West spent a lot of time showing us how this could not work with the Lib Dems and so on in the UK. Let me make it very clear that what we are proposing is not the alternative system. It is not what is known as the alternative system or the preferential system. What we are proposing is a run-off system, which is totally different from the one that the Member for Diego Martin West spent a lot of time speaking about.

### **3.35 a.m.**

And so here we have Kenya with a right of recall. I believe in Kenya as well, there is a run-off election provided for in their Elections Act. They provide for run-off elections. We see also in the Constitution of the Republic of Uganda similar provisions for us; the Republic of South Africa. It was interesting that Mandela came out—in this constitution in South Africa, it is very interesting to know that he came out—and he put term limits. They have term limits here. And Mr. Mandela, the great man that he was, he did not go back for a second term. He served the first term, even though his constitution provided for two terms, he served one and he went. With term limits in the South African Constitution, the

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Republic of Uganda and in the other one, Kenya, we see provisions that are very similar.

I want to thank the staff of the Parliament because a lot of these sources came from a document they presented to all Members of Parliament. It is here with me, it is called the Essentials of the Bill. I really want to thank them very much, [*Desk thumping*] because when I saw the sources I called a member of the staff, I said: “Listen, I am seeing the links but I cannot open the links to these various provisions, please provide me with how I can get to them.” They did that and that is how I was able, and here it is, Bill Essentials. Excellent work! [*Desk thumping*] Can we congratulate the staff of the Parliament? [*Desk thumping*] Excellent work where they went through and they showed other countries which had similar legislation to what we are proposing—and, of course, gave a very good synopsis of the Act.

I heard someone in this Parliament talking about a fraud, and all kinds of fluff and flurry with respect to this Bill and, again, a total disrespect for the hard-working staff who work in the CPC Department. I want to thank the CPC, all those in the Department: Mr. Macintyre, who is still here at 3.00 a.m. [*Desk thumping*] They were the ones that did the work to put the amendments, and at every step of the way to assist in translating the policy into the actual wording of the legislation. Thank you very much, Attorney General and his department and the CPC for the drafting of this matter and for the legal opinions provided to ensure that we stayed within the Constitution. [*Desk thumping*] So I have—[*Interruption*]

**Mr. Speaker:** You have until 3.43.

**Hon. K. Persad-Bissessar SC:** Six minutes, thank you. I will come to a close to say that there are those on the other side who said, you know, that people want to stay in power for power sake and, therefore, would do anything to retain that power. Mr. Speaker, were that the case, then I may have posited like the hon. Leader of the Opposition, the former Prime Minister, Eric Williams, served for 25 years in office as Prime Minister and, therefore—[*Interruption*]

**Mr. Speaker:** Please, please.

**Hon. K. Persad-Bissessar SC:**—will not, the hon. Opposition Leader. And therefore, the hon. Leader says, “I will not support term limits.” And I think, is the hon. Member then saying that he wants to do 25 years as the former Prime Minister, Eric Williams on that issue of the term limits? Mr. Speaker, I make the point, if it is that I was so concerned about power for power sake, would I term-limit myself? I want to tell you, I gave firm instructions to the drafters that in

framing the provision, even the law speaks from the day it becomes law in the future—so the 10 years of determining it would have started to speak from that day, if and when this becomes law—I instructed that it should be drafted in such a way that I term-limited with my time coming from the day when I became Prime Minister. [*Desk thumping*] So the time that has gone, the five years, will count in any computation of the time being served for term limits.

You know, and some Members were not here but, again, I want to make the point that the documentation we revealed and displayed before, I did it for a reason even though Members on the other side said I would say this because the PNM did it, that we are saying that we are doing it. I made it very clear that that was not the reason. I produced these documents to show that the PNM in their own internal ramblings that they wanted term limits; they wanted recall—recall by another name—and they wanted run-off elections for their leader.

I make the point again, I drew attention to this, not because we are doing it because they did it, but because I wanted to expose the hypocrisy of those on the other side who went on radio and TV and broadcast and were saying: “Term limits: where did that come from? Who make up that? Is there a problem? Who is coming with run-off? Who make up that? What problem yuh have? Where yuh fixing something? Where is the question? Where is the problem?” With all these provisions that we brought, that was the hue and cry that there is no problem. Why are you bringing all of these things? And yet, the hypocrisy is exposed by the documentation, Mr. Speaker. [*Desk thumping*]

As I close, I think I have two minutes—three minutes—I again thank everyone very much for staying here. I see some Members of Parliament who would never be here in any other debate at 3.40 a.m. Many Members would leave—would come and “show face”, as they say, and leave. This is the first time I am seeing some Members of Parliament staying the course right down to the end, and I want to thank them and congratulate them for their dedication to duty by staying in this Parliament to vote in this Bill. And so, Mr. Speaker, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Hon. K. Persad-Bissessar SC:** Mr. Speaker, as provided by Standing Order 68(1), I beg to move that a Bill entitled “An Act to amend the Constitution of the Republic of Trinidad and Tobago” be committed to a committee of the whole House.

*Constitution (Amdt.) Bill, 2014*

*Tuesday, August 12, 2014*

*Question put:* That the Bill be committed to a committee of the whole House.

**Mr. Speaker:** I think the ayes have it. [*Crosstalk*] No, no, no. The ayes have it.

**Hon. Member:** Division.

**Mr. Speaker:** Take a division.

**Dr. Browne:** The noes have it.

*The House divided:* Ayes 26    Noes 12

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Mc Leod, Hon. E.

Dookeran, Hon. W.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Seemungal, Hon. J.

Khan, Mrs. N.

De Coteau, Hon. C.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

*Constitution (Amdt.) Bill, 2014*

*Tuesday, August 12, 2014*

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

NOES

Mc Donald, Miss M.

Rowley, Dr. K.

Cox, Miss D.

Hypolite, N.

Imbert, C.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

Warner, J.

*Question agreed to.*

*Bill committed to a committee of the whole House.*

*House in committee.*

**Mr. Chairman:** All right. There are 10 clauses in this Bill and one Schedule, I propose that we take the clauses one by one, because we also have some amendments here. Okay? Are you ready? We do not have to go in a shouting match in that way. We can all hear each other. Okay? All right?

*Constitution (Amdt.) Bill, 2014*

*Tuesday, August 12, 2014*

*Clauses 1 to 5 ordered to stand part of the Bill.*

*Clause 6.*

*Question proposed:* That clause 6 stand part of the Bill.

**Mrs. Persad-Bissessar SC:** Mr. Chairman, I beg to move that clause 6 be amended as circulated:

In the new section 49B—

(a) delete subsection (3) and substitute the following subsection:

“(3) The Elections and Boundaries Commission shall not approve the application—

(a) unless it is supported by at least ten percent of all the persons who are registered to vote in the constituency specified in the application; or

(b) if it has already approved an application in respect of the same constituency within the same period referred to in subsection (2).”;

(b) delete subsection (7) and substitute the following subsection:

“(7) Where the Elections and Boundaries Commission—

(a) receives the signatures of persons who are in support of the application, it shall, within three days of such receipt, verify that the signatures are of persons who are registered to vote in the constituency specified in the application; and

(b) is satisfied that the application has received the support of at least ten percent of all the persons who are registered to vote in the constituency specified in the application, the Chairman of the Elections and Boundaries Commission shall so certify in the appropriate place on the application and the Elections and Boundaries Commission shall approve the application in principle.”.

*Question put and agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7.*

*Question proposed:* That clause 7 stand part of the Bill.



**Mrs. Persad-Bissessar SC:** Mr. Chairman, I beg to move that clause 7 be amended as circulated:

In paragraph (b)—

(a) in the new subsection (3)—

- (i) insert after the word “where”, the words “, after the first poll of a general election,”;
- (ii) delete the words “results of all the supplementary polls have been declared” and substitute the words “appointment of the Prime Minister in accordance with section 76(1) or (1C)”;

(b) in the new subsection (4)—

- (i) insert after the words “first poll”, the words “of a general election”;
- (ii) insert after the words “all supplementary polls can be held”, the words “or the Prime Minister is appointed under section 76(1C), whichever is sooner”;
- (iii) insert after the words “the last supplementary poll is held”, the words “or the Prime Minister is appointed under section 76(1C), whichever is sooner”.

*Question put and agreed to.*

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

*Clause 8 ordered to stand part of the Bill.*

**3.50 a.m.**

*Clause 9.*

*Question proposed:* That clause 9 stand part of the Bill.

**Mrs. Seepersad-Bachan:** Mr. Speaker, a recommendation was made earlier that we amend to remove this clause.

**Mr. Chairman:** No, we have no written amendments. It is only written amendments we are entertaining at his time.

**Mrs. Seepersad-Bachan:** Mr. Chairman, in order that we remove the part on the run-off.

**Mr. Chairman:** No, I am saying that we have no written proposal before the Chair, nor does the House have a written proposal. I only deal with written proposals. Okay? So we are moving on.

**Mrs. Persad-Bissessar SC:** Mr. Chairman, I beg to move that clause 9 be amended as circulated:

In paragraph (b), delete the new subsection (1C) and substitute the following subsection:

(1C) Without prejudice to the generality of subsection (1), where, after the first poll of a general election, one or more supplementary polls are to be held in accordance with section 73(4), the President shall proceed to appoint the Prime Minister in accordance with subsection (1)(a) as soon as practicable after he identifies a person who can be so appointed.

*Question put and agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clause 10 ordered to stand part of the Bill.*

*Fourth Schedule ordered to stand part of the Bill.*

**Mr. Chairman:** The question is that the Bill, as amended, be now reported to the House—[*Interruption*]

**Mr. Chairman:** We have a clause 11?

**Mrs. Persad-Bissessar SC:** Mr. Chairman, it is on page 14 of the Bill. It comes after some of the forms and so on, so it may appear to have ended at 10, but there is page—

**Hon. Member:** Page 13.

**Mrs. Persad-Bissessar SC:** Page 13? I have it on page 14.

**Mr. Chairman:** There is a clause 11 in the Bill, but it is before the Schedule, so we did not observe it and so our apologies in that regard. We will now have to reopen, revisit.

*Clause 11 ordered to stand part of the Bill.*

**Mr. Chairman:** We shall do the Schedule just for the record, again.

*Fourth Schedule recommitted.*

*Fourth Schedule again ordered to stand part of the Bill.*

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

*House resumed.*

**Hon. Persad-Bissessar SC:** Mr. Speaker, I wish to report that the Bill entitled an Act to amend the Constitution of the Republic of Trinidad and Tobago was considered in committee and approved with amendments. I now beg to move that the House agree with the committee's report.

*Question put.*

**Hon. Members:** Division!

*The House divided:* Ayes 23    Noes 14

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Mc Leod, Hon. E.

Ramadharr, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seemungal, Hon. J.

Khan, Mrs. N.

De Coteau, Hon. C.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

*[Desk thumping] [Crosstalk]*

**Mr. Speaker:** Wait. Wait. Just hold a second. Please. Please. Please. Every Member has a right to vote in this House as his conscience dictates. I take objection to any Member crying shame on another Member and trying to intimidate at the same time. Please, let us conduct ourselves in a proper and decent manner, please. Continue, please.

*Constitution (Amdt.) Bill, 2014*

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*Division continued.*

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

NOES

Dookeran, Hon. W.

Seepersad-Bachan, Hon. C.

Mc Donald, Miss M.

Rowley, Dr. K.

Cox, Miss D.

Hypolite, N.

[*Crosstalk*]

**Mr. Speaker:** The Hon. Member for Mayaro. Yeah, continue, please.

*Division continued.*

Imbert, C.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

Warner, J.

*Hon. R. Samuel abstained.*

*Constitution (Amdt.) Bill, 2014*

*Tuesday, August 12, 2014*

**Mr. Speaker:** Hon. Members, with a division of 23 Members voting for, 14 Members voting against and one abstention, the question that was put to the House has been approved.

*Question agreed to.*

*Bill reported, with amendment.*

*Question put:* That the Bill be now read a third time.

**Mr. Imbert:** Division!

*The House divided:* Ayes 23    Noes 14

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Mc Leod, Hon. E.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seemungal, Hon. J.

Khan, Mrs. N.

De Coteau, Hon. C.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

*Constitution (Amdt.) Bill, 2014*

*Tuesday, August 12, 2014*

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

NOES

Dookeran, Hon. W.

Seepersad-Bachan, Hon. C.

Mc Donald, Miss M.

Rowley, Dr. K.

Cox, Miss D.

Hypolite, N.

Imbert, C.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

Warner, J.

*Hon. R. Samuel abstained.*

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**4.05 a.m.**

**Mr. Speaker:** Leader of the House, the Minister of Housing and Urban Development.

**DRAFT HOUSES OF PARLIAMENT  
SERVICE AUTHORITY BILL, 2014**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you, Mr. Speaker. Mr. Speaker, I beg to move the following Motion standing in my name:

*Whereas* a Joint Select Committee was appointed in the Fourth Session of the Tenth Parliament to consider and report on the legislative proposal entitled,

“The Draft Houses of Parliament Service Authority Bill, 2014”;

*And whereas* this Committee reported to the Parliament on July 25, 2014 that it was unable to complete its work before the prorogation of Fourth Session;

*And whereas* it is recommended in the Report that a new Committee be established in the Fifth Session to continue the work begun by that Committee;

*Be it resolved* that a Joint Select Committee be established to complete the consideration of the legislative proposal entitled, “The Draft Houses of Parliament Service Authority Bill, 2014” and that this new Committee adopt as part of its records all work completed to date.

Mr. Speaker, this is a very important Motion that we will not speak at length on. It is really to continue the work that started in the last session to continue to provide for a more independent Parliament, and to provide better goods and services to all Members of the Parliament and their respective stakeholders. I beg to move.

*Question proposed.*

**Miss Marlene Mc Donald** (*Port of Spain South*): Mr. Speaker, indeed I have absolutely no problem with this Motion. My colleague, the Member for Diego Martin North/East, and I, we served on this committee and we are in full agreement with this Motion.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)**: Mr. Speaker, I thank all Members for their contribution on this Motion, and I beg to move.

*Question put and agreed to.*

*Resolved:*

That a Joint Select Committee be established to complete the consideration of the legislative proposal entitled, “The Draft Houses of Parliament Service Authority Bill, 2014”, and that this new Committee adopt as part of its records all work completed to date.

#### **LEGISLATIVE FRAMEWORK TO GOVERN THE FINANCING OF ELECTION CAMPAIGNS**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)**: Mr. Speaker, I beg to move the following Motion standing in my name:

*Financing of Election Campaigns*  
[HON. DR. R. MOONILAL]

*Tuesday, August 12, 2014*

*Whereas* by letter dated June 23, 2014 to the Speaker, the House of Representatives was informed of the decision by the Senate that the Parliament appoint a Joint Select Committee to propose a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment;

*Be it resolved* that this House agree to the establishment of a Joint Select Committee to propose a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment.

Mr. Speaker, this again is continuing the work started in the last session of Parliament which we would like to focus on and another very critical area of good governance. I beg to move.

*Question proposed.*

**Miss Marlene Mc Donald** (*Port of Spain South*): Mr. Speaker, certainly this is a very important issue, and what I can say at this point is that we do endorse this Motion.

**Hon. Persad-Bissessar SC:** Hon. Speaker, I think in approving this Motion, as we ask Members to approve this Motion, for the Joint Select Committee on campaign finance reform, we are once again showing our commitment to promises that we made to keeping those promises, and therefore, I fully support the Motion that is before this honourable Chamber—campaign finance reform.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I thank all Members for their contribution to the Motion, and I beg to move.

*Question put and agreed to.*

*Resolved:*

That this House agree to the establishment of a Joint Select Committee to propose a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment.

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to Monday, September 08, 2014 at 1.30 p.m., and on that day there will be the



*Adjournment*

*Tuesday, August 12, 2014*

presentation of the national budget; Monday, September 08, 2014 at 1.30 p.m. Mr. Speaker, I beg to move.

**SESSIONAL SELECT COMMITTEES  
(APPOINTMENT OF)**

**Mr. Speaker:** Hon. Members, before putting the question for the adjournment, I want to revert to Announcements and let us deal with our sessional committees.

In accordance with Standing Order 89(2) I wish to announce the appointment of the following Sessional Select Committees for the Fifth Session of the Tenth Parliament.

**Standing Orders Committee**

Mr. Wade Mark	Chairman
Dr. Roodal Moonilal	Member
Mr. Colin Partap	Member
Mr. Chandresh Sharma	Member
Mr. Colm Imbert	Member
Miss Marlene Mc Donald	Member

**House Committee**

Dr. Roodal Moonilal	Chairman
Mrs. Vernella Alleyne-Toppin	Member
Mrs. Nela Khan	Member
Mr. Winston Peters	Member
Mr. Colm Imbert	Member
Mr. NiLeung Hypolite	Member

**Committee of Privileges**

Mr. Wade Mark	Chairman
Dr. Roodal Moonilal	Member
Mr. Prakash Ramadhar	Member
Mr. Chandresh Sharma	Member
Mr. Colm Imbert	Member

Mrs. Paula Gopee-Scoon	Member
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**Regulations Committee**

Mr. Wade Mark	Chairman
Mr. Rudranath Indarsingh	Member
Mr. Nizam Baksh	Member
Miss Ramona Ramdial	Member
Dr. Amery Browne	Member
Miss Alicia Hospedalas	Member

**Statutory Instruments Committee**

Mr. Wade Mark	Chairman
Dr. Roodal Moonilal	Member
Miss Stacy Roopnarine	Member
Dr. Glenn Ramadharsingh	Member
Miss Marlene Mc Donald	Member
Mr. Terrence Deyalsingh	Member

**Question on Adjournment  
(Justification for)**

**Mr. Speaker:** Hon. Members, I know that there have been a lot of discussions on the matter that arose when we last met, and I think for the record it is important that I place on the record the following.

Hon. Members, last week the question of the adjournment of the House to yesterday's date was raised with me via email by a Member of this honourable House. Consistent with my reply to that Member, I wish to state that the House of Representatives is empowered by section 56(1) of the Constitution to regulate its own procedure, and on August 04, 2014 the House agreed, without the objection of any Member to the Motion, that it be adjourned to Monday, August 11, 2014. As such, pursuant to its own order of which I am merely servant, this sitting has been convened or the sitting of the House was convened for yesterday, and has continued into the early hours of today. I just wanted to put on record this statement.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.16 a.m.*