

HOUSE OF REPRESENTATIVES

Friday, February 19, 2021

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have received communication from Dr. Lackram Bodoë, MP, Member for Fyzabad, who has requested leave of absence from today's sitting. The leave which the Member seeks is granted.

PAPERS LAID

1. Audited Financial Statements of the Deposit Insurance Corporation for the year ended September 30, 2020. [*The Minister of Finance (Hon. Colm Imbert)*]
To be referred to the Public Accounts (Enterprises) Committee.
2. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended December 31, 2020. [*Hon. C. Imbert*]
To be referred to the Public Accounts Committee.
3. Report on the first withdrawal in the amount of US\$400.0Mn from the Trinidad and Tobago Heritage and Stabilisation Fund under Section 15A(3) of the Heritage and Stabilisation Fund Act, Chapter 70:09 for the year ended September 2020. [*Hon. C. Imbert*]
4. Report on the second withdrawal in the amount of US\$200.0Mn from the Trinidad and Tobago Heritage and Stabilisation Fund under Section 15A (3) of the Heritage and Stabilisation Fund Act, Chapter 70:09 for the year ended September 2020. [*Hon. C. Imbert*]

UNREVISED

5. Report on the third withdrawal in the amount of US\$300.0Mn from the Trinidad and Tobago Heritage and Stabilisation Fund under Section 15A(3) of the Heritage and Stabilisation Fund Act, Chapter 70:09 for the year ended September 2020. [*Hon. C. Imbert*]
6. Ministerial Response of the Ministry of Finance to the Thirty-Third Report of the Public Accounts Committee on the Follow-up on the status of the Implementation of the Recommendations on Information and Communication Technology (ICT) Governance and General Controls as stated in the Reports of the Auditor General on 2017, 2018 and 2019 Public Accounts. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
7. Ministerial Response of the Ministry of Health to the Thirty-Third Report of the Public Accounts Committee on the Follow-up on the status of the Implementation of the Recommendations on Information and Communication Technology (ICT) Governance and General Controls as stated in the Reports of the Auditor General on 2017, 2018 and 2019 Public Accounts. [*Hon. T. Deyalsingh*]
8. Ministerial Response of the Ministry of Public Administration and Digital Transformation to the Thirty-Third Report of the Public Accounts Committee on the Follow-up on the status of the Implementation of the Recommendations on Information and Communication Technology (ICT) Governance and General Controls as stated in the Reports of the Auditor General on 2017, 2018 and 2019 Public Accounts. [*Hon. T. Deyalsingh*]
9. Ministerial Response of the Ministry of Finance to the Thirty-Fourth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of Trinidad and Tobago for the Financial Year 2019. [*Hon. T. Deyalsingh*]

10. Ministerial Response of the Ministry of Public Administration and Digital Transformation to the Thirty-Fourth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of Trinidad and Tobago for the Financial Year 2019. [*Hon. T. Deyalsingh*]
11. Ministerial Response of the Ministry of Health to the Twenty-Third Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of the InvesTT Limited for the years 2014—2017. [*Hon. T. Deyalsingh*]
12. Ministerial Response of the Ministry of Public Utilities to the Thirty-First Report of the Public Accounts Committee on the Follow-up on the Implementation of the Recommendations in the Fifteenth Report of the Public Accounts Committee on the Examinations of the Audited Financial Statements of the Water and Sewerage Authority for the financial years 2008 to 2013. [*Hon. T. Deyalsingh*]
13. Ministerial Response of the Ministry of Energy and Energy Industries to the Thirty-Second Report of the Public Accounts Committee on the Follow-up on the Implementation of the Recommendations in the Sixteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Electricity Commission for the financial years 2012 to 2015. [*Hon. T. Deyalsingh*]
14. Ministerial Response of the Ministry of Planning and Development to the Thirty-Second Report of the Public Accounts Committee on the Follow-up on the Implementation of the Recommendations in the Sixteenth Report of the Public Accounts Committee on the Examination of the Audited Financial

Statements of the Trinidad and Tobago Electricity Commission for the financial years 2012 to 2015. [*Hon. T. Deyalsingh*]

15. Ministerial Response of the Ministry of Public Utilities to the Thirty-Second of the Public Accounts Committee on the Follow-up on the Implementation of the Recommendations in the Sixteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Electricity Commission for the financial years 2012 to 2015. [*Hon. T. Deyalsingh*]

URGENT QUESTIONS

COVID-19 Vaccines (Administrative Procedures)

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. To the Minister of Health: Could the Minister indicate what administrative procedures are being effected to identify, select, administer and record the next groups of recipients of the COVID-19 vaccines?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, we select persons to be vaccinated according to WHO guidelines based on exposure and risk. Group one will be high risk, high exposed health care workers; group two, frontline public health care workers; group three, direct health care workers public and private; group four, patients with chronic illnesses and group five, elderly over sixty. That is phase one.

The systems we used to identify them for the public sector and the hospitals especially, will be employment records which we already have. Two, we also used the clinic records where the non-communicable disease patients attend clinics. To record and manage this, we have already started using a Ministry of Health developed ICT programme which we started using on Wednesday. And to date, Madam Speaker, that has been populated with over 200 health care workers who

started their vaccination programme on Wednesday, 120; yesterday we did 90 and today we started at South West where we are targeting 100. So the software, the Integrated Communications Technology software is already being in use. So that is how we managed this. Thank you very much for the question.

Dr. Moonilal: Thank you.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Could the Minister indicate when exactly, what date the Ministry and the Government expect to receive the first shipment of COVID-19 vaccines outside of any donation from China or India.

Hon. T. Deyalsingh: Thank you very much. We have constantly stated and this has been backed up by PAHO representatives at the Ministry of Health's press conference, the window of opportunity they have given us for receipt, all things being equal, end of February to the first or second week in March. As yet we do not have an airway bill number or anything like that. What I have been told by WHO yesterday is that on February the 25th they should make a determination as to when countries will be receiving from COVAX and February 25th is next week.

Dr. Moonilal: Thank you. Minister in the context of the roll out of the vaccines and continuing requirements for quarantine, could you indicate the reasons why the Ministry rejected the application by the Football Authorities to have the World Cup qualifier between Guyana and Trinidad and Tobago played in Trinidad and Tobago?

Madam Speaker: Out of order.

Dr. Moonilal: The next question. Minister could you indicate in relation to persistent information in the public domain whether a third party, a company in Trinidad and Tobago, Smith Robinson pharmaceuticals will be handling the importation and distribution of those vaccines?

Madam Speaker: I also rule that out of order.

Dr. Moonilal: Thank you. Minister could you indicate whether or not—well let me put it in one question: Could you confirm that the Ministry has identified and contacted persons on the CDAP programme who are in line to receive the vaccines?

Hon. T. Deyalsingh: Sorry, yes. Member that database we already have and when it is time to contact them they will be contacted.

Dr. Moonilal: So they have not been contracted?

Hon. T. Deyalsingh: Well we are not—

Madam Speaker: Member.

Hon. T. Deyalsingh:—ready for that phase.

Madam Speaker: Member, two questions. You are allowed two supplemental questions. Member for Oropouche East.

**Uniformity of Attire
(Sale of Masks in Schools)**

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much. To the Minister of Education: Could the Minister state the policy as it relates to the sale and provision of masks by schools to students to ensure health protocols are adhered to and that there is uniformity in attire?

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Madam Speaker, the guidelines to the reopening of schools as distributed by the Ministry of Education mandates that all students wear masks. There is no policy which relates the sale and or provision of masks by schools to students. Indeed mask wearing in public spaces is the law in Trinidad and Tobago and all citizens are expected to comply.

With respect to uniformity, it has been a long standing practice of some schools to mandate uniformity in different areas. For example, the type of blazers

or jackets worn by students. These are specific and operational matters handled at the school level by a principal.

Dr. Moonilal: Thank you. Supplemental. Madam Minister, could you confirm that it is not the Ministry's policy to allow schools to sell masks to students as mandatory where students have to buy the mask from the school in order to go to school.

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. Madam Speaker, the Ministry of Education indicates that mask wearing is mandatory. The sale of masks or the provision of masks at schools those are handled by a principal. The Ministry has not mandated the sale or provision of any mask at schools. [*Desk thumping*]

Dr. Moonilal: To the Minister of Energy and Energy Industries.

Madam Speaker: Oh, you are moving on. Sorry. Supplemental.

Dr. Moonilal: Oh, sorry.

Madam Speaker: Member for St. Augustine.

Ms. Ameen: Thank you. I have a supplemental question to the Minister of Education. Is the Ministry willing to examine and bring in a policy that would prevent schools from making the purchase of masks mandatory to students to conform with uniforms and so on?

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. Madam Speaker, the issue of masks and the types of masks that are worn by students is a matter that is dealt with at the level of a school. Different schools have different cultures. Some schools mandate that even the jackets you wear, even in my day the type of sneakers you wore was mandated by a principal in order to keep the culture of the school or the uniformity. So therefore, it is not the Ministry of Education's position that a principal should be mandated to sell masks, provide masks or in any case restrict the level of uniformity that is the culture of the school.

**Patriotic Energies and Technologies Limited Third Bid Rejection
(Steps to be taken)**

Dr. Roodal Moonilal (*Oropouche East*): To the Minister of Energy and Energy Industries. In light of the third rejection of a bid by Patriotic Energies and Technologies Limited, could the Minister outline the next steps that would be taken to ensure these assets are operational?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. I will answer this question. In order to continue with the effort to restart the Point-a-Pierre Refinery the Cabinet has agreed as follows:

Trinidad Petroleum Holdings Limited and the Government of the Republic of Trinidad and Tobago will thank Patriotic Energies and Technologies Company Limited for its proposals to date with respect to the purchase of the assets of Guaracara Refining Company Limited and Paria Fuel Trading Company Limited, and informed Patriotic that the exclusivity granted to it with respect to the acquisition of Guaracara and Paria can no longer be supported by Trinidad Petroleum or Government.

Secondly, Trinidad Petroleum and the Government will proceed immediately to return to the open market to explore all other options which may exist for the utilization of Guaracara, the refinery assets, in the shortest possible time frame with the priority and main conditionality being to determine whether there are any suitable parties interested in operating the refinery.

And thirdly, Trinidad Petroleum is mandated to submit for the consideration of Cabinet within the next three weeks, a proposal for the canvassing of the current market for the exploration of options for the utilization of the assets of Guaracara.

Dr. Moonilal: Can you confirm that it is not the intention of the Government to return to the earlier bid in or around September 2019, where there was indeed a second place bidder?

Hon. C. Imbert: Thank you, Madam Speaker. The second part of my answer, answered that, but I will repeat. Trinidad Petroleum and the Government will proceed immediately to return to the open market to explore all other options which may exist for the utilization of the refinery assets.

Dr. Moonilal: Can the Minister give the country a time frame to go to the open market to canvas, to do over, in light of the assets being there deteriorating an increasing cost to restart and make operational, that critical asset. What is the time frame, 2030, '35, '40?

Hon. C. Imbert: I will now repeat the third part of my answer. Trinidad Petroleum has been mandated to submit for the consideration of Cabinet within three weeks, a proposal for the canvassing of the current market for the exploration of options for the utilization of the assets of Guaracara.

ORAL ANSWERS TO QUESTIONS

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. There are three questions for oral answer. We will be answering all three and there are no questions for circulation—no answers for circulation, sorry. Thank you.

Couva/Tabaquite/Talparo Regional Corporation (Number of Litter Wardens)

72. Mr. Rudranath Indarsingh (Couva South) asked the hon. Minister of Rural Development and Local Government:

Could the Minister inform this House of the number of litter wardens functioning within the Couva/Tabaquite/Talparo Regional Corporation?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much. I would just like to correct something I have just said. There were no questions proposed for written answer that is why we have none to circulate. Thank you very much.

Madam Speaker, at present there are five litter wardens, prevention litter wardens assigned to the Couva/Tabaquite/Talparo Regional Corporation, five. Thank you very much.

Mr. Indarsingh: Minister could you inform this House why the complement of litter wardens has been reduced from 14 to five at the said corporation?

Hon. T. Deyalsingh: Thank you. If the question is posed with the appropriate notice we can supply you with the answer. Thank you very much.

Mr. Indarsingh: Minister could you inform this House that the failure of the Minister of Local Government to appoint litter wardens is making a mockery and an undermining of the Litter Act, Chap. 30:52 of the laws of Trinidad and Tobago?

Hon. T. Deyalsingh: I would not agree with that statement. Thank you.

**Constituency of Cumuto/Manzanilla
(Landslips and Road Restoration)**

73. Dr. Rai Ragbir (*Cumuto/Manzanilla*) asked the hon. Minister of Works and Transport:

Could the Minister inform this House when will road restoration and improvement works be conducted to address the landslips in the Caigual, Bonaire and Fishing Ponds districts within the Constituency of Cumuto/Manzanilla?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. Madam Speaker, the landslip on Caigual Road was addressed during the fiscal period 2011/2012. The work executed was done using temporary piling and shoring. However, the landslip has begun to show signs of deterioration and provision for these works will be made in the 2022 draft estimate for fiscal 2021/2022.

With respect to the Bonaire Road there are four major landslips among the 3.2 kilometre length of roadway which are all being addressed by the BLT and the

PURE Unit of the Ministry of Works and Transport. Work is ongoing by the PURE Unit on one of the major landslips in the vicinity of Dairy Trace with completion expected by the end of April 2021. The BLT Unit is currently undertaking designs for two more landslips at LP 177 and LP 188 respectively, with construction expected to commence in fiscal 2022. The landslip that developed between 1.8 kilometre and 1.9 kilometre mark at the Fishing Pond Road will be addressed by the PURE Unit in this fiscal year.

It is noteworthy that the Highways Division continue to conduct in-house routine maintenance with respect to pothole patching and minor roadside drainage work in an effort to upkeep the road mentioned. Larger road rehabilitation projects will be needed to fully restore these roads to a better condition, however, the execution of these major works will subject to the availability of funding. Thank you.

**Marper Farm and Nariva Swamp Government Facility
(Absence of Water Supply)**

74. Dr. Rai Ragbir (*Cumuto/Manzanilla*) asked the hon. Minister of Public Utilities:

Could the Minister inform the House what are the reasons for the absence of a connection for water supply to the Marper Farm and Nariva Swamp Government Facility located in the Constituency of Cumuto/Manzanilla and when will this be remedied?

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much. [*Desk thumping*] Madam Speaker, I am advised that the records indicate that no formal request or applications have ever been made to the Water and Sewerage Authority for the provision of potable supply of water to these facilities.

1.50 p.m.

TOBAGO HOUSE OF ASSEMBLY (AMDT.) BILL, 2021

Madam Speaker: Prime Minister.

Order for second reading read.

The Prime Minister (Hon. Dr. Keith Rowley): Thank you, Madam Speaker. Madam Speaker, I am required by my oath of office to address a particular matter which should not detain us for too long, unless, of course, Madam Speaker, we are prepared to disregard the Laws of Trinidad and Tobago. However, once you start talking about laws, you start starting talking about lawyers; and once you start talking about lawyers, you start talking about opinions. Madam Speaker, the reason why I am here today piloting this—

Madam Speaker: Prime Minister, I want to just guide you with respect to—I am not sure if you have begun your contribution, but with respect to the brief, in terms of introducing—

Hon. Dr. K. Rowley: To the what?

Madam Speaker: The Whip will assist you.

Hon. Dr. K. Rowley: Thank you, Madam Speaker. [*Crosstalk*] I think the infection is spreading on the front Bench. Madam Speaker, I beg to move:

That a Bill to amend the Tobago House of Assembly Act, Chap. 25:03 and to make consequential amendments to the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, be now read a second time.

Yes, Madam Speaker, I think I am in line now. Thank you. Yes, Madam Speaker, I was saying that the reason why we are having to do this and I am having to lead it, is because I observed I am required to do so by the oath of office that I have taken and I will demonstrate why, Madam Speaker. There has been an election in

Tobago, Madam Speaker, the Tobago House of Assembly Act which some of us have been aware of, and as a result of that election having taken place—and I dare say, Madam Speaker, that the election from all reports and from all quarters, it has been free and fair, and free from fear. However, Madam Speaker, under the Laws of Trinidad and Tobago in the Tobago House of Assembly Act, it makes provision for 12 electoral districts which we call seats, and those 12 electable districts returned results and there are 12 people who are now sworn in as assemblymen. And one may speak of assemblymen and women, the term assemblymen covers both male and female.

So there are 12 people in Tobago, Madam Speaker, who have been sworn in after those elections, sworn in by the President, and they form a component of the institution of the Tobago House of Assembly. I want to make it clear that the Tobago House of Assembly is not properly constituted only by the elected 12 people. There are other members who would sit in the Chamber, and who will function in the Chamber, who are required to be there if the Assembly is to be properly constituted. Those people, Madam Speaker, are a presiding officer and four councillors, three of whom would be appointed by the said presiding officer on the advice of the majority leader and one to be appointed by the said presiding officer on the advice of the minority leader. But, Madam Speaker, a problem immediately arose once the results of the elections were 6-6. It does not matter who occupied the electoral district return, but six people on one side of the House and six on the other side in this election from two political parties, and I dare say, Madam Speaker, there were a number of other political entities that took part in the election but did not have the good fortune of electing anyone in their name, independent or otherwise.

So the issue in front of us very simply is that there are six people on one side

and six on the other side, and the law requires that the Clerk follow a procedure to get a presiding officer elected. So far, Madam Speaker, the Clerk has done so on at least three occasions and on each occasion the result has been a deadlock, 6-6. Some people, Madam Speaker, have referred to the instances of using the popular vote, but there is no law acknowledging that. Some people require that they remain in the place until they get tired and want to go to the bathroom and then who goes first might take part in the election and so on. But none of those things, Madam Speaker, is covered in the law. As Prime Minister of the country of Trinidad and Tobago—and I want to make that distinction again, I am not the Prime Minister of the Tobago House of Assembly, I am not the Prime Minister of Trinidad. I am the Prime Minister of Trinidad and Tobago. [*Desk thumping*]

What exists now in Tobago is a dissolved Tobago House of Assembly, meaning that the Assembly by law ceased to function as a fully constituted body and will not so function until a new Assembly is fully constituted. That is the law. The law also has a provision that while this interregnum is taking place for any reason after an election, the people who were in office as the Secretary, the Deputy Chief Secretary and the Secretaries, not assistant secretaries; Chief Secretary, Deputy Chief Secretary and Secretaries, they remain by law the executive of Tobago to make sure that there is an executive every day and every night until a new Assembly is properly constituted. Because of the 6:6 deadlock, Madam Speaker, the procedure has been after efforts, or I should say one continuing effort, because really it is an adjournment when they go and come back, and go and come back. It is adjourned, they return, they try again, they try again. And, Madam Speaker, as the country's chief executive, I have sought legal advice from more than one quarter and I may just say from many quarters.

Legal advice, Madam Speaker, as you know, is not cast in stone. It can be

challenged, but the bottom line is that I have to be guided by the legal advice that I have received, and I have received high quality Senior Counsel legal advice that the following applies in the Tobago situation where no Assembly is constituted. And I dare say, Madam Speaker, I want the people of Tobago to understand that the Assembly is the local Parliament of Tobago. It is the Parliament of the local government of Tobago. [*Desk thumping*] And, Madam Speaker, may I read for you the guidance that I have received and which I am acting on. Standing Order 3(6) of the Assembly which is guiding the actions of the Assembly, and I dare say as Prime Minister I play no role. My Office plays no role of what happens inside the Assembly because the law here, specifically under this THA Act, says what the Assembly should do, and all I am doing is being guided by Senior Counsel's advice on what the law requires of me and of others.

With respect to the selection of a presiding officer which is the first thing that has to happen after the assemblymen have been sworn in, I just told you, Madam Speaker, they have been sworn in as assemblymen by the President. So the process has started. The next step in the process required by law is that these 12 people and these 12 people alone, have the legal authority to elect a chief secretary from among themselves. Madam Speaker, they have been unable so to do. The election was on the 25th of January, it is almost a month now, today is whatever date it is, and they have been unable. The process has been adjourned to some date unfixed and, of course, Madam Speaker, as we go to the law let me quote for you what 3(6) says, which is guiding action of the Clerk:

“...if the proposal...”—is—“...negatived, the Clerk shall propose a like question in respect of any other Member or other person who has been proposed and seconded”—in the order in which they were proposed—“until the question is carried in favour of one of the Members or other

persons...proposed.”

Madam Speaker, I want to repeat that:

“...until the question is carried in favour of one of the Members or other persons...proposed.”

That is the law. Matters not what you think about it.

It might make sense or it did not make sense, that is law that is enforced today in Tobago, and that is the law that governs and instructs the Clerk as to what to do. And, Madam Speaker, I want you to pay attention to the phrase “until the question is carried in favour”. It means that the Clerk is required to return to the Chamber with the parties ad nauseam as it were until the presiding officer nominee acquires a majority of the votes. Madam Speaker, this is what has been happening in Tobago. It would be reasonable unfair for the Clerk to arrange with the respective parties reasonable appropriate times when she can return to the Chamber from time to time and, of course, if after they have done that and the deadlock continues after a few hours she can adjourn, suspend and continue. It is the process that is going on.

What this holds out to us, Madam Speaker, going forward, is that if there is no resolution, if that “until” a person gets a majority is not acquired in Tobago, it simply means that the Tobago House of Assembly will stand dissolved for the next four years because under the current law it automatically dissolves after a period of time has elapsed. That period is four years. Then the chief secretary will have to call the election under the law. If we do not want that to happen—and what is going to happen is that they will meet there from time to time, and big six and little six will compare against one another to see who is big six and who is little six because six is six, and it is six on one side, six on the other side. The Assembly is deadlocked, and the Clerk is required to do this ad nauseam until one of those 12

people or any other person gets a majority as the presiding officer of the Assembly.

Madam Speaker, we have heard it said that we have a solution to jump out of the Assembly and go elsewhere and find a solution. I do not have that advice, Madam Speaker. I am not following that advice. I am following the Senior Counsel's advice that I have, that the Clerk and the process cannot leave the Assembly and go anywhere else because the law says that the Clerk is required to continue doing that until one of the persons nominated gets a majority, and that majority can only be had from votes of the 12 people who are already sworn in as the Assembly. Everything else, Madam Speaker, is good suggestion, good idea, but it is "monkey coho", not law. [*Desk thumping*]

Madam Speaker, that being so, from day one I said to the people of Tobago and the people of Trinidad and Tobago, that as Prime Minister I hope and I leave it to the Tobagonians in Tobago in the Assembly to do what they had to do if they can do it, and if they had found a way to relieve themselves of this situation, then there would have been nothing for us to do. But, Madam Speaker, as it stands now, I can report to you as Prime Minister of Trinidad and Tobago, that the Parliament of Tobago is dissolved, stands dissolved, cannot be addressed because it cannot be constituted as long as a presiding officer does not get elected by a majority in that House. Well, of course, there are those who will advise me and tell me well, leave it so, or tell me that is what should happen.

In fact, there are others who tell me it creates an opportunity for us here in this Parliament to bring the select committee to the table and immediately grant Tobago self-government. All of these are suggestions, Madam Speaker; they are not law. I want to repeat that. The Tobago issue now, where there is no Assembly constituted and functioning, and that Tobago's business is in the hands of the carryover of the secretary and the deputy chief secretary, and a few secretaries, as

the law provides for it to happen, that we believe is not the best arrangement and it takes a law to change a law. Since what I have just read to you, Madam Speaker, is the law, and that is the problem that the law does not provide for a majority to be had because the members are deadlocked 6-6, and it looks as if we do not have any idea when that is going to resolve itself by an individual or by individuals changing their minds, it falls to me as Prime Minister of Trinidad and Tobago to change the law so that the law [*Desk thumping*] will give provision for Tobago to move on and have a situation where the elected members who have been sworn in can create a properly constituted Assembly.

And as we do that, Madam Speaker, in changing the law, I have been advised publicly and otherwise by persons, well, go back to the polls with the 12 seats and let us see what is going to happen. Madam Speaker, that can be a good idea for good reason on some people's part, but on the other hand, if going there with 12 seats, an even number, resulted in this problem, asking us to go back with the same 12 it not an improvement because it is quite likely, possible, that we could end up in the same situation again if we go back to the polls with those 12. However, we have been spared that, Madam Speaker, because by consultation that took place in Tobago over a two-year period on a matter which was broader than this problem, this problem being but one part of the Tobago issue to be addressed, Tobagonians over two years had got together and decided to offer to themselves and to the country, solutions to their problems. One of the solutions is this matter of how many seats the Assembly should have.

Madam Speaker, unlike the Parliament where the Elections and Boundaries Commission makes recommendations to this House and Members in the House decide to accept the recommendations, or modify, or reject the recommendations as to how many seats should be in this House, in the Tobago House of Assembly

Act, that unique piece of legislation, it spells out in the law how many electoral districts, called seats, there should be in the Assembly. So if you have to change it as I think we should, Madam Speaker, as common sense says we should, that we should go to an odd number which would virtually eliminate the possibility of a deadlock like this. We, Madam Speaker, have looked to the outcome, the product of the consultation in Tobago which happens to have in it, in the draft Bills that came from that Tobago consultation, in the Bills that came to the Cabinet, the draft laws which we have placed before this Parliament, which is now in the Joint Select Committee of this Parliament as a consideration for a request made from Tobago, that the Assembly by law not have 12 seats but 15 seats. And, Madam Speaker, we think that is a good, sane and sober guide for us to follow. [*Desk thumping*]

And it is on that basis and that basis alone, Madam Speaker, that we are saying we will amend the Tobago House of Assembly Act to increase the number from 12 to 15, from an even number to an odd number for the reasons just given. And, Madam Speaker, as we do that, it will require consequential amendment of the Elections and Boundaries Commission Act because as it stands now, the law tells the Elections and Boundaries Commission how to proceed, and, Madam Speaker, once you are interfering with the 12 seats to go to 13 or 14 or 15, it will involve the Elections and Boundaries Commission. It will involve them having to make the necessary arrangements to have Tobago divided into 15 areas as against 12 electoral districts they are called. Once that happens that is one problem solved, but the EBC under law is required to put a report to Parliament on this and similar situations two years after an election. So if we do not amend the Elections and Boundaries Commission Act it will be two years before the Commission can report to this House, and there can be no return to the polls until a report like that is adopted in this House to go back to the polls.

So in short, Madam Speaker, what is required to be done is to amend the EBC Act to create instructions by law so that the EBC can accept the Parliament's wishes, give Tobago 15 electoral districts for reasons given a while ago, and then present to this Parliament the work in its report to show those 15 districts. And, Madam Speaker, once this House accepts an EBC report, then and only then will the EBC be able to go out and take part and prepare us and have an election in Tobago. The law says that we put some time frames on that, in that once the EBC report is available to the House that the chief secretary who is in office by law, consulting the President and the Prime Minister, can immediately then call an election. Remember the House is already dissolved. He or she is not going to dissolve the House. The House stands dissolved since last year. So the law is now going to instruct that the chief secretary can call an election. That election is what is going to change the status of the House from dissolved to constituted, after an election is held, and that election cannot take place under two months. And understand, Madam Speaker, that once an election is called, 35 days is the minimum period, it could be even more, but there is a minimum period of 35 days where having called the election, that the election day should fall.

So if we say that we want this thing handled with dispatch, we put in the law that we are proposing today that the minimum period under which the election is to be called is two months which will allow certain things to happen and to comply with the law of 35 days-plus for an election to be called, and no more than 90 days. So it limits the period of transition that we are talking about. It limits this interregnum where the Assembly stands dissolved further, but at least, Madam Speaker, what this is going to do, it will tell us exactly when an election can be called, and when an election is called it tells us exactly when this deadlock will come to an end in Tobago. [*Desk thumping*] No other solution has been put

forward that complies with the law.

Madam Speaker, I have searched this Tobago House of Assembly Act up and down. I have seen no provision here for tossing any coin, I have seen no provision for cutting grass and pulling straws. I have heard it from the radio and the television about having a council of elders, a Robinson Crusoe coin toss, a grey beards association, let them run Tobago. All of these, Madam Speaker, are ideas coming from different quarters. None of that is in the law that governs Tobago business. [*Desk thumping*] And I, Madam Speaker, as the country's chief executive sworn to uphold the Constitution and the law, I am duty-bound to act within the law. [*Desk thumping*] And it is on that basis and that basis alone that we are here today to change the law because there is a deadlock caused by the nature of the existing law. If as we are doing this, Madam Speaker, the Tobagonians, those 12 elected assemblymen, if while we are doing this, they find a way to use the current law to break the deadlock then so be it. But in the meantime, as Prime Minister, I cannot sit on my hands and allow Tobago to not have an elected executive because the deadlock in the Tobago Parliament cannot be released because of the nature of the existing law.

So, Madam Speaker, you will hear a lot and a lot. You will hear a lot of suggestions and solutions. You will even hear other legal opinions from other quarters. We respect all those opinions, Madam Speaker, but I would pay attention to those that are rooted in the law and, of course, [*Desk thumping*] if the law is being broken, I have been threatened by my colleague from Siparia that if I do what I am doing today, she will sue me. [*Desk thumping*] Madam Speaker, that is the strength of our democracy and the strength of our Republic that [*Desk thumping*] if an officer is breaking or has breached the law, recourse can be had elsewhere. I am advised that interest in Tobago and some interest in Trinidad have

today provided threats of legal attention. I think a pre-action protocol has been served on the Clerk in Tobago saying that the Clerk has not done—that is a matter for the law. Who has served pre-action protocols, they know the court house road and there are judges there to make a ruling. But I cannot, Madam Speaker, be guided by that. I am to be guided by the law as it exists now and the legal advice [*Desk thumping*] that I have and the actions of this Government are guided by the legal advice Senior Counsel's advice that is given to this Government.

And on that basis, Madam Speaker, we are saying that clause 1 of the Bill is a short title, clause 2 is the interpretation of the word “Act”, clause 3 provides for commencement after proclamation, clause 4 is to increase the number from 12 to 15 electoral districts, clause 5 will replace section 22 of the Act to include two new sections and this is to allow for the consultation that will take place for the election to be called on a fixed date for fresh elections, and the Schedule of the Bill will contain the amendments to the EBC Act that I have just mentioned that are consequential as a result of us increasing the number of seats, Madam Speaker.

And, Madam Speaker, this is not atomic physics, but it is important to the people of Tobago. It is important for the governance of Trinidad and Tobago and, Madam Speaker, having sought and obtained the best legal advice available to the Government of Trinidad and Tobago, as Prime Minister responsible to ensure that there are functioning institutions in the country, I beg to move. [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Chaguanas West.

Mr. Dinesh Rambally (*Chaguanas West*): Thank you, Madam Speaker, for this opportunity to contribute in this debate. Now, Madam Speaker, I want to start off with a few points that I heard our hon. Prime Minister make, and the hon. Prime Minister spoke about lawyers. Now, I want to set the record straight please,

Madam Speaker. It seems as though my colleagues on the other side have penchant to criticize lawyers when they are standing up for people's rights. [*Desk thumping and crosstalk*]

Madam Speaker: Hon Members! Hon Members. Please continue, Member.

Mr. D. Rambally: Thank you. But, Madam Speaker, it is ironic that we hear the Prime Minister today referring to legal advice from lawyers.

2.20 p.m.

And I want to say that if you are the Prime Minister of Trinidad and Tobago, in taking that legal advice, have you shared that with the people of Tobago? [*Desk thumping*] Have you shared it with Trinidad and Tobago? [*Desk thumping*] And, Madam Speaker, I know my good friend, the hon. Attorney General will come and say there is no duty to share it but if there is no duty even to share the legal advice that you have, have you consulted with the people of Trinidad and Tobago? [*Desk thumping*]

Now, you see, Madam Speaker, I know that it seems that we can say easily there is a certain position that we hold and that we do not have any particular authority because you have divergent views and this is where we should air our concerns and then have a Bill passed that can treat with a situation. But you see, Madam Speaker, in a situation like that, what you are in fact doing is that you would be treating with laws, you will be passing laws in a retrospective manner and that is something that we have to be very cautious, very wary over.

So, Madam Speaker, I want to set a few things in context because I heard the hon. Prime Minister make reference to certain factual matters and whilst some of it is correct, I think we have to point out that what you have, and I want to use his own—and this is a correct position—that the assemblymen alone have legal authority. Now that may be so but what we have do is we have to take it in context.

And so, I want to say that what you have arising, following the elections of the 25th of January, 2021, is you have assemblymen who have been duly elected to the office of the THA and this was in pursuant of the THA Act and the elections that have recently been held. So what took place next is that the assemblymen have been administered their oaths of office. [*Desk thumping*]

So you have been elected and they have been administered their oaths of office, and therefore, they are now the bona fide representatives of the people of Tobago. [*Desk thumping*] Their election to the office that they have now taken oath to hold represents the sovereign will of the people of Tobago. [*Desk thumping*] And the last time, Madam Speaker, that I checked, Trinidad and Tobago, it is a democracy [*Desk thumping*] and we follow well-established democratic norms and values, and this is something that our Constitution itself declares and it behoves us that we should give proper credence—I will say full credence to the will of the people. [*Desk thumping*]

Now, Madam Speaker, having had the assemblymen take their oaths, then the next that came in line was that you have the Clerk of the Assembly who is vested with certain statutory duties and responsibilities, and they have that responsibility to conduct the proceedings in the Assembly and this is something that the hon. Prime Minister alluded to, what has taken place. But we must remember that that Clerk of the Assembly has to properly direct himself or herself in accordance with the law. There is existing law as to what has to take place. [*Desk thumping*]

Mr. Charles: “They doh want to hear that.”

Mr. D. Rambally: So what you have is you have the Tobago House of Assembly Standing Orders, we cannot ignore that and we have the Tobago House of Assembly Standing Orders referring to the House of Representatives Standing

Orders. [*Desk thumping*] So we should not encourage a situation where you have existing laws. We should not encourage or facilitate a creature of statute, the Clerk of the House, shirking his or her responsibility where they have to follow the Standing Orders and by extension, the House of Representatives Orders.

So, Madam Speaker, I say this and I want to refer immediately to where you have laws, laws are to be construed in accordance with fairness. Now, in dealing with that, Madam Speaker, nobody on this side will mount any position that you cannot pass laws retrospectively, that is a power that you have. But if you are passing law to deal with retrospective matters, you have a duty to act fairly. Fairness must pervade the reasoning. [*Desk thumping*]

And, Madam Speaker, when you look at—and this is not myself saying this—when you look at the established authors, *Bennion on Statutory Interpretation*, you look at parliamentary texts, they will tell you that there is a general dislike in democratic and rule-of-law-driven societies, there is a dislike to have retrospective pieces of legislation. As a matter of fact, Madam Speaker, in the United States of America, there is an absolute dislike for what they call the ex post facto law and in fact, in some states of the United States of America, they outright forbid the passage of retrospective legislation. Now, the principle is very simple. No matter which country in the Commonwealth, there is a Latin phrase, *lex prospicit non respicit*: the law looks forward and not back. [*Desk thumping*]

So what we are doing here respectfully, Madam Speaker, is that you have retrospective legislation going against the principle that legislation by which conduct of mankind is to be regulated, it ought, when introduced for the first time, to deal with future acts and ought not to change the character of past transactions. [*Desk thumping*] It ought not to change past events which were carried out upon the fate of the existing laws. So here it is you are coming now seeking to pass a

Bill, make new law and it is going to delve into treating with persons or citizens of Tobago, citizens of Trinidad and Tobago, their rights to vote and to select their Member to sit in the Assembly. So, Madam Speaker, this is not something that we ought to treat very lightly with. It is a very serious issue that we are dealing with. People's rights have been exercised. The will of the people of Tobago, it has been expressed. I know Members on the other side were taken by surprise and they are shocked at the result but still, we have a duty to ensure that we treat the people of Tobago with utmost respect. [*Desk thumping*]

And again, I point out that the basis of all that I have said so far is simply a duty to pass law with fairness. It is no more than simple fairness. So if we do something today, if Tobagonians did something on any given day and I am talking about the 25th of January, 2021, the law applying to them should be the law enforced of the day, [*Desk thumping*] not today's backward adjustment of what took place on the 25th of January, and that is what we are seeing. We are seeing an attempt to adjust the electoral will of Tobago.

Now, Madam Speaker, laws must be construed in a particular way. It must be construed, as I said, in accordance with fairness and effectiveness. I am not going to delve into necessarily deep principles of law but I have mentioned the principle of fairness and I want to speak about the principle of effectiveness. And when you are dealing with law, whether it be this instant Bill today, or you are dealing with any law that is being brought before the Parliament, what you have to look at is where it is possible, any enactment, any enabling provision, any legislative piece of law, if I may say, any legislative pieces that come before the House, you have to construe it in a manner that will give force to the law. It must not be construed in a manner which will be rendered nugatory. So here it is you are bringing a piece of law which will render the existing law—we have heard mention

of Standing Order 92 and then the reference to the House of Representatives Standing Orders. You cannot render those laws nugatory. You have to construe laws in a manner that will give effect to those existing laws. [*Desk thumping*]

Now, Madam Speaker, not too long ago, there was a particular Bill which was brought before this House, the Administration of Justice Bill, and in that, I know the hon. Attorney General referred to a case of *Attorney General of Turks And Caicos v Misick*, Privy Council Appeal 72 of 2020 and in that particular case—in that Bill and now it is to be passed as law, what the Attorney General sought to do was to refer to that case to say that you can have trials by virtual hearings. Now, the basis for that and why that case went all the way to the Privy Council was that you had a regulation that was passed in Turks and Caicos where an ongoing trial would be able to be completed by way of a virtual hearing. So it was a criminal trial, it was on foot and here it is in the COVID pandemic, they passed a regulation which said that you could have it virtually, and it was a regulation that was challenged. And what the Privy Council held was that you have to look at the regulation in a particular manner and they refer—

Madam Speaker: Hon. Member—

Mr. D. Rambally: Sorry.

Madam Speaker: I hope we are not going back to that past debate and that you are going to quickly tie in what you are going to say to this.

Mr. D. Rambally: I am guided.

Madam Speaker: Okay?

Mr. D. Rambally: Yes please, Madam Speaker. What they held was that there is a particular principle of effectiveness and so the judgment said of relevance and this was the crux of why they held up a regulation. So although there was debate about existing law and this was just a mere regulation, what you have is that they were

referring to this regulation, some lawyers tend to call it “subsidiary legislation”, the principle of effectiveness applied and therefore it says:

“...where possible, an enactment will be construed so that its provisions are given force and effect rather than rendered nugatory...”

So if you take that in the present context, what you do have is you have the Standing Orders that is applicable to the THA, the Tobago House of Assembly, and that in itself, that is existing law. You have to construe that existing law in a manner that will give effect to itself, the regulation and the THA Act itself. [*Desk thumping*]

So, Madam Speaker, again, I have spoken about fairness and the principle of effectiveness. Now what this means is that you can have the appointment of the presiding officer—when you are looking at the law, it should be interpreted in a manner which facilitates—remember, we just had an election, THA elections in Tobago. So rather than destroy the rights of so many thousands of Tobagonians, we should interpret the law, construe the law that will facilitate rather than prohibit the appointment of a presiding officer, [*Desk thumping*] and that is what we are duty bound to do.

So we on this side, we would want to place on record that in debating this particular Bill that is before the House, that we want to give proper effect as a responsible Opposition. Yes, we are led by Member for Siparia and she has rightly put out in the public domain—even before this Bill was brought before the House, she had put out correctly what the position was as a matter of law. [*Desk thumping*] So the Member for Siparia did not wait for legal advice. She advised as a Senior Counsel that we have to give force to rights. [*Desk thumping*] And I know we will hear some persons come in and say, “Oh, well allyuh on that side doh have moral authority to talk about Tobago.” We have every moral authority—[*Desk thumping*]

when rights are being trampled upon in Tobago by virtue of not giving effect to the Standing Orders and consequently adopting the House of Representatives orders, we have every moral authority to speak on this occasion and to give some voice to the people of Tobago.

I would like to know that you now have a so-called six of some, “half a dozen” of the other but you have this tie, and therefore, has any consultation been held with anybody at all in terms of where or not you can have this situation resolved? So that is even outside of the principles of law that I am referring to. Now, Madam Speaker, we have spoken about Standing Order 92 and this, of course, I am saying it provides the recourse to a situation like this.

And I want to say that when we look at the Tobago House of Assembly Act, it could not—notwithstanding that the number 12 is there, it could not have been the intention—we cannot say that the collective will of the Parliament, that the intention of the framers of that Act was to contrive a scenario where the Assembly would be rendered in an inoperative state simply because you have a tie. And that is why it is even critical to look at Standing Order 92 and as I say, by extension, the House of Representatives Standing Orders. So, Madam Speaker, this is what we have to give effect to. This is the law as it presently stands.

Now, Madam Speaker, I want to go a little bit further in terms of when we look at what has been put out in the public domain, it is incumbent on us that we go back a little bit in history and we have to look at when you had particular debates on reports being brought before this House. You know, there were certain reports to approve the Elections and Boundaries Commission reports and, Madam Speaker, what you have is, for example, the Eleventh Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago, and this is the 29th of September 2016, and what it says—I will

just make reference. I know there are other persons to come after and they can correct the record if I am wrong, but I am reading clearly that the EBC said in 2016 that:

“...the Commission considers that no adjustment is necessary to the boundaries of the electoral districts in the electoral area of Tobago.”

This is where we had the 12 and I want to put it on record as well that subsequent to that report of 2016, you also have a report which came in 2020 and that Twelfth Report—Madam Speaker, I apologize, I cannot find my copy but I do know that the Twelfth Report—yes, 8th of September, 2020. Again, it spoke about the 12 electoral districts and they spoke about the highest electorate, the lowest electorate, the percentage differential between highest and lowest, and they used their formula. This is not unknown. They have not contrived this for the first time and so what it said was:

“...the Commission considers that no adjustment is necessary to the existing boundaries of the electoral districts...”

So here it is you have an independent body set up under the Constitution, set up according to our laws and they are the ones who have the duty to ensure that people are properly represented. They have a duty to ensure that you do not have over representation, so you do not have 10 persons being represented by an assemblyman; you have a particular amount and they have determined, according to the law, that the electoral district is properly defined; the boundaries, there is no need to adjust it and the people are getting proper representation. Why is it that we are coming now to insert the number 15 for electoral districts? How do we contrive the number 15 when we are talking about changing the electoral districts from 12 to 15?

So, Madam Speaker, my simple point on that is that I do not know if it is we

have to go back to the polls in Tobago as it is being suggested with this Bill. Who is to say that a third force will not come forward and then you have 5-5-5? That is a possibility. [*Desk thumping*] So, Madam Speaker, that is something that if it does not happen immediately, it is very possible it can happen in the future. So I am not being facetious by suggesting—just how we did not think that you would end up with a 6-6 position, you can end up with three parties getting involved or even more, but three parties, each party acquiring five electoral districts and therefore you have equally drawn assemblymen. So what would happen in a position like that? So I raise that, I know my colleagues who will come after would go a little bit more in depth in it, but how do you arrive with a Bill with a number 15 and you are saying that that will cure the problem of a tie when in truth and in fact, sometime in the future, you can have the same tie that you are trying to prevent.

So, Madam Speaker, these are some of the matters which I wanted to raise and I know that if it is you are representing the people of Trinidad and Tobago—we have heard many prominent persons coming out of Tobago, prominent persons out of Trinidad, all of us sharing one love, all of us concerned about the fate of the THA and the future fate of Tobago and therefore, they have put forward their own suggestions. One issue that underpins all of the suggestions being put forward is that there has been absolutely no consultation with the people of Tobago.

Now, Madam Speaker, I know reference has been made to the Tobago (Self-Government) Bill which is presently before the JSC. All I would say is that insofar as I am hearing that out of consultations that went before that JSC—so I accept that there were consultations—persons would have put forward certain views and it went before the JSC. What is the present position of the JSC? It is simply that whatever has come forward and it is deliberated upon, it will return for consultation to the people of Tobago and Trinidad. That is the present position of

the JSC. So to say that arising out of that and we can take that singular item out of the Bill and that is before the JSC, it still has to go back, that is an accepted position. Whatever the JSC determines, there is an understanding and there is a clear position that it is going back for consultation for the people of Trinidad and Tobago. So I would not hold on to the fact that somebody would have said there that they are looking at increasing the electoral districts and the assemblymen to the number 15.

So, Madam Speaker, we on this side, our position is very clear. We are saying that there is existing law, person's rights have crystallized under the existing law, namely the assemblymen. The citizens of Tobago, they have exercised their franchise and they have voted and their will has been reflected. There is law to give further expression to that where you have this 6-6 situation and therefore there is absolutely no need to have this particular Bill passed before the Parliament.

Now, Madam Speaker, one of the concerns, I want to take it out of the law and deal with it squarely. We have to understand—I do not know in a situation where you have 6-6 as we have now, that people are going to be relaxed—more relaxed than they were in the last THA elections. And what you are going to have is you are going to have an increased campaigning that will take place because you will have parties wanting to outdo the other and that is natural. This is what the politics of our twin-island Republic entails. You are going to have some seriously active campaigning, and what is going to take place? Can Trinidad and Tobago withstand the kind of resources and the kind of energies that go into these things, particularly having regard to the fact that we are in a pandemic? Why are we putting our people through that kind of experience when they have done it and they are entitled to—we are not saying no, they are entitled to and they exercised their

franchise and it has found its will in the THA? All that needs to be done now is to exercise the procedures that obtain in the THA.

So, Madam Speaker, I say this in the context of, we are looking at it from a practical point of view so I have attempted to give a position in law. I have attempted to give a position in terms of how you interpret, purposefully, the fact that you have existing legislation. I have also tried as best as possible to make reference to the fact that there is authority for what we are saying. So I have put forward some of the authorities without trying to delve too deep into case law and the simple point that remains to be made is that if it is you have concern for the people of Tobago, I think the starting point is to ensure that their will which they exercised on the 25th of January, 2021, that it finds its way. Let the people of Tobago decide.

Madam Speaker, it is—and I do not think we should take things lightly when we here positions being put forward that why do you not allow the existing law to take course and then expedite the self-governance Bill? That is a valid position. That is an absolutely valid position that you can have expediting of the Tobago (Self-Government) Bill which is presently before the JSC and therefore the people of Tobago will benefit from that.

So, Madam Speaker, I want to say that in parting, that what we also had was that we have had certain debates in the past where you had the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Validation of the Ninth Report of the Elections and Boundaries Commission) (No. 2) Bill. I just make passing reference to this and I do not ascribe any kind of aspersion, I certainly do not. But by way of this Bill and there is *Hansard* of the 15th of October, 2010, our hon. Prime Minister, then Leader of the Opposition, would have referred to the fact that there was no need to change the electoral

boundaries to have increased numbers of electoral districts and squarely putting it that if it had to be done, really that suggestion must come from the Elections and Boundaries Commission. So what we are saying is that we now have a totally 360 position being taken [*Desk thumping*] and my colleagues to come after will make reference to other persons who also joined in different debates when we had validation Bills—well, that one was the validation Bill but when we had other EBC reports coming before the House that there is a 360 turn being taken at this time.

Now, Madam Speaker, in conclusion, we on this side, we maintain that we will support good law. [*Desk thumping*] Good law means that it will give proper representation and it will ensure that people's rights are protected. In this particular instance, Madam Speaker, I am saying that it leaves a lot to be desired when people have exercised their franchise, you have rights crystalizing, namely the assemblymen and other persons, they have accrued rights, that you are now seeking to pass a law here which will act retrospectively to take away those rights. Madam Speaker, that cannot be in the best interest of the people of Tobago.

Madam Speaker, I saw a social media clip where I now see that the opposing—I want to say the successful party, the PDP, in this last election that we are referring to, that they have now served a pre-action protocol letter on the Clerk of the House. This is not something that we really want to have a fight over at this time or at any time, so I am saying give way to the will of the people of Tobago, give way to the will of the law and let us move forward. There is no business in passing this particular piece of legislation. Madam Speaker, I thank you much. [*Desk thumping*]

The Minister of Sport and Community Development (Hon. Shamfa Cudjoe):

Thank you, Madam Speaker, for the opportunity to contribute to this debate this afternoon. I want to jump right into my contribution and it is interesting to come

immediately after the Member for Chaguanas West who clearly does not understand the situation at hand and I wonder what really is there to respond to.

Madam Speaker, I note this new-found interest in Tobago for the United National Congress. And I wonder had the UNC just woke up and realized that there is a place calling Tobago and there were elections there? [*Desk thumping*] When was the last time that the UNC field a candidate for the Tobago East seat? When was the last time that the UNC field a candidate for Tobago West? When was the last time UNC even set foot in Tobago to field candidates for the Tobago House of Assembly elections? Madam Speaker, when is the last time the UNC stood in support of anything in this Parliament that was proposed towards the development of Tobago and the advancement of Tobago people? [*Desk thumping*]

So, Madam Speaker—and I wonder is this the same UNC that was asking the Government why it was investing so much in Tobago, investing in tourism grants for Tobagonians, for small business, for the ferry, Madam Speaker. The airport situation, they said \$2.1 billion was too much to spend on Tobago. So where did this new-found interest in Tobago and Tobago development come from, Madam Speaker? Less than three months ago, this is the same UNC that stood in this Parliament and told us—

Mr. Lee: Madam Speaker, excuse. Standing Order 48(1), the relevance of where the Member is going. It has nothing to do with this Bill.

2.50 p.m.

Madam Speaker: So, Member I will allow you to proceed but remember to bring into context the Bill.

Hon. S. Cudjoe: Thank you, Madam Speaker. I am responding to the Member for Chaguanas West who was questioning why we are asking about their moral authority to speak on matters relating to Tobago development in this case, Madam

Speaker.

Madam Speaker, I want to know if it is the same UNC that stated the Government's investment in Tobago was a burden to the purse of Trinidad and Tobago, Madam Speaker. We have been following, we have been following, this is the same UNC that used their voice and their resources during the same Tobago House of Assembly elections of which we speak, trying to tell Tobagonians that they had nothing to do with the PDP and they have no interest in the Tobago House of Assembly election. All of a sudden, they have become chief, cook, bottle washer, spin doctor, and legal advisor to the Tobago PDP, Madam Speaker, constantly trying to trick Tobagonians, constantly taking Tobagonians for fool and insistent on inciting the political—

Mr. Lee: Madam Speaker, on a point of order 48(6), nobody is trying—UNC is not trying to trick anybody in Tobago, Madam Speaker.

Hon. S. Cudjoe: Madam Speaker, the UNC continues trying to hoodwink the people of Tobago sowing seeds of discourse, [*Desk thumping*] desperately, and deliberately, Madam Speaker, steeping their followers in the most atrocious fabrication. That is what we have witnessed.

Mr. Lee: Madam Speaker, Madam Speaker.

Hon. S. Cudjoe: Madam Speaker, they remain resolute in their position to obstruct law and order—

Mr. Lee: Standing order 48(1), the Member has not gotten to the Bill.

Hon. S. Cudjoe:—they continue to disturb peace.

Madam Speaker: Member, Member.

Mr. Lee: Standing Order 48(1) please.

Madam Speaker: Member for Tobago West, if the Member gets up on a point of order you have to let him make his point. Yes, Member for Pointe-a-Pierre, yes.

Mr. Lee: Thank you, Madam Speaker, 48(1), relevance of where the Member is going. For the last five minutes the Member has been on a long run up and has not gotten to the Bill.

Madam Speaker: All right, so Member, I understand that you are responding to something that was said by the speaker before you, but again, I would ask you not to take up your entire contribution on the response but also to deal with the matter before us.

Hon. S. Cudjoe: Thank you, Madam Speaker. I must say the posture and the position of this Opposition—so-called government in waiting—that continues to try to disturb the peace and create confusion across the political landscape. It is appalling, yet they expect right thinking people to accept their legal advice, their legal opinion and their legal representation. I want to say recommendation on behalf of the people of Tobago we say, “take your legal advice back to the bar, whichever bar of your choice.” I am sure you hold VIP membership at some of one of these bars, Frankie’s, Smoky and Bunty, any bar of your choice, take it there.
[*Desk thumping*]

Mr. Lee: Madam Speaker, point of order 48(1) again. I am pleading to the Member get on with the business.

Madam Speaker: Please proceed.

Hon. S. Cudjoe: Madam Speaker, what Tobago needs right now is sanity, a level of sanity and sobriety that does not exist in any [*Desk thumping*] form or fashion in any fold, crease, or crevice of the United National Congress. They are unprincipled, unscrupulous, desperate, deceptive, [*Desk thumping*] destructive and decrepit, Madam Speaker, and I advise them take your advice to the back to the bar.

Madam Speaker, and I want to say the same posture and position of standing

out and not having anything to do with Tobago and not being involved in Tobago people's business, keep that same energy, Madam Speaker, that is my advice to the Opposition. We have a real and present crisis.

Mr. Charles: Standing Order 48(1), I have heard repeatedly about UNC not getting involved.

Madam Speaker: All right. So, Member I believe you were going on to something else, please proceed.

Hon. S. Cudjoe: Thank you Madam Speaker. Madam Speaker, we have a real and present crisis in Tobago. Almost one month after the Tobago House of Assembly election in January 25th the Tobago House of Assembly is still unable to elect a presiding officer, a Chief Secretary, Deputy Chief Secretary, and the relevant officers necessary to properly run the business of Tobago. A minority leader has not been elected, Madam Speaker. No new majority or minority councillors appointed, both political sides are claiming victory at the polls and the angst and restlessness growing in Tobago among the population. It is clear that this is not healthy for Tobago, and not healthy for Trinidad and Tobago by extension. All existing legal options have been examined and exhausted and in order to uphold the integrity of our institution and our democracy, we must return to the polls in order to achieve a more peaceful and mutually acceptable solution to this [*Desk thumping*] situation.

Upon recognizing the magnitude of the implications for this 6-6 result, Madam Speaker, everybody from all corners came calling on the Parliament to make an intervention. The laws needed to be amended and you had legal advice from people like Martin George who I think would have said it beautifully, that the Parliament must act and that amendments must be made to the Tobago House of Assembly Act. He even recommended that we go back to the polls with an odd

number, and that we do so quickly, Madam Speaker.

So here we are today, the Government making our intervention towards ensuring proper rule of law and the principles of democracy are upheld in the highest regard, and that the Tobagonians could now get leadership and the Government that they have selected—or that we have selected and we deserve.

So one of the main areas of contention raised by the Member for Chaguanas West is having 15 seats. And I note the efforts of the Opposition, the spin doctors and the mischief makers, trying to imply that this number was chosen as a result of guesswork or this number was surreptitiously selected to give advantage to the People's National Movement whenever we return to the polls. Anybody who has been in town long enough knows that that is bunkum, balderdash, rum talk and furthest from the truth. [*Desk thumping*]

Madam Speaker, the Constitution (Amdt.) Tobago Self-Government Bill clearly speaks to the desire of the people of Tobago and wanting 15 electoral districts.

Mr. Lee: Madam Speaker, Standing Order 44(10) on the Member.

Madam Speaker: Okay, so as I have said before, we are all now quite seasoned, and therefore I would expect all Members who are entering this debate to debate and not to rely too heavily on their notes. Please proceed, please be guided.

Hon. S. Cudjoe: Madam Speaker, when we pass this Bill that everybody is clamouring for, this is what the people of Tobago would have gotten, 15 seats, Madam Speaker, and that was determined long before this whole deadlock saga. So we are now with this Bill fast forwarding to expedite and process the desires of the people of Tobago. We must admit, just like Ralph Maraj would have stated in the newspaper in January 28, 2021, that even when they drafted the legislation or the amendment in 1996, Madam Speaker, this whole idea of actually seeing 6-6, a

tie, a deadlock situation, it was never envisaged, Madam Speaker, nobody saw this coming.

It was not foreseen in the Act 37 of 1990 and though it was mentioned during the debate in the Senate by Dr. Eastlyn McKenzie she asked, “what if there is a tie?” And Independent Senator Dr. St. Cyr said, “what if there is a tie, which side would appoint three majority councillors and one minority councillor?” And Ralph Maraj who was the Attorney General of the day said that the Parliament would fix it. That if they cannot come together and find a solution, the Parliament of Trinidad and Tobago will fix it. And that happened in 1996, Madam Speaker, with one year after there was 17-17 in Trinidad and then we had to draw on the two seats from Tobago when they joined up with the UNC.

Now, Madam Speaker, when this Bill came back to the—when we were adopting the EBC report in 2012, Madam Speaker, the concern as it relates to 12-12 was raised again, Madam Speaker, and it was raised at that time by Dr. the hon. Keith Christopher Rowley he was Opposition Leader, and this debate took place on Wednesday November 7, 2012, and I quote Dr. Rowley, the Opposition Leader’s position. He said:

“Mr. Speaker, there is one point that probably needs to be adjusted maybe at another time and I will raise it now so that the commission—when it does another report sometime later, I do not know how much further away, that we may want at some time in the not too distant future, to change the number of electoral districts in Tobago from 12 to an odd number, because you know, Mr. Speaker, we used to have 36 seats in this House, and we did end up with a tie and it did cause a lot of unnecessary aggravation. The same thing is possible in Tobago having 12 seats, not this time of course, but may be some time down the road there might be a tie and 6, 6 will put us in the

same situation that we were in with the 18, 18.”

Madam Speaker, Delmon Baker, the then Member of Parliament for Tobago West and now a member of the PDP, he responded to the Opposition Leader at that point in time saying:

“Tobago will soon get a chance to make a decision that will change, I think, in my respective view, the entire slate of candidates there. In fact, Mr. Speaker, I do not think we will have a situation where there will be a tie. We are looking for a 12-nothing Assembly...in favour of the Tobago Organization of the People... A very strong signal will be sent...”

So, Madam Speaker, the matter was raised then and the necessary amendment or change was not considered then. A matter of fact, Madam Speaker, Delmon Baker, then Member of Parliament for Tobago West and UNC Government Minister, sat in that Cabinet while the Member for Siparia in her capacity of Prime Minister brought to Parliament the Bill six days, the Tobago Constitution (Amdt.) Bill, five days before the Tobago House of Assembly election. It was brought on January 16, 2013, a mere five days before the election was supposed to be held on January 21st not allowing any time whatsoever for joint select committee, not taking into consideration the work of the John Prince Committee that did the consultations that we talk about here today throughout Tobago, Madam Speaker. Ignoring the people of Tobago, no consultations held then, and no consultations with the Tobago House of Assembly, that Bill was brought to the Parliament.

Changing from 12 to an odd number was not considered then. Needless to say that Bill did not pass in the House of Representatives, Madam Speaker, and I must remind you that the Tobago House of Assembly election was won by the PNM where the people of Tobago rejected the UNC 12-nil. [*Desk thumping*] So

here we are now having to treat with this reality that we had imagined, but nobody would have foreseen that it would have come to this, Madam Speaker, and we are called upon to amend the legislation to allow the people of Tobago to conduct its business in a peaceful and mannerly fashion.

I want to correct earlier, Madam Speaker, where I was speaking about the debate of 1996 where Dr. Eastlyn McKenzie then Independent Senator would have raised the matter of the tie, the Attorney General at that time was Ramesh Lawrence Maharaj. So just for the record and for the *Hansard* and for us in this House and for those listening, the Attorney General at that point in time who said, we would fix it in the Parliament should there be a tie, was Ramesh Lawrence Maharaj.

So, Madam Speaker, I want to proceed. So we are being called upon to amend the legislation and to fix the legislation so that we will be able to conduct our business as responsible law-abiding citizens, Madam Speaker, we must do so, Madam Speaker.

So I heard the Member of Parliament for Chaguanas West asking where did this 15 come from? And they continue to speak of it like we pulled this number out of a hat, and that number represents the dreams and the aspiration of Tobagonians. And that must be respected, Madam Speaker.

Madam Speaker, I want to tell you my personal experience. I returned home from school in 2008 after studying in the US, and I was unemployed at the time and accompanied my aunt to a PNM meeting at Bishop's High School and it was a conference of the Tobago Council of the PNM, they were discussing internal self-government. So they had started—the PNM had started consultation within the party and at the Tobago Council level. And I remember doing research for Frank Roberts at that time, he was an Assemblyman for Bon Accord and later for Huey

Cadette who was also an Assemblyman for Bon Accord.

I remember researching the St. Kitts models and attending these consultations, Madam Speaker, in 2011 the John Prince Committee was created—was asked by the Tobago House of Assembly to conduct consultations. Then again, after the Bill failed here in this House in 2013, the Member of Parliament for Siparia and her UNC team never brought that Bill back to the House. Mr. Orville London, then Chief Secretary would have written several times to the then Prime Minister trying to get her attention asking, “yes, we know you lost the election in January but what is going to happen to this internal self-government Bill for the people of Tobago?”

The bill lapsed in July, Madam Speaker, and for the rest of their time in Government they never brought it back. So we in Tobago we continued our consultations at many different levels, Madam Speaker. I remember going from village to village, we crossed the length and breadth of Tobago speaking to Tobagonians from all different backgrounds, all different areas of the political landscape, Madam Speaker, and I felt good as a young Tobagonian, hearing Tobago people from all different walks of life come out to speak about Tobago people’s business. For the very first time in our history this whole idea of internal self-government and all the different topics concerning it was fleshed out before us.

I remember, Madam Speaker, going to Signal Hill Senior Comprehensive, over 600 people showed up in 2014, and Tobagonians spoke to the issues and spoke about what they want. So to sit here today and hear those opposite speak about no consultation— Madam Speaker, in 2013 Mr. Hochoy Charles approached Mr. Orville London and they went on a mission to form the Tobago Forum of Parties including all the parties in Tobago to deliberate on this matter. And we

made a decision to face Trinidad, to face the Parliament with one position as Tobagonians.

Madam Speaker: Member for Tobago West, your time is now spent. [*Desk thumping*]

Mr. Rudranath Indarsingh (*Couva South*): Thank you. Madam Speaker, [*Desk thumping*] as I join this debate here this evening on this very important and what is termed to be very critical piece of legislation which has been brought by the Government to this House. And I think that the Member for Tobago West should have done the people of Tobago, and by extension Trinidad and Tobago, a service and remained home. Because [*Desk thumping*] her contribution did nothing to advance the cause and the will of the people of Tobago, Madam Speaker.

Madam Speaker, the last time I checked the country remains Trinidad and Tobago and the Opposition does not need an invitation to spoke on behalf of the people of Tobago in this Parliament [*Desk thumping*] Madam Speaker, this opposition is the loyal Opposition—

Madam Speaker: I have always told you about the lovely voice you have, even with the mike I do not need you to carry it so high. Okay, please.

Mr. R. Indarsingh: Thank you very much, Madam Speaker, I am guided. I see the Prime Minister is listening very attentively. Madam Speaker, we are the loyal Opposition and as I said, this is a law that has been brought to the Parliament of the Republic of Trinidad and Tobago and we will do our duty to respond and to investigate and interrogate the legislation. Any attempt to denigrate us for doing so is simultaneously what I would dictatorial and childish [*Desk thumping*] Madam Speaker. And, Madam Speaker, if the PNM can have every Faris, Rohan, Deyalsingh and Young in Tobago's business what is wrong if we have Dinesh, and Ravi, and Rudranath and Tancoo [*Desk thumping*] in the business of Tobago?

Madam Speaker: Member, I hope it is not Members sitting here whose names you are referring to, because we understand how we refer to Members.

Mr. R. Indarsingh: Thank you, Madam Speaker, I am guided as it relates to the respective Members. And Madam Speaker, I heard the Member for Tobago West speaking about and alluding to the United National Congress's new-found interest in Tobago. Apparently she emerged to be the flag bearer for the Attorney General in this instance here this evening. And Madam Speaker, I want to tell the Member for Tobago West and all of the Government Bench that they must always be prepared to reflect on the political history of Trinidad and Tobago. Because in the 1980's the Government of the National Alliance for Reconstruction was formed and headed by a Tobagonian known as His Excellency Arthur Napoleon Raymond Robinson and the partnership between Trinidad and Tobago was most evident when Mr. Robinson became the Prime Minister with the support of the then Political Leader of the United National Congress in the form of the person that we know to be Mr. Basdeo Panday.

And Madam Speaker, that partnership that the Member for Tobago West attempted to pour scorn and hate and so on, also saw a Government that had Tobagonian greats such as Pamela Nicholson and the late Dr. Morgan Job, Madam Speaker. And Madam Speaker, you see, it is very important that our interest in preserving the union and looking after the affairs of the people of Tobago did not come overnight. We have had a track record, we have had a history, and I will seize the opportunity here this evening because I have to put it on record for Tobago West, because it seems to me that stick break in her ears [*Desk thumping*] and she cannot deal with the reality.

Madam Speaker, it is the PNM Government that led—or left the Hilton Hotel in Tobago to rot, and it was a partnership Government—

Mr. Deyalsingh: Madam Speaker, regrettably Standing Order 48(1), where is all this going?

Madam Speaker: So, Member, I am going to give you a little leeway because you are amplifying a point, but I am not going to allow you a wide breadth to carry this debate outside of what is here.

Mr. R. Indarsingh: Madam Speaker, I am guided but I am simply responding to the Member for Tobago West.

Madam Speaker: That is why I said I will give you a little leeway so there is no “buts”, okay.

Mr. R. Indarsingh: And I want to simply indicate that there were other instances—and there were other instances, Madam Speaker, as it relates to where a Government led by Kamla Persad-Bissessar and the United National Congress advanced the cause of the people of Tobago. For example, when the airport in Tobago closed at 9.30 in the night and did not have the opportunity to facilitate what we will call “round de clock” operations from a tourist destination point of view. It was a partnership UNC Government that dealt with that issue [*Desk thumping*] and we ensured also, Madam Speaker, the best transportation system as relates to the ferry service. It did not collapse under our watch, we ensured that it was efficient, it was timely, and it was able to service the people of Tobago and there was not a collapse of the air bridge or the sea bridge service, Madam Speaker.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1), the Bill does not speak about ferries or airports, it speaks about 12 seats to 15 seats.

Madam Speaker: Okay. Okay, so Member, Member, please continue as I said, remember, if you are responding do not turn the whole debate into the response.

Mr. R. Indarsingh: Thank you, Madam Speaker. [*Desk thumping*] And one last

point I want to make also, when they abandoned the health care system of Tobago they failed to deal with the Scarborough Hospital, Madam Speaker, it was a partnership Government led by Kamla Persad-Bissessar [*Desk thumping*] that understood the healthcare needs of the people of Tobago and took the bull by the horns, displayed the leadership, and today all and sundry is benefiting from a state-of-the-art hospital in Tobago [*Desk thumping*] Madam Speaker.

And Madam Speaker, it is important for us to know where we are from a historical point of view as we deal with this particular attempt by the Government to amend the THA Act, and also consequential amendment to the Elections and Boundaries Commission Act, Madam Speaker. And as I said, from a historical point of view the issue of the seats and where Tobago is in the context of the union of Trinidad and Tobago, has been one that has engaged the attention from probably since 1889. And, Madam Speaker, if I am to come to move from 1889 to our current scenario it probably had its genesis in the Motion that was moved on the 14th of January 1977, by the then Member for Tobago East in the person of His Excellency Arthur Napoleon Raymond Robinson.

But more importantly, Madam Speaker, what we are witnessing today in terms of the legislation that has been brought by the Government it may be referred to as a simple piece of legislation, in fact the Prime Minister indicated that the House should not be detained too long with this but I want to say, Madam Speaker, that what we are attempting to do here today has tremendous implication for the politics of Trinidad and Tobago, the union and also from the point of view of the politics of Tobago, Madam Speaker.

And Madam Speaker, from an electoral point of view it would mean the changing of a boundary or boundaries before a country that is already skeptical about the economic, social and political example of this particular administration.

3.20 p.m.

And, Madam Speaker, it would mean that the people of Tobago will be returning to the polls for a third time in less than a year, counting—taking into consideration the last general elections which would have, or may result in what we would term “political exhaustion of the voting public”, Madam Speaker.

And, Madam Speaker, today we are being asked—or the EBC, from where I sit, is being asked or will be asked, based on once this Bill is passed and so on, and when it is assented to, the EBC will be asked to move the process from what we would call 12 to 15 seats, Madam Speaker. And I want to ask the Government the question really, whether the Parliament can direct the EBC to do a boundary review in relation to section 71(2) of the EBC Act? And in addition to this, Madam Speaker, my colleague, the Member for Chaguanas West, has already established that the 15 seats are in the proposed Bill which is before the Joint Select Committee and this has not been fully ventilated. It is in the Bill, but what is of great concern to me is whether, as a Parliament, we are straight jacketing the EBC this afternoon, Madam Speaker? [*Desk thumping*]

That is the issue for all and sundry to consider because, Madam Speaker, it is important. Because you see, the Member for Tobago West was very flippant, very dismissive of the will of the people of Tobago [*Desk thumping*] and, Madam Speaker, I want to point the Member for Tobago West—because you see, it is the will of the people of Tobago and also, we are walking a very important line as it relates to what the EBC is being asked to do. Where is the formula, Madam Speaker? And where will the three seats, the three new electoral districts, where will they be situated in Tobago, Madam Speaker? That is the critical point that [*Desk thumping*] has to be answered here today. Because if they want the Opposition’s support, we must act in a very transparent and open manner because

we are not going to tell or we will not be part of a process that we would referred to be “cat in bag” in Trinidad language—Trinidad and Tobago parlance, Madam Speaker.

And you see, there are many important people in this country who are concerned with the affairs of the people of Tobago, and this is why I have to remind the Member for Tobago West because it is the very people from Tobago who are speaking on this particular issue. And, Madam Speaker, I want to quote from an article that was in the *Trinidad Express*, the 17th of February, 2021, which was written by one, Dr. Winford James, “A chance to advance Tobago’s democracy”. And I quote:

“Respectfully, Prime Minister, we not only think you have chosen to follow a misguided path but also you are ignoring a golden opportunity to advance Tobago’s democracy and fix, after too long a time, the governance problems that have been bedeviling the island, which, we note, you gratuitously called ‘the sister isle.’”

Another quote I would like to refer to, Madam Speaker, to guide those who are advancing or posturing here this evening, to advance the cause of the people of Tobago are the concerns of the Trinidad and Tobago Chamber of Industry and Commerce, Tobago Division. And they have made their position clear and based on their media release, I want to quote a particular portion which said:

“The Parliament’s intervention at this time will subvert Tobago’s push for self-determination. Resolution of the tie should be left to the people of Tobago and their 12 elected representatives. The best approach is for the 12 elected representatives of the people to engage in dialogue to resolve a tie in the best interest of all Tobagonians.”

Madam Speaker, this is not about the people of Tobago from their point of

view and when I say their point of view, the Government's point of view. It has nothing to do with care for the people of Tobago, [*Desk thumping*] but it simply has to do with entrenching, entrenching the PNM. They want to create a dictatorship in Tobago, they want to create a one-party state, Madam Speaker. [*Desk thumping*]

Mr. Deyalsingh: Madam Speaker, Standing Order 48(6), please. We are not about dictatorship.

Madam Speaker: I would just ask you to withdraw that and say it in a way that will be more acceptable.

Mr. R. Indarsingh: Madam Speaker, I am guided and I will tell you that and tell them on the other side that this is not about the people and the will of the people of Tobago. This is solely about the PNM because if you check the track record of the PNM anytime—and the Member for Diego Martin West, anytime he has been a Member in this House when legislation was put forward by the partnership government, he displayed a sense of voting against the legislation at the time, [*Desk thumping*] whether it was in 1996, whether it was in 2010, whether it was in 2013, the Member for Diego Martin West never had the will of the people or wanting to advance their cause at that point in time, Madam Speaker.

So, Madam Speaker, as I would—conclude my contribution here this afternoon by saying to the people of Tobago that we understand your position. We understand that we will continue as the loyal Opposition to stand with Tobago, Madam Speaker, [*Desk thumping*] because for us all, it is important to be ever vigilant and tread carefully in the interest of the political future of Trinidad and Tobago. We cannot make light of the electoral legislative and political implication of the amendments proposed and most importantly, we must not use the arms of the State such as, the EBC or this honourable House to provide a knee-jerk

reaction, seemingly partisan political [*Desk thumping*] response to a political crisis. I thank you, Madam Speaker.

Madam Speaker: Member for Tobago East. [*Desk thumping*]

The Minister in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):

Madam Speaker, I thank you for the opportunity to contribute to the debate, the Tobago House of Assembly (Amdt.) Bill, 2021. Madam Speaker, what we are doing here today is very important not only for the people of Tobago but the people of Trinidad and Tobago. The current impasse in the Tobago House of Assembly has brought to the fore certain deficiencies and omissions in the Tobago House of Assembly Act. As it stands, Madam Speaker, the letter of the law and the spirit of the law does not provide a remedy for the current impasse. It is our duty now, as legislators, to find a way forward and this can only be done through amendments to existing laws. While the existing Executive Council can function as the law permits them to function, this situation is untenable. While the people deliberate, Tobago's Parliament, Tobago's premier body of oversight stands dissolved. While this situation is untenable, Madam Speaker, it cannot be fixed by whims and fancy but only through the law. This is what we are about today. The current Act, the current Standing Orders of THA, our own Standing Orders offer no legal remedy.

The Member for Chaguanas West said we should let the people of Tobago decide, but he proposed no real way forward, he proposed no legal way forward, he proposed no logical way forward. Is the Member proposing we, the people of Tobago, do a "brush-back"? Is he proposing we do a bongo? Is he proposing, Madam Speaker, that we ask the two leaders of the leading parties in Tobago to write letters to the households or, Madam Speaker, is he proposing, as we have done in the past to show strength, to take an axe and bust big wood? What is he

proposing as a logical, legal way forward? [*Desk thumping*]

Madam Speaker, I am a Tobagonian, and like many of my constituents, I am waiting for a logical, reasonable, legal, sensible way forward. I have quietly listened to the discourse, the arguments coming from all sides, be it parties in Tobago, persons with political interest in Trinidad, be it the man on the ground, I have been listening quietly, Madam Speaker, and taking notes. And I wish to propose today to this honorable House, that I have come to embrace the fact that what was outlined today by the hon. Prime Minister and the Tobago House of Assembly (Amdt.) Bill, of 2021, is the only legal, logical and sensible way forward. [*Desk thumping*] Madam Speaker, as we sit here and we deliberate, we have to remember that it is the people of Tobago who are ultimately affected by what we are doing. And we cannot sit back and say, “Well, okay. Let them decide,” as some of them suggested by flipping a coin or calling people together to have a little discussion.

Madam Speaker, I am a Tobagonian and one thing I can assure you is that Tobagonians at times, we tend to be headstrong and stubborn. So, as a Tobagonian, I am saying to this honourable House, I cannot imagine the two sides coming together and having a fancy sit down and tea party to decide the way forward because no one side want to give up the opportunity to lead, Madam Speaker. At the end of the day, it is about being in a position to take control of the Executive Council. That is what it is about and that can only happen if it resolves the issue, the current impasse within the Tobago House of Assembly. And I wish to say it again, Madam Speaker, I am a Tobagonian and we tend to be headstrong at times, we tend to be stubborn at times, so the only way we could really find the way forward and find a solution that could work is to come right here, in the place that laws are made and laws are amended so that we could resolve the current issue.

Madam Speaker, clause 4 of the Bill would increase the number of seats from 12 to 15 by amending section 5 of the THA Act. I have heard people arguing that increasing from 12 to 15 would be done to benefit the People's National Movement. I wish to reassure the people of Tobago that is not the case. We did not pick 15 out of a hat. We did not sleep and dream and wake up and say, "We running with 15." The number 15 came about based on consultations in the past [*Desk thumping*] as is proposed for the Tobago autonomy Bill.

Madam Speaker, and talking—and the way the Member for Couva South spoke and said, you know, the EBC will operate in some clandestine way. Madam Speaker, I wish to reassure the people of Tobago, and the people of Trinidad and Tobago, that the Elections and Boundaries Commission remains an independent body. We, over the years, would have looked at that body to ensure we had fair and free elections. Why is it that whenever we come—

Mr. Tancoo: Madam Speaker, can the hon. Member for—[*Inaudible*—]—what is the clarification on the source of—the 15? [*Crosstalk*]

Mr. Deyalsingh: What Standing Order are you standing on?

Madam Speaker: Members, I really would like to hear. Yes, Member.

Mr. Tancoo: The figure 15 from the study of the past, can hon. Member cite the source of where that data comes from?

Madam Speaker: Please continue.

Hon. A. Webster-Roy: Madam Speaker, as I was saying, I wish to reassure the people of Tobago, and the people of Trinidad and Tobago, that the Election and Boundaries Commission remains an independent and noble institution. [*Desk thumping*] And because they are an independent and noble institution, guided by regulations and laws, I am confident that the EBC will cause to have done the work necessary to ensure that the 15 electoral districts, as proposed, would happen in

Tobago, not favoring any one side or any one party. If we were confident in the work of the EBC for the 2020 general elections, why are we questioning this august body now? Madam Speaker, is this being done to put fear in the minds of Tobagonians, as some might have been proposing on the outside, that the division would be done in some sort of way to favour one particular party? But that is not the way in which the EBC works and I want to reassure Tobagonians, please, do not question the work and goodwill of that important body.

Madam Speaker, I wish to focus on clause 5 of the Bill:

“Clause 5 of the Bill would repeal and replace section 22 of the Act to include two new subsections. The new subsection (3) would provide that where fourteen (14) days after an election is held and no Assembly is installed, the Chief Secretary, after consultations with the President and the Prime Minister, is required to fix a date for fresh elections. The date can neither be earlier than the expiration of two months after the coming into force of an Order made under section 4 of the Elections and Boundaries (Local Government and Tobago House of Assembly) Act nor later than the expiration of three months for making that Order.”

Madam Speaker, clause 5 of Bill presents a logical and legal and workable solution to the current impasse, as it allows for calling into effect, what should happen if the assembly is not constituted and we need to go back to the polls? So I want Tobagonians to understand what we are doing here today. We are not doing anything that is illegal, we are not trying to trick the people of Tobago East or Tobago West. What we are doing, we are trying to look within the law to find those areas where we have fallen short, to strengthen some areas to ensure that in the future this may not occur again.

Madam Speaker, I also want to look at the section 3:

“Section 3 of the Election and Boundaries (Local Government and Tobago House

of Assembly) Act, Chap. 25:50 currently contains a lacuna in that it does not set out the electoral districts for Tobago.”

Madam Speaker, if it currently does not speak to the number of electoral districts in Tobago and we actually going to fixing that short coming in the law, how, as the Member for Couva South would have posit it, is that something that is wrong? It does not state clearly we are now fixing that deficiency and stating now what the actual electoral districts should be in the Tobago House of Assembly, Madam Speaker.

“The amendment— as I would have said before—therefore repeal section 3 and replace it with a new section which would recognise the electoral districts for Tobago which are contained in Part III of the First Schedule.”

Madam Speaker, what we are doing here today is important not only for this time but for the future. In preparing for this debate today, I had discussions with a number of persons, including my children because I have preteens and they are quite interested in the Parliament and in politics and in law, what is happening in Tobago. And they wanted to understand how is it that we would have made that mistake in the past not recognizing that if we have an even number that the time would come where we might have a tie.

3.40 p.m.

But, Madam Speaker, when we are setting out to create laws, it is not always a perfect process, but it also gives us the opportunity to correct where errors are made, and we are doing that today. But this is not the end goal, Madam Speaker. The end goal, really and truly, speaks to what Tobagonians have been clamouring for and that is autonomy. And, Madam Speaker, as I speak to the people of Tobago, and as I reassure them that what we set out to do today, would not only assist us in ensuring that we have an Assembly that is going to be duly constituted

and, in the long term, an Executive Council that would truly reflect the will and the voice of the people of Tobago, be it whatever side, because when we go back to the polls, there is the likelihood that somebody else may take lead of the Executive Council. Who knows? The people of Tobago would speak. But I want to reassure Tobagonians that this is not the end game. This has created an opportunity for us to reflect, for us to really examine ourselves and for us to really see if we are preparing ourselves properly for what it is that we want in the future.

Madam Speaker, for us to build our society, build our island, build our community, as I would have said on many occasions, we have to put people and island and country first. Were we able to demonstrate this, Madam Speaker, in this impasse? I would have seen where those who were on the former minority side would have started out their arguments saying well, let the Parliament decide, because they thought they got the popular vote. When it was revealed that they did not get the popular vote, they started complaining about the Parliament getting involved.

Madam Speaker, I would have heard those who are professing to be the ones to lead Tobago in the future, saying even today that we have to stand up and we have to give some sort of unrest, let our voices be heard. Yes, Madam Speaker, but for the right thing, in the right way. So that when in the future, people are looking back on our time, that they would not pour scorn on us. Are they doing it for the right reasons? Is Tobago at the heart of their current discourse or is it a quest for power? Is it a quest to grab hold of the seat of the Executive, and as one of their members would have said, to punish them from before? Madam Speaker, this is serious, serious business.

Dr. Winston Murray once said the world is moving towards oneness, but each unit in the world controls its own destiny. It gives what it wants and it takes

what it wants. It takes what it can get, and this is where Tobago would have to fit in now. This is where Tobago would have to fit in now. We, as Tobagonians, we have to really do some introspection and truly decide on the way forward. But, in doing so, we have to remember that we cannot be guided by emotions, whims and fancy, but we must always be guided, Madam Speaker, by the law. I thank you for this opportunity. [*Desk thumping*]

Ms. Anita Haynes (*Tabaquite*): Thank you, thank you, Madam Speaker, for recognizing me and giving me the opportunity to contribute to this debate, the Tobago House of Assembly (Amdt.) Bill, 2021. Madam Speaker, I have to respond to something that the Member for Tobago East said. The Member for Tobago East tried her very best to convince us and the population looking on that the EBC remains independent, that there is no attempt to usurp the role of the EBC in this legislation. There was an entire section talking about the EBC and trying to quell the fears of anybody looking on that there was any interference with the EBC, and the Member for Tobago East was in a very unenviable position. Because, Madam Speaker, clause 4 of this Bill, which is being sold to us as the tiebreaker, because we will get an odd number of seats—that is being told. It is the number—the Member for Tobago West said, it did not come out of nowhere, it was part of the internal self-government consultation. But we have an authority on this situation before us, Madam Speaker, the EBC—which, as acknowledged by the Member for Tobago East, and acknowledged by all of us here—is an independent body that determines these electoral districts that cannot and ought not to be instructed by anybody else. They have their formula to determine the number of seats.

And, Madam Speaker, the Twelfth Report of the EBC which was brought before this House, the Twelfth Report of the EBC on Boundaries that was brought before us on September 08, 2020, if you look at paragraphs 6, 7 and 8,

recommended no changes to the Tobago House of Assembly boundaries, to the THA boundaries. Madam Speaker, it says:

“Consequently, the Commission considers that no adjustment is necessary to the”—existing—“boundaries of any of the electoral districts in the electoral area of Tobago...

The Commission, accordingly”—recommends that...

“(a) there should be no change in the boundaries of the 12 electoral districts in the electoral area of Tobago.”

Madam Speaker, that Motion would have been debated in this Parliament and the Prime Minister, no other than the Prime Minister, stood here before us and said it is the constitutional responsibility of the EBC to determine boundaries.

So, Madam Speaker, when you come now, you have both Members for Tobago East and Tobago West convincing us that 15 is sensible because it is a tiebreaker. But the question we have to ask ourselves as a Parliament and as a nation is today, are we now instructing the EBC to find 15 seats so that we can have an odd number, Madam Speaker? And I would like to suggest that that usurps the independence of the EBC. [*Desk thumping*]

The determination of seats of electoral districts, it is meant to be scientific, it is numbers, Madam Speaker. And it is meant that when you look at the numbers, the EBC ought to have a data-driven approach to the creation of boundaries. And, therefore, it is not up to us to say that 15 is the number and cut and fit, and cut and paste to suit. [*Desk thumping*] It is for us to say, right, that what we would like to see to prevent this from happening in the future is an odd number, and then leave it to the body with the constitutional authority to do so to do the work that they are meant to do. [*Desk thumping*]

So, Madam Speaker, we had the representatives for Tobago West and

Tobago East come here to speak on behalf of the persons they represent by benefit of representing the constituencies in Tobago. You had the Member for Tobago East, to her credit, give a very reasonable discourse, and I am sure persons who would have been listening on from the PDP would have nodded along hoping—when she was talking about there being no grab for power in this place—agreeing because I am sure everyone looking on is hoping that this Bill is not a grab for power, Madam Speaker.

But then you had the Member for Tobago West, the Member for Tobago West, Madam Speaker, did an utter disservice to speaking to the people that you ought to represent here today, because what we are doing is very important. It speaks to the democratic will of the people of Tobago and to go up, down and around town to explain why other people ought not to speak instead of addressing the issues as a representative, is a disservice to the people that you represent [*Desk thumping*] but this brings me to why we are here today.

There was a THA election. The people of Tobago decided that six seats will go one way and six seats will go the other way. That is a fact. And, therefore, what we are being told is that we, the Parliament of Trinidad and Tobago, must resolve this issue. That is what we are being told. That we, it is our duty, it is our responsibility to resolve this issue of a decision that the people of Tobago made. Right? To be clear, Madam Speaker, that decision would have been taken in Cabinet, this Bill drafted and then brought to the Parliament for us to say, this is the best way to go forward.

Now, I am hearing over and over a deliberate attempt to say, listen, this is a legal problem and, therefore, it must be fixed in law, it ought to be fixed in the law, because we have a legal problem, which then ignores the philosophical problem that we will face, Madam Speaker. And anybody that tries to dance around the

issue will ignore the nuance and ignore all of the other rhetoric that would have been brought before us, because when you can have persons like Dr. Winford James talk about, why resolve an issue that is inherently Tobagonian, because it is treating with the decisions of the people of Tobago which they made via a democratic process—six on one end and six on the other—why not leave the solution to the people of Tobago. Which then brings us to the next problem we ought to solve, which is the issue of a tiebreaker.

Madam Speaker, I am hearing Members opposite laugh and chuckle about tiebreakers and how they exist: Are we supposed to toss a coin? Are we supposed to—Madam Speaker, I mean, just the simplest amount of research will show you that tiebreakers, by the drawing of lots and flipping of coins, they happen all the time. They do. Because the goal here is not to usurp the democratic will of the people from an election. The goal is to find a way to govern. [*Desk thumping*] That is what you are trying to do. [*Desk thumping*] You are not supposed to tell people, listen, you all did not do a good job, you know. The election was supposed to go one way, 7:5, 8:4, but it was not supposed to be 6:6, so we are going to fix that for you, because “all yuh too stupid to figure out the way to go”. That is what the suggestion is. Madam Speaker, what we ought to be doing, we ought to be finding a way to get the tiebreaker so that they can govern and then come to a solution in the THA themselves. [*Desk thumping*]

And, Madam Speaker, I think when you listen now to the representatives for Tobago East and Tobago West, I do believe the persons that they represent would have been looking on listening for their representatives to speak to their interest, because they would have voted in January, made a decision and we are standing here as a Parliament saying that decision was not good enough, you have to do it over—we will give you 15, so you will not make the same mistake again. And I

personally think, Madam Speaker, that that underlying philosophy is wrong, and we ought not to be doing that here today. We ought not to be doing that here today.

So, Madam Speaker, while the Bill may be short, while the Bill may seem simple, there is a fundamental political philosophy that is underlying this Bill, and it is saying to us, whether or not those of us in this House believe it is okay for us as 41 representatives here in Trinidad, to say that a decision taken on an election—a democratic process that we all agreed was fair and free from fear—that that decision is wrong and we would fix it by a change of the law after the fact and, therefore, that is how we fix the problem. Because it is my respectful view that is not how you fix the problem, Madam Speaker. And, therefore, we ought to be looking for a way to break the tie for the THA to then be able to govern their affairs and, therefore, see about the issues that they face. And I thank you, Madam Speaker. [*Desk thumping*]

The Ministry of Youth Development and National Service (Hon. Fitzgerald Hinds): Thank you very kindly, Madam Speaker, for your recognizing me to make a short intervention to this very important debate on a Bill to amend the THA or the Tobago House of Assembly Act, Chap. 25:03, and to make consequential amendments to the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50. I rehearsed the title of the Bill, Madam Speaker, because I wanted to emphasize for later reference, the importance of the concept of consequential amendments. Some of the contributions I heard from the other side sounded strange, strange in the sense, Madam Speaker, as though they understood that we are here to amend the THA Act, but did not easily understand the need for consequential amendments, particularly, touching and concerning the EBC law.

Madam Speaker, in respect of the last speaker, the Member for Tabaquite,

the Member made a song and dance about some suggestion from a Dr. James that we had no business amending this law in the context of what was happening on the island of Tobago. Madam Speaker, I simply want to remind the Member for Tabaquite that the THA law was made in this Parliament, and any amendment to it—an amendment is now necessary—must also be made in this Parliament.

I would tell the Member as well, that even as a joint select committee of this Parliament discusses and formulates and put into legalese, the aspirations of the Tobago people, coming out of the two-year consultation and joint platform that they had operated in Tobago, leading to the Bill that is before the joint select committee, nothing in that will become real, in terms of meeting the aspirations of the people of Tobago, if it is not dealt with in this very Parliament. So to suggest that there is something awkward or untoward about this Parliament treating with a law in this regard is rather otiose, time wasting actually, a submission that we ought not to hear.

We have a dilemma in Tobago and it has been rehearsed on several occasions in this debate already, Madam Speaker, a 6:6 tie. And as we all know, this is not new to Trinidad and Tobago. We had a 17:17:2 split back in 1995. I was here. That was not so treacherous, because in the context of coalition politics, you can call it that, 17 plus two from Tobago made 19 and a Government was shaped. But then we had an 18:18 in a 36 Parliament. That was where the trouble came, and it was simply resolved, because of constitution. These constitutional arrangements are really the will of the people, put in legalese, put in constitutional language, but it really is what the people want. So in an 18:18 situation, we spent months, a year, without a Speaker in this House, because the same thing happened. We could not give up one on one side, they would not give up one side because if you did that, the other side would have had a majority.

We brought people from outside and offered them as Speakers, over and over again. This is not new, but there was a resolution. Trinidad and Tobago lived. The skies did not fall in. We made adjustments, amendments and today we have a 41-seat Parliament, more than we had at 36 and no longer an even number to render the possibility of that trouble of happening all over again. As they say in Tobago: “Yuh doh see trouble in pure daylight and get boule-dife to ketch it in the night.” You do not do that.

So we find ourselves in this dilemma in Tobago, and we as a sensible society, we have to resolve it just as we have done in the past and just as we must do with all issues. Let me say that the mover of this Bill did so quite admirably, making the terms of these amendments pellucidly clear. That presentation sets out clearly what the problem was, what the circumstances, the surrounding circumstances are and what the resolution must be. And that is all we came here to do, you know, to tell the Parliament in clear terms, well, we have a problem and the way we could resolve it. And we say, you amend the law, the THA law and the consequential amendments that we posit.

And the Member for Diego Martin West, the Prime Minister, the leader of this Government, he led from the front. He came here and he made his presentation, as I said, in really impressive terms. [*Desk thumping*] This is all about politics. We cannot hide from that. Law, constitutional law, in particular, it meets with the politics, because it regulates the operations of the State. It determines, to a larger extent, who will form the Government, who will hold important offices in the whole institutional arrangements, who will make major decisions on behalf of thousands of people, and this is where it is at. So, Madam Speaker, I can easily on that basis understand there will be some concerns, there will be fears, some unfounded, some exaggerated to hype up the people and create issues when there

are none.

So we present these measures here today in a manner that will bring clarity and, most of all, most importantly, resolve the problem. Because a son of the Caribbean soil, a son of Trinidad and Tobago soil, CLR James told us that a society—the best evidence of a society in decay is when its leaders cannot find solutions to the problems as they arise. There is a problem in Tobago and we have come here with a solid, sober solution.

There is an argument, and you heard from the Member of Tabaquite and, of course, it was “rara-ed” in the national community by the Member for Siparia, who “jump out”, if I may use a colloquialism, and told us and it is reported in the *Express* of Wednesday the 17th of February, 2021, under the rubric: Kamla slams Rowley’s obscene grab for power. [*Desk thumping*] Imagine that. [*Desk thumping*] And not surprisingly, the unthinking in metaphor, sheep, on the other side applauded, in metaphor. [*Crosstalk*] I would describe this as alarmist alarum. What grab for power? This is the Parliament of Trinidad and Tobago where the THA law was made and the only place where it could be amended. And as I said, even to give Tobago internal self-government, which is a separate issue, this Parliament has to treat with it. So this grab for power talk from the Member for Siparia is absolute bunkum, balderdash, rubbish, poppycock.

The Member for Chaguanas West told us, spent some of his time to tell us and caution this Parliament about retroactive law. Nothing in the measures in front of us are retroactive. There is a problem and we are dealing with something going forward. There is nothing retroactive in this. Let me start with that. And, secondly, the big caution, Madam Speaker, as every first year lawyer would know about changing or retroactive law, is in the realm of criminal law, where it is anticipated or understood that you cannot do something and somebody come after and say the

thing you did when it was legal is now illegal. That is the risk; that is the threat. That does not exist in this platform today at all. So the Member for Chaguanas West wasted a submission, wasted our time and went on to ask again, as did the Member for Couva South, as did the Member for Tabaquite, like if stick really break in their ear, why 15 seats?

The Member who moved this Motion, the Member for Diego Martin West, my leader, our Prime Minister, told us off the bat that that was not plucked from the sky. First of all, we needed an odd number, like how we moved from 36 to 41, to ensure that you cannot have that kind of tie again. I am hearing a story about you could still have a tie, three parties. One thing we know, one of those three parties will never be the UNC. [*Desk thumping*] You see the Members know. The Tobago people rejected the UNC 12:0 and they are afraid. They would not show their UNC face in Tobago. They operate with proxies, behind the scenes, deceitfully behind the scenes. So you would never have the UNC, so the only other option is PDP—

Mr. Rambally: Madam Speaker, the Member is imputing improper motives.

Madam Speaker: Please proceed.

Hon. F. Hinds: They are so improper, they are improper. He thinks I am improper. Anyway—

Madam Speaker: Member.

Hon. F. Hinds: Madam Speaker, I am proceeding. I am proceeding. The only other possibility of this three-party tie, since I have already demonstrated and given good reasons why you would never see the UNC in Tobago, is PDP, PNM and maybe Harry's Water Park. [*Desk thumping*] The Member for Couva South—yes, they have truck and trailer and thing in Tobago. That is their office. The Member for Couva South, Madam Speaker, asked us almost in the spirit of conviviality,

asked us if we are trying to straightjacket the EBC. It was shocking to me to hear Tabaquite, shocking to me to hear the Member for Couva South and, most of all, the Member for Couva South who sits right behind the Member for Siparia. He knows on the night of the last general election, the Member for Siparia spent the whole night criticizing the EBC, casting aspersions on their integrity and their operation when they lost the last general election. And today some of her Members come in here, hypocritically, trying to sound as though they are speaking on behalf of that independent body which we on this side have always held up in the highest esteem and preserves its integrity and its independence. [*Desk thumping*] They are no defenders of anything.

Madam Speaker, in the Schedule of the Act and let me just—I think one Member might have touched it—for the benefit of the people of Tobago and Trinidad. In the Bill before us, in the Explanatory Note, put it very pellucidly clear. It says: “The amendment”—and this is to the EBC. This is the amendment to the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50: “The amendment would therefore repeal section 3 and replace it with a new section which would recognise the electoral districts for Tobago which are contained in Part III of the First Schedule. Section 4 of the Elections and Boundaries (Local Government and Tobago House of Assembly) Act...is also being amended to first provide for a new report...”

So it is being done so that the EBC will provide a new report, meaning, its recommendations for new boundaries and what have you, and this is only consequentially necessary, because we are trying to avert the crisis and the reason for the problem 6:6 in an even seated parliament.

So when I heard other Members on the other side telling us in 2016, the

EBC at that time issued a report which said there should be no changes, that is not the first time the EBC would have said that. Since we have the EBC, there are many times, even in Laventille East/Morvant, Laventille West and constituencies all over, they would have said no change recorded on this occasion, but there are things that will cause them to change the boundaries as they did for the last general election that we have just come out of.

4.10 p.m.

So because we are changing the number of seats, especially to 15, there is a need to rearrange boundaries and therefore this amendment will permit them to issue a fresh report in accordance with that, otherwise they will do it in the normal scheme of things which will take us more than two years past today and therefore this is necessary. So simple. You mean, the UNC cannot understand that or is it just—

Madam Speaker: [*Interruption*] Member—Member, I am not hearing you.

Mr. Ratiram: Madam Speaker, 47(1)(b), would the Member give way?

Hon. F. Hinds: No. We have no time to lose. Madam Speaker, one or two of my colleagues on the other side raised issues which suggested to me that they did not understand clearly the dichotomy, the difference between the question of internal self-government and what we are attempting to do here today. I even heard a commentator from Tobago on “meh” television this morning, as indeed the Member for Siparia who is threatening to go to court, and I like the way the Member for Diego Martin West put it, “All ah dem, we nuh fraid ah dat, all ah dem know court road”.

I heard someone, a commentator, telling the country on this matter that the amendment we have come here today with carries the risk of interfering with the right to self-determination on the part of the people of Tobago. I am a student of

constitutional law, it was clear to me that that spokesperson this morning on “meh” TV with Fazir “doh” have a clue what self-determination is. This has nothing to do with self-determination. Tobago is not and cannot be seeking self-determination. What Tobago is seeking and is being made to have from the Joint Select Committee on the aspirations of the said Tobago people is internal self-government; totally different thing. So nothing about what is in front of us has anything to do with any grab for power or interfering with the right to self-determination. Self-determination has to do with statehood for the most part, a people with some characteristics, language, aspirations, and what have you, wanting to rule themselves, like former British colonies, Belgian colonies, French colonies.

The Tobago people have made it very clear they want to continue to be a part of the unitary, archipelagic state of Trinidad and Tobago. So, Madam Speaker, we have come here today with some very, very simple measures and we want the people of Tobago to understand that what we are about to do here is to relieve them of an unanticipated—and not all together unanticipated because as you heard from the Member for Tobago West, as you heard from the Member for Tobago—yes, Tobago West, there were occasions when several of us in this Parliament would have made reference to the possibility of this tie but nothing was done about it. So today we have come to do something about it and to advance the cause of the people of Tobago. And in so doing, Madam Speaker, I support the amendments before us on behalf of the people [*Desk thumping*] of Laventille West and commend them to my friends in this Parliament for their positive consideration. Thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Member for Caroni Central. [*Desk thumping*]

Mr. Arnold Ram (*Caroni Central*): Thank you. Thank you, Madam Speaker, for

recognizing me and giving me the opportunity to join this debate, the Tobago House of Assembly (Amdt.) Bill, 2021, and it is with great pride and pleasure that I speak after someone we hold in high esteem as the person holding the permanent position of junior Minister for the longest period in the history of this Parliament. [*Desk thumping*] So, Madam Speaker, what I hold in my hand here, you would recognize, is the Standing Orders of the House of Representatives and that is the Standing Orders that we have in this House and which we must obey. So, for example, when the hon. Speaker stands, we all know that everyone else must sit or freeze in their position, similarly we have Standing Orders in the Tobago House of Assembly and we must not choose, like we do in this House, to look at certain rules of the Standing Orders and ignore the others.

Madam Speaker, I say that to indicate that Standing Order 92 makes it pellucidly clear as to what should happen in the case of the Tobago House of Assembly Standing Order being silent on a particular point. [*Desk thumping*] And Standing Order 92, it says.

“In any matter not herein provided for, resort shall be had to the usage and practice of the House of Representatives of Trinidad and Tobago which shall be followed...”

It goes on at subsection (2) of Standing Order 92, Madam Speaker:

“In cases of doubt the Standing Order of the Assembly shall be interpreted in the light of the relevant usage and practice of the House of Representatives.”

So, Madam Speaker, there are Standing Orders in the Tobago House of Assembly and, as you know as we follow here, our Standing Orders, they too are bound to follow their Standing Orders.

So there is an existing provision, Madam Speaker, which will allow for any tiebreaker to be resolved and that tiebreaker is when you look at the Standing

Orders of this Parliament where Standing Order 4(10) calls for the drawing of lots. My colleague previously went ad nauseam about the 15 and where the number 15 arose, and I too, I am quite puzzled because as the person of the Opposition Leader back in 2010, Madam Speaker, as he was then, Keith Rowley, speaking on the possibility of a 6:6 tie and increasing the THA seats—

Hon. Member: Dr. Keith Rowley—

Mr. A. Ram: Dr. Keith Rowley, hon. Member for Diego Martin West—

Mr. Young: Madam Speaker, this is about the sixth time this is being quoted by them from the speeches being handed out in that room in the back. [*Desk thumping*]

Madam Speaker: Please continue.

Mr. A. Ram: Madam Speaker, the Member for Diego Martin West as he was then, he indicated that the EBC has a job on an ongoing basis not for any particular election, to monitor the growth and movement of the population so as to make sure that the formula which is applied at the time when seats are being reviewed, gives the result of the average number of persons per seat, plus or minus the 10 per cent margin that is allowed under the law.

So the Member who piloted the Bill, the Member for Diego Martin West, knows all too well that it is the EBC that is tasked with the responsibility of allocating seats. And it is not us in this Parliament to come and pull the number 15 from out of the air and say this is the number of seats we are allocating per electoral district in Tobago; it cannot be. That will be a usurping of the power as provided in the Constitution of Trinidad and Tobago at section 71(12) where it says that:

The EBC—“...shall not be subject to the direction or control of any...person or authority.”

So, Madam Speaker, we are confused as to why this Government will be bringing legislation to this Parliament to direct the EBC as to the number of electoral districts in Tobago. [*Desk thumping*] We are confused.

The Member who spoke previously to me, Madam Speaker, the Member for Laventille West, spoke ad nauseam with respect to the number of seats also being 15 wherein he criticized the Member for Chaguanas West to say that, if there were three parties, he is sure one would not be the UNC. I want to respond to that, Madam Speaker, because we should not be making law today to address the situations today, we must be making them especially when it is within our purview, making them to last for eternity. The possibility exists, Madam Speaker, that at any one time there may be an independent person contesting an electoral district in Tobago and it may emerge that a position of 7:7:1, what do we do next? We will come back to Parliament to try to have that resolved? The answer is, we ought not to. What about the position, Madam Speaker, the unfortunate position should it be 8:7 and one person unfortunately dies on the morning of the swearing in, what would be the constitutional position then? Do we come back to Parliament then, Madam Speaker? And those are the questions that we have for the Government when they bring this Bill before this Parliament.

Madam Speaker, I remember vividly when the Member for Diego Martin West was Opposition Leader between 2010 to 2015, every so often the hon. Member would question the size of the Kamla Persad-Bissessar Cabinet and he will go on ad nauseam, “The Parliament too big, the number of Ministers”. So if the Member is concerned about numbers and sizes, what is the rationale for increasing to the size of 15? We are 12, why not 11, why not 13? The Member was always concerned about size. I know in his Cabinet he does not have to worry about size because every time a paper is brought to that Cabinet, a couple of

Members leave the room. [*Desk thumping*] So, Madam Speaker, the issue as to the number 15 still bewilders us on this side.

Madam Speaker, there is another point with respect to this increase and the cost, the cost to taxpayers of having the number of 15 assemblymen. When we consider that the position that the Minister of Finance has indicated that our country is in, we have not heard from the other side what the cost to the Tobago House of Assembly will be should the numbers increase to 15, and we know that our economy is not in the best state at this point in time; it is tipping over. We had a very good article yesterday, Madam Speaker, from one, Selby Wilson, where it was indicated that our debt to GDP ratio is in the amount of 80 per cent. Madam Speaker, war-torn countries such as Yemen and Syria have less debt to GDP ratio than us and that is frightening.

So increasing the number, Madam Speaker, is going to have a financial implication on Trinidad and Tobago and that is something we must also consider when we decide to increase or decrease the amount of electoral districts in Tobago. Madam Speaker, whilst it is our position that a Tobago solution is required, we have commentators also advocating that us in this Parliament are deciding what is best for Tobagonians when it ought to be a Tobagonian solution, and we have prominent political analysis and others indicating same. With those few words, Madam Speaker, I want to thank you for the opportunity this afternoon.

Madam Speaker: Prime Minister—Member for San Fernando West.

Mr. Al-Rawi: The Member for Diego Martin has asked me to give way.

Madam Speaker: Member for Diego Martin North/East. [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Thank you very much. I am making a very brief intervention, Madam Speaker, to correct the political mischief of the other side where they have tried to give the impression, the false impression

that the Parliament through this Bill, which will become an Act, is somehow interfering with the independence of the Elections and Boundaries Commission; that is entirely untrue and inaccurate. The Elections and Boundaries Commission is guided by legislation, Madam Speaker, and in particular, the particular Act that is relevant is the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, and in that Act the requirements and provisions and procedures that the Elections and Boundaries Commission must comply with and utilize in order to determine boundaries are spelt out.

In that Act there are particular time periods and that law requires the Elections and Boundaries Commission to compile boundaries reports. After they do all their work they would do their demographic research. They would do their research into population centers. They would look at natural boundaries and other factors in determining boundaries within Trinidad and Tobago. In Trinidad, Madam Speaker, for the general election, the Elections and Boundaries Commission has the flexibility to recommend a change in the number of seats that make up the Parliament of Trinidad and Tobago, and this is why over the years the number of seats in the Parliament of Trinidad and Tobago has evolved, 24 to 36 and to 41. And that is all flowing from work done by the Elections and Boundaries Commission in determining whether they should increase the number of seats or not in the Parliament that we are in.

In the local government situation, Madam Speaker, the number of local government corporations and local government regions is fixed by law by that 1990 Municipal Corporations Act, and the Elections and Boundaries Commission is not empowered to increase or decrease the number of corporations. That is, as I said, fixed by law and the EBC is required to look within the boundaries of the regions and make recommendations as to whether they should increase the number

of local government districts and to adjust the boundaries as the case may be, but they do not change the number of regions or municipal corporations which is fixed by law at 14. So that the parliamentary situation is very different to the local government situation. In the parliamentary situation the EBC has the flexible to recommend an increase in the number of seats. They cannot do so in the local government context and similarly they cannot do so in the Tobago House of Assembly context, because very similar to the Municipal Corporations Act, the Tobago House of Assembly Act, as the Municipal Corporations Act fixed the number of regions at 14, the Tobago House of Assembly Act fixed the number of seats in Tobago as 12.

So the only way you can have a change of the number of seats or districts as the case may be, whatever the correct terminology is for Tobago, is by an amendment to the law, quite different to the parliamentary situation in the Parliament of Trinidad and Tobago. So this is what we are about today and when the Parliament makes the change—and I am not getting into the merits of that because I think that has been dealt with very well by speakers on this side—this flows from a joint select committee matter, a matter that has been deliberated in Tobago for years, the whole question of how many seats there should be in Tobago has been well documented and recommended at 15, so I am not going into that. This number 15 did not drop from the sky, it came from years and years and years [*Desk thumping*] of debate, deliberation, discussion, consultation and recommendation coming out of Tobago in a bipartisan or multipartisan format.

So I am not going to argue that point at all, the people of Tobago have asked for 15 seats within the House of Assembly. But when we on this side adjust the law to allow for 15 seats, it is then entirely up to the Elections and Boundaries Commission to determine the boundaries of those 15 seats. So you will now have

15 seats within Tobago and the EBC will then decide using its normal criteria, population distribution, natural features, hills, mountains, rivers, roads. This is what the EBC does, looks at population distribution, looks at natural boundaries; the EBC will then decide how those 15 seats in Tobago will be determined, how many polling divisions there will be, how the different polling divisions will be grouped and they will be guided by some very simple, basic rules.

In each district the polling divisions must be contiguous so they must be attached to each other within a particular seat. You cannot have a disconnect between one polling division and another, and also the population, which my understanding the population in Tobago is just over 50,000, the electoral population, by that I mean the electorate in Tobago is just about 50,000. I think about 51 or 52,000, and if you divide that by 15 you will get a size of a seat of about 3,400. And therefore, using the general rule in that same Act that I just read from, the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, you can go 10 per cent above or 10 per cent below. So the rules that will guide the EBC are that the minimum number of electors in these new 15 seats will be 3,150, I think, some number like that, and the maximum will be like 3,750 and the mean will be about 3,400.

[MR. DEPUTY SPEAKER *in the Chair*]

So this Parliament having decided the 15 seats, it is entirely up to the EBC to decide how it will configure and group polling divisions in Tobago to create the new 15 seats. That is their job. And the final point I want to make is that the Parliament determines the time frame. The two years, minimum of two years and maximum of three years for the creation of a normal boundaries report was decided by the Parliament. It is the Parliament that decided there shall be boundaries report not less than two years, no more than three years from the submission of the last

report, and it is now this Parliament that is being asked in this unique case where there is a matter of urgency in this particular—I will call it a one-off situation where the EBC has just come through a Tobago House of Assembly election. It has done its electoral registration, it has completed an election and therefore it is fully briefed on the electorate in Tobago and therefore it has all its statistics; it has all the numbers.

In fact, the EBC went through a process of submitting a boundaries report just last year and therefore the EBC is fully seized of the distribution of the population in Tobago and fully seized of all the natural boundaries and fully seized of all the information it requires to create 15 seats. And therefore, this Parliament, there is no injustice or no sinister intent nor can there be if this Parliament now asks the EBC, because of the fact that they have all this information, they just managed an election, they just submitted a boundaries report, there is no issue in now dictating that for this new election the EBC will do it in no less than two months and no more than three months. This is not, by any stretch of the imagination, interference with the EBC because this Parliament and this Government will not be telling the EBC how to create the 15 seats, which polling divisions should comprise the 15 seats, what they should do in determining population and boundaries. It is simply a procedural matter on our part and then we hand everything over to the EBC, and therefore this idea and this fallacy propagated by the other side about interference with the EBC is just nonsense. I beg to move, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for St. Augustine. [*Desk thumping*]

Ms. Khadijah Ameen (*St. Augustine*): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I thank you for this opportunity to contribute to the THA (Amdt.) Bill, 2021, and in my submission today I want to look at some of the

tenets of democracy in terms of fairness and equity and its impact on governance and let us query whether the proposals being put forward by this Government adhere to the principles of democracy. I also, Mr. Deputy Speaker, intend to look very briefly at what the new sharing will mean in terms of the representation, distribution, the proportion, the number of people represented by each representative and what that means for representation in Tobago, and representation as a whole in terms of the result and the governance that will come out of it.

Mr. Deputy Speaker, it is my view that this THA (Amdt.) Bill is a very open attempt to subvert the democratic will of the people of Tobago. Colleagues before spoke about consultation and the fact that there has been no consultation with the representatives of the THA for this Bill before it came to power; perhaps with the exception of the PNM representatives in Tobago but that is not national consultation and so I think it is important to have the stakeholders have their say. The PNM has not allowed that to happen. This Government has not allowed consultation to take place. [*Desk thumping*] So having your own internal discussion with your political colleagues does not count as real consultation, that is a political party putting forward their position which has its place in our democracy but it is not widespread consultation.

The issue of the number of seats has been dealt with and I want to add my voice to say that if the Parliament is intervening to support having an odd number of seats, or in fact having a prime number of seats, because if you had suggested 13, for instance, it is less possible to have a tie whether it is two-way or three-way, but in principle the Parliament can agree to have an odd number of seats or have the number of persons, number of seats within the THA changed. It is my belief that it is improper for the Parliament to dictate to the EBC and on that note I want

to support the Member for Tabaquite when she made this point. But, Mr. Deputy Speaker, I want to turn to the number of persons who will be represented by a single representative.

The Tobago House of Assembly with this new proposal will have 3,400 persons to one representative. I have spoken previously, Mr. Deputy Speaker, and you and I both served as members of council in a regional corporation that has the largest population in Trinidad and Tobago, and we faced that when we represented our burgesses. When the number of persons now being represented by a THA representative it is compared to some of the regional corporations in Trinidad, it does not show equality. And one may ask, hy compare Trinidad's regional corporation to the THA, but it is an issue of representation and equality and access, not only in terms of the person who is voted to represent you but the funding that can be distributed in an equitable manner, both in Trinidad and in Tobago.

So I am making a case, Mr. Deputy Speaker, that we have to look at that. We have to look at equitable distribution and fairness in terms of representatives.

4.40 p.m.

I want to put on the record the population size. The Tunapuna/Piarco region is 215,000, and there are 16 representatives there now. Each representative, each councillor represents over 13,000 burgesses. Let us look at the proportion, let us look at the ratio. You are talking of more than three times what is currently being proposed in Tobago. So I am not objecting to what is being proposed in Tobago. I am suggesting that we have to be equitable across the board, because this Parliament speaks for Trinidad and Tobago as a nation. [*Desk thumping*]

Mr. Deputy Speaker, I think an appropriate example of a regional corporation in Trinidad to use is the San Fernando City Corporation, where the population is approximately 50,000, which is almost the same as the population of Tobago. At present, the funding for San Fernando is approximately \$129 million,

based on the last budget. So while Tobago's population is more or less the same, they have a bigger allocation, and San Fernando is the second city in Trinidad. So I am not saying cut Tobago's allocation. I am saying that this is a further testimony that we have to examine the resources being given in the budget, the representation being gotten from the THA, and whether the Bill that we are putting forward lends itself to more equitable spending of the resources and the taxpayers' dollars of the citizens of Trinidad and Tobago.

So the inequity in funding in terms of the distribution for seats and representation and the ratio to the population, that the Government is proposing, Mr. Deputy Speaker, it really has to be examined.

I want now, Mr. Deputy Speaker, to move to some of the tenets of democracy. We pride ourselves as being a democratic nation. We speak about voting, we speak about speaking out. We speak about our freedom of expression and so on, our liberty. This Bill, in my opinion, erodes the tenets of democracy and a fair and equitable governance for the people, the people of Tobago as well as the people of Trinidad and Tobago as a whole. [*Desk thumping*]

The tenets of democracy include liberty, equality, the people as ultimate source of sovereignty, fraternity and fundamental rights of the people. The main basis of democracy is liberty and equality. People enjoy maximum liberty and equality, because criticism of the people is not only the people who represent us, the Government and our representatives, it is not only tolerated in our system and in our country, it is also encouraged.

Mr. Deputy Speaker, I just want to mention that some years ago, Great Britain had a proposal to treat with South Rhodesia, which was a colony of Great Britain, and to declare its freedom unilaterally. Before it did so, the British Prime Minister consulted with the leaders of the Conservative Party and the Liberal Party

there.

In Pakistan, this was way back in 1965, when Pakistan—

Mr. Deyalsingh: Mr. Deputy Speaker, regrettably Standing Order 48(1) please.

Mr. Deputy Speaker: Overruled. But Member, again, tie in the point that you are coming to.

Ms. K. Ameen: When Pakistan invaded India in August of 1965, the Prime Minister at the time consulted with the leaders of the Opposition party. My point here is that a major issue which impacts on the will of the people of Trinidad and Tobago, such as the voting for their representatives in the THA, has had no consultation from the Government with the Opposition Members or other parties that have an interest here, and for that I would condemn this Government. [*Desk thumping*]

The principle of equality: Special emphasis is always placed on equality in democracies, and that there must be no disparity amongst the people in terms of the basis of caste and creed, and religion or position, or social status. For that, Mr. Deputy Speaker, I would have mentioned before the idea of establishing political and economic equality amongst all citizens. I mentioned before the THA proposed ratio of 3,400 citizens per representative, and the value in terms of the resources, taxpayers' dollars in Trinidad versus the citizens of Tobago, and where the local government authorities are concerned.

So let us talk equality. Let us talk it across the board. Equality is an important principle in democracy that this Government does not seem to understand. Mr. Deputy Speaker, political and social equality is useless without economic equality, and providing fairness to all citizens. Efforts must be made to ensure that in the distribution of the resources of this country, and any law that you bring to Parliament, you establish social and political equality in our democracy.

The people are the ultimate source of sovereignty. In a democracy, people are the ultimate source of sovereignty, and the Government derives its power from them. The citizens vote. We go and campaign. Every Member sitting here would have gone to people in their constituency to campaign, to ask for their vote. For this purpose, elections are an integral part of democracy. For a government to use its majority in Parliament to give itself a perceived advantage, or to interfere in any way in the affairs of the people of Tobago casting their vote, which is their democratic right, it is untenable and it is unacceptable. I say so because the provisions already exist in the THA Standing Orders, the THA Act.

So I do acknowledge the explanation of the hon. Prime Minister, in terms of what he felt was a good legal opinion. I did not hear the Member in his contribution indicate, and I would like the Government to tell us the name of the senior counsel who provided you with this opinion, this esteemed opinion. Why is it a secret? [*Desk thumping*] Mr. Deputy Speaker, in a democracy people are given fundamental rights, because in the absence of these rights and when you have the interference of these rights, the development of individuals, of our citizens, is hampered.

Previous speakers would have pointed to the application of the Standing Order 92 in the Tobago House of Assembly Act, 92(1), 92(2), 92(6) and 92(10) specifically. This approach gives both the PNM and the PDP a fifty-fifty chance of forming a new administration in Tobago. What is the PNM afraid of to have a fifty-fifty chance and use the existing law? Why do you feel that coming to Parliament to have the intervention of the Government in this THA Bill is necessary? It tells me that you are afraid of what will happen if you lose power in Tobago.

I submit that the intervention of this Government with this Tobago House of

Assembly (Amdt.) Bill, 2021, is untimely, to say the least. It undermines the principles of democracy, and it speaks to a further creeping dictatorship that Trinidad and Tobago must be aware of and must reject.

Mr. Deyalsingh: Standing Order 48(6), please, “creeping dictatorship”.

Mr. Deputy Speaker: Member, I would like you to retract that statement please.

Ms. K. Ameen: Mr. Deputy Speaker, I will rephrase. Any form of undermining of democracy can be seen as dictatorship, and the people of Trinidad and Tobago must reject that vehemently. [*Desk thumping*] Thank you.

Mr. Deputy Speaker: I recognize the hon. Attorney General.

The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):

Thank you, Mr. Deputy Speaker. I relish the opportunity to enter this debate, to address the issues standing on the floor in the context of this Bill. The Bill before us seeks simply to amend the THA Act, Chap. 25:03, as well as the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50.

This Bill proposes in the clauses before it, number one, an amendment to section 5 of the THA Act, which treats with the establishment of a body corporate, section 5 of the Act. We say that that body corporate shall be consisting now instead of 12 Assemblymen, 15. That is clause 4. We then go in clause 5 to treat with the amendment to section 22 of the THA Act. Section 22 is proposed to be amended, quite simply, because the THA as it currently stands cannot be properly constituted, because we have reached a roadblock in the appointment of a presiding officer. If you cannot get past the Presiding Officer’s appointment, the Assembly cannot be properly constituted, because you cannot take the next steps, which is, after an election of a Presiding Officer you move to the election of a Chief Secretary, you then move to a Minority Leader, you then move to the Chief

Secretary, you move to the Deputy Presiding Officer. Of course, you have the passage of the appointment of the councillors, three to the majority, which is the Chief Secretary, and one to the Minority Leader.

Of course, we are faced with a ridiculous circumstance of having to determine the majority against the minority, where the majority is entitled to six seats and the minority is entitled to six seats.

The first question which arose is, where did the 15 come from, and I wish to just put on to the record, for the benefit of *Hansard*, if this matter does head to court, it is necessary to see that record, that we spring the authority for the recommendation of 15 seats squarely out of the 2016 constitutional amendment proposal for Tobago autonomy, where section 141B of the Constitution was drafted, to move from 12 to 15 seats. That was repeated in the 2018 Tobago autonomy Bill where, again, section 141B of the Constitution is proposed to be added to move from 12 to 15. That, in terms of law, springs from the Constitution of the Republic of Trinidad and Tobago.

Chapter 11A was introduced into the Constitution in 1996, where the Tobago House of Assembly was referred to. Subsection (2) of the Constitution says that:

“The Assembly shall consist of a Presiding Officer and such other members qualified and appointed in such manner as...may be prescribed.”

That takes you to the THA Act.

I would like to also reference, again for the purposes of *Hansard*, that when we are treating with the recommendation of where the authority to put 15 comes from, it actually comes from the Constitution itself. Section 1 of the Constitution of the Republic of Trinidad and Tobago makes Trinidad and Tobago a unitary State. But section 1 of the Constitution really springs as far back as 1887, when the

Crown power to unite the colony of Trinidad with the colony of Tobago became the issue. In fact, the records demonstrate that the Tobago Council took the view that they wished to have a petition in the form of self-government as it exists now. Let me repeat that: In the petition in 1876, the Tobago colony asked for its self-governance.

Now, it is very important to note, Mr. Deputy Speaker, that the recommendation for 15, and it is in the records of the Joint Select Committee on Tobago autonomy, demonstrate that 15 is the number that springs from that Bill in 2016, dated 23 September, 2016. The wording from the JSC says:

This Bill reflects the consensus arrived at as reflected in the document entitled, “Background to Constitutional Amendment Bill, 2016”.

[Interruption]

Mrs. Persad-Bissessar SC: Is it the current JSC on Tobago self-government? In which case we are not entitled to speak on it unless it is reported to the House.

Hon. F. Al-Rawi: Sure. I thank the Leader of the Opposition. I am speaking about the past JSC, that work that was laid in the Parliament, and which report is available. I, of course, am aware that you cannot trip the rules on prior publication. I thank the Leader of the Opposition.

Mr. Deputy Speaker, let us deal with the submission as to fairness; let us deal with the submission as to propriety. I am going to be very simple and speak through you, Mr. Deputy Speaker, to the people of Trinidad and Tobago about the law.

I have demonstrated so far that the Constitution of the Republic of Trinidad and Tobago, in a unitary State, allows the Parliament to treat under section 141A of the Constitution with the demonstration of Tobago seats. I have demonstrated that there has been a longstanding cry for autonomy since 1876. I propose to now

treat with that which is on offer from the other side, those opposite to us and elsewhere in Trinidad, that say that one ought to go to the drawing of lots, the drawing of straws, to decide the Presiding Officer. And I wish to make this submission first of all: Number one, the argument on deck is that Tobago's autonomy would be better served by having the drawing of lots, and the argument is section 92 of the Standing Orders of the Tobago House of Assembly say, where there is no direct provision in the Tobago Standing Orders, that you ought to go to the Standing Orders of Trinidad.

The first point that I would like to state is in the Standing Orders of Trinidad, Standing Order 4, where we treat with the election of the House of Representatives, in the Standing Orders of the House of Representatives of Trinidad and Tobago, Standing Order 4 says that it is to be treating with the election of a Speaker.

When we treat with the THA Act in its context, the only person that has the right of a casting vote to cause the election of the Chief Secretary—and let me put it this way, the quasi-prime ministerial function of the Chief Secretary, the only person that has that power in the THA Act and in its Standing Orders is the Presiding Officer. Therefore, the control of Tobago by its Chief Secretary, akin to the control of Trinidad and Tobago by a Prime Minister, is what is on deck.

My learned friends opposite say it is democratic and fair to choose that Chief Secretary ultimately by the drawing of straws. We say on this side that the return to the polls, which is the ultimate exercise of democracy, where the people have the right of franchise, each man and woman as a registered elector having the power to vote, they having the power to vote, is the preferred form of expression of democracy. [*Desk thumping*]

Let us get to the argument as put by Chaguanas West. Chaguanas West

repeated an argument, and I thank the hon. Member for making it as clear as he did as to what the argument is, that the Presiding Officer ought to be elected by straws, but we must look to the THA Act.

The first point that I wish to put on record is that it is, in fact, arguable that this law is mandatorily required as presented by this Bill. Why? Because when you go to Standing Order 3(1) of the Tobago House of Assembly, listen to what it says:

“At the inaugural meeting...”—underline “inaugural meeting”—“of the Assembly held immediately after the primary election, in accordance with Section 6 of the Tobago House of Assembly Act, 1996, the Clerk shall call upon members to elect a Presiding Officer...”

It then goes on in subsections (4), (5) and (6). In (4) they say where there is an equality of votes:

“the ballot shall be retaken in respect of the relevant Candidates.”

(5) Where on the second ballot the equality of votes continues, the Clerk shall propose the question that the member or other person chosen who was first proposed should be the Presiding Officer. Should that proposal be agreed to, the member or other person shall be the Presiding Officer.”

And:

“(6) If the proposal is negative, the Clerk shall propose a like question in respect of any other member...”—et cetera.

Fact number one, the inaugural meeting was held and ended. Fact number two, there are no negative of either candidate, there was merely an equality. So you are at the inaugural meeting, you then under the Standing Orders get to the general authority of the Presiding Officer in Standing Order 9:

“The Presiding Officer...”—not the Clerk, the Presiding Officer.

“The Presiding Officer shall have power to regulate the conduct of business in all matters not provided for in the Standing Orders.”

So, Mr. Deputy Speaker, I make a very simple and straightforward point. If the argument of the Opposition demonstrated here today is that you have to have reference to Standing Order No. 92, which says:

“In any matter not herein provided for, resort shall be had to the usage and practice of the House of Representatives...”

Point number one, the Standing Orders of the THA do provide for the election of a Presiding Officer. Point number two, the utilization of the Standing Orders of the House of Representatives, our Standing Orders, can only be exercised by the Presiding Officer, not by the Clerk. And therefore not only is the argument one which is dead upon arrival, but the argument flies in the face of the written law and parliamentary practice.

So let me put this into summary. Number one, it is respectfully in our view not appropriate, from as way back as 1876, to tell the population of Tobago, “We respect your desire for autonomy,” and then import a Standing Order from the House of Representatives in Trinidad and Tobago to allow the Clerk, who has no power, to exercise the Standing Orders, where they are silent, using Trinidad Orders, to cause effectively the election of the Chief Secretary, who is akin to a Prime Minister of Tobago. Forgive me for using it that way, I want to put it simply. I am saying we do not consider it the best exercise of democracy on such a fundamental issue as the election of the Chief Secretary, to cause the drawing of lots.

This is underwritten and made more powerful when you consider the fact that a Speaker of the House of Representatives, when elected by lots, can be removed by the Prime Minister of the Republic of Trinidad and Tobago in a vote

of no confidence, because the majority is held by the Prime Minister. So, respectfully, the argument is an inconsistent, illogical argument and we must move ourselves away from that.

Let us get to the law before us. Mr. Deputy Speaker, I am giving notice that there are a few amendments that we will circulate at the appropriate time. If I could just note that it is critical to observe that what we are proposing here is a full mechanism to cause a return to the polls, for the ultimate exercise of democracy. Democracy is best done by the exercise of adult franchise, one man, one vote. [*Desk thumping*]

Now, when we look at the EBC itself, I want to point out that the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, which we propose to amend in the Schedule to this Bill. That Act, as the hon. Member for Tobago East pointed out, had some significant deficiencies. I point firstly to the fact that in section 3 of that Act, the existing law, section 3(a)—section 3 says:

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

- (a) five Cities and Boroughs mentioned in the first column...
- (b) the nine”—additional—“municipalities...”

It stops there. So Tobago was not referenced at all inside of the EBC Act. We have therefore caused an amendment to say: Tobago is divided into 15 electoral districts. I pause.

Section 4 of that Act, we are proposing the insertion of the phrase, “electoral district” with respect to the reporting cycle. We say in section 4, as the Bill proposes, the Commission shall define and review the boundaries of the electoral districts, and we specifically say that they must be done in accordance with the rules set out in the Second Schedule. Mr. Deputy Speaker, the rules set out in the Second Schedule clearly demonstrate, and this is to the position of fairness and the

allegation of boundary rigging, otherwise known as “gerrymandering”, by the entity known as the EBC, because the EBC is the only entity that can fix the boundaries in law.

The rules in the Second Schedule to the EBC/THA Act set out that the number—it sets out in Rule 2, there shall be 12 electoral districts in the area of Tobago, and we are changing that to 15 in the amendments to be circulated, and it then casts reference to section 4 of the rules, Rule 4. In that rule that is where they set out exactly as the Member for Diego Martin East pointed out, the rules of taking the total number of electors, that 51,000-odd effectively, if you apply the formula dividing it by 15, and then there can be no greater variance than 25 per cent. That is in the rules. That is in Rule 4 of the Second Schedule to the law.

So I urge my learned colleague for Chaguanas West, let us stick to the law. The law clearly sets out the rules by which the EBC is bound to consider and apply in drawing up the boundaries in Tobago, or anywhere else in Trinidad and Tobago for that matter.

I would like to point out, Mr. Deputy Speaker, further, that there is also a further inconsistency, because section 5 of the particular law—

Mr. Deputy Speaker: Members, please. Member for Siparia, again, your mask properly please.

Hon. F. Al-Rawi: Thank you, Mr. Deputy Speaker. What time do I end?

Mr. Deputy Speaker: You end at 5.11.

Hon. F. Al-Rawi: Thank you. Yes, Mr. Deputy Speaker, I want to point on record, section 5 of the EBC law that we are seeking to amend today, says:

“The President may by Order—

amend the third column of Part II of the First Schedule...”

In other words then, the President may by simple order change the number of seats

in Tobago from 12 to 15. Now, I have raised that to address the argument that we are being unconstitutional, that we are being frivolous, that we are being undemocratic, that we are not being fair. I pointed now to the laws of the Republic of Trinidad and Tobago.

In the Bill before us, Mr. Deputy Speaker, we specifically allow for the Chief Secretary, in consultation with the Prime Minister, to approach the President, where after 14 days from the holding of a primary election, there is no constitution of the Tobago House of Assembly. The Bill before us says the most democratic thing to do is to allow for a return to the polls. In allowing that return to the polls, we have factored the move from 12 to 15 electoral seats. We have factored that the EBC, and only the EBC, in accordance with the existing laws, those set since 1967, the EBC being a creature of the Constitution of the Republic of Trinidad and Tobago, '62 Constitution, '75 Constitution—

Mr. Deputy Speaker: Member, you have two more minutes.

Hon. F. Al-Rawi:—those rules and laws are the safest mechanism for the exercise of democracy.

Let me put, as I come to a close, what is the mischief? The mischief which we propose to solve in law is the very unacceptable position of the lawful exercise of authority by the continuing Assemblymen acting as Secretaries. Chief Secretary, Deputy Chief Secretary and Secretaries, they are without limitation of power in law right now.

https://issuu.com/assemblylegislaturetobago/docs/standing_orders_with_changes

5.10 p.m.

And what we seek to do is to end that situation by encouraging and causing a THA to be lawfully assembled so that the Legislature in Tobago can supervise the expenditure which is at present without scrutiny in the Chief Secretary, Deputy

Chief Secretary and Secretaries. What can be objectionable to that, Mr. Deputy Speaker? In my humble submission, absolutely nothing.

Mr. Deputy Speaker, the alternative to not amending the law is quite simple: I leave the THA as it is, it is dissolved, and the Chief Secretary and Deputy Chief Secretary and the Secretaries can continue ad infinitum exercising power. So, if we accept the arguments coming from my learned friends opposite and those opposed to the PNM, that is the chaos that will descend in Trinidad and Tobago.

We say that this law is proportionate, it is not retroactive, it is for the benefit of the people of Trinidad and Tobago, it is in accordance with the supreme law of the Republic of Trinidad and Tobago, and it must be passed. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the hon. Member for Siparia. [*Desk thumping*]

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much, Mr. Deputy Speaker. I have listened very carefully to the arguments back and forward and I commend the Attorney General for referring us to section 1 of the Constitution. And the Attorney General said, this made us into a unitary state but it does more than that. It reads:

“(1) The Republic of Trinidad and Tobago shall be a sovereign democratic State.”

“...shall be a sovereign democratic State.”

And what does that mean? Just those words “sovereign democratic State” takes in a whole realm of principles that we hold and cherish, we hold dear and cherish in our democratic traditions, in our Westminster democracy, “sovereign democratic State”.

And what that means is that we treasure the separation of powers. We treasure the right to certain human rights, fundamental human rights. We treasure

democratic principles as really manifested through the will of the people through democratic elections. So, “sovereign democratic State”, Mr. Deputy Speaker.

So I was astounded by some statements made by both the Member for Diego Martin West and the Member for San Fernando West just a short while ago. The Prime Minister spent quite some time in his contribution repeating that he is the Prime Minister of the Republic of Trinidad and Tobago. That is the truth. Then the Prime Minister, I think, fell into error when the Prime Minister said, as the Prime Minister it falls on me as the Prime Minister to make the law; to make the law, Mr. Deputy Speaker. But we are a sovereign democratic state. A Prime Minister does make the law, the Prime Minister proposes the law to the Parliament [*Desk thumping*] and it is then the Parliament that will enact that law.

And the hon. Attorney General said a short while ago that the Prime Minister can remove a speaker by a vote of no confidence, a Motion of no confidence. But again, it is the Parliament and not the Prime Minister, [*Desk thumping*] it is the elected Members of the House who could pass such a Motion. So I think both hon. Members fell into error, with the greatest of respect.

And so I take it from there, and here we are today and I wonder if we are not listening to the voices of the electorate in Tobago, that here it is, the will of the people is demonstrated in this tie, and we bring a Bill to Parliament to make—the Prime Minister is making that law, because the Prime Minister understands, as we all do, that if it is a simple majority Bill, because of the Government’s built-in majority, yes you will pass it and you will make it but it still has to come to this Parliament. It is still reviewable by the courts of law and can be struck down by a court of law. [*Desk thumping*] And we are listening to the brothers and sisters across the waters in Tobago, and I want to quote from Winford James, quoted in the *Express* of February 17, 2021.

“Respectfully...” [*Interruption*]

Hon. Mr. Deputy Speaker, can you ask the Prime Minister to stop disturbing me, please. I did not mumble through your speech, I listened very carefully, I ask for equal respect in that regard in this House. [*Desk thumping*]

Mr. Deputy Speaker: Again, Members, once you are not speaking, please let us listen in silence. Proceed.

Mrs. K. Persad-Bissessar SC: Thank you, Mr. Deputy Speaker. Mr. James says:

“Respectfully, Prime Minister, we not only think you have chosen to follow a misguided path but also that you are ignoring a golden opportunity to advance Tobago’s democracy and fix, after too long a time, the governance problems that have been bedeviling the island, which, we note, you have gratuitously called ‘the sister isle.’”

He also said and I quote:

“But to the best of our understanding, Cabinet and Parliament are made up predominantly of Trinidadian voices; so that a Tobagonian problem will be solved, yet again by Trinidad.”

Then he says:

“Indeed, it cannot rationally be denied that the problem will be solved by a PNM Trinidad. The national government is run by the PNM. Parliament is controlled by the PNM. The holdover Executive Council is PNM. You are a PNM Prime Minister. You have consulted in broad daylight with the Chief Secretary and, outside of the light, with the Tobago PNM political leader.”

And:

“Parliament’s intervention at this time will subvert Tobago’s push for self-determination...”—coming from the Chamber.

So several voices raised in Tobago and elsewhere as to the manner in which

we are proceeding. And whilst it is on the face of it the Bill purports to come to change the number of seats, to also do some other things but there is one part of it. It comes to ask for fresh elections, that is what it does. In addition to all the other things such as six clauses, make provisions for circumstances where after an election no assembly is constituted and to increase the number of Assemblymen who can be elected. The Bill will make other amendments and one is, to have a fresh election. And this is where I think we are falling into error, with the greatest of respect, because when you say it is not retroactive, the Member for Laventille, Minister Hinds talked about retroactive and what is not retroactive. I will ask him to go back and read the law because he clearly does not understand the law. [*Desk thumping*] He clearly does not understand it.

What is happening, as the hon. Attorney General said, you know, by order, simple order, it is not subject to a special majority here, it is not subject to a negative resolution, it is not subject to a positive resolution. By order with the stroke of a pen you can increase the number of seats but, you see, that is not all that this Bill is doing. This Bill is going further to take away rights that have accrued to the Assemblymen. [*Desk thumping*] It is going to take away rights which have accrued to the elected Assemblymen. And you keep saying they are dissolved; they are no longer dissolved. [*Desk thumping*] They were dissolved, an election has been called and they are sworn in, they have rights that have accrued now as elected Assemblymen who are now sworn members of the Assembly. Let us not forget that. They are no longer standing dissolved. What is the issue? The issue is that they are not duly constituted under law [*Desk thumping*] because after you meet you have to elect, you have to have the Clerk preside over the proceedings to elect a presiding officer and thereafter other officers and secretaries to be appointed.

So what this Bill is doing in my greatest respectful view, and I know some of the points, all the points made by my colleagues but that of the Member for Chaguanas West, and obviously as I said, they did not understand what you mean when you talk about retroactivity. So these persons now have in law the benefit of the THA Act, the benefit of the THA Act, they have been elected, they have been sworn in and therefore they have the benefits as elected, sworn in Assemblymen. What are those benefits? They are benefits to sit in that Assembly. The benefits to receive payments and other benefits that accrue to them by the operation of the law, and those benefits now constitute fundamental rights. The right to property under our Constitution. And you cannot take away a right by using a simple majority, you cannot. [*Desk thumping*]

You cannot take away these rights accrued to these persons. Yes, you can pass retroactive legislation. There is nothing in law that prevents it but if you are passing retroactive legislation where you are taking away benefits that would have accrued under the existing law, you have to make that change with a special majority and this does not do it. [*Desk thumping*] So the hon. Prime Minister comes to this Parliament and tells us, I am the Prime Minister and it falls to me to make the law. But you cannot make this law alone, Sir, with the greatest of respect. You need the majority of the Parliament, the special majority should you wish to take away these rights to have a new election because that is what you are going to be doing if this becomes law or when it becomes law, that is what is going to happen. By the operation of this new law that may have been made, you are saying, hello, you have lost your seat, vacate your seat.

Under the existing law the THA Act gives to elected Assemblymen four years in office. So in law and as well the legitimate expectation is that they will be sitting there for four years accruing these benefits. The only time that could change

is, you force an election, they all resign and the seats become vacant or the Assembly itself can sooner dissolve but there is no constituted Assembly so that they cannot dissolve themselves.

The situation is different in Trinidad. The Prime Minister in law under the Constitution can dissolve Parliament at any time and cause an election to be had. And then Members are making references to the 18:18 deadlock and the fact that we had to change the number of seats. Can I tell you what happened, again, as Laventille raised this point about the 18:18 and the chaos and whatever.

You know at that time, Mr. Deputy Speaker, the Prime Minister had the same powers as he has today, a Prime Minister, which is, you could dissolve the Parliament, cause fresh elections instantly. But they did not do that. What did they do? They ran the country without the Parliament for almost a year, and it is only when the money ran out and a budget had to be passed that they caused a fresh election. [*Desk thumping*] They did not take away their benefits then but now they want to do that for the Assemblymen by calling for fresh elections. So there is that issue on retroactivity.

There are other issues relating to the 18:18 tie. May I remind those Members who were there with us that during the 18:18 tie, the boundaries were thereafter were changed to 41. But even though that happened, we came in this Parliament, we passed Standing Order 4(10) to break a deadlock in the election of a presiding officer. And that 4(10) is to draw by lots. So where there is equality of votes, you draw lots in Parliament to elect the Presiding Officer. Standing Order 7 says the Speaker is the Presiding Officer. So we are electing a presiding officer. We had the 18:18 deadlock, I explained before, we went through almost a year, the elections called and so on, boundaries changed.

But in 2014, we came to this House, or the previous House in this

composition then, to pass amendments to these Standing Orders, this is the new Standing Order. For 53 years we were governed by the 1962 Standing Orders. It was under my government in 2014 and 2015 that we brought in a more modern form of the Standing Orders of this House. [*Desk thumping*] And one of them was for the introduction of the tiebreaker which is found at Standing Order 4(10), tiebreaker by lots. But, you know, I am surprised people are making fun about drawing lots. In that same debate the mover of the Motion was Dr. Roodal Moonilal and he said:

“As a Government and Opposition we have arrived at this juncture. This is something that the Parliament as a whole, both Government and Opposition, should be equally proud to be here this morning to participate in this debate.”

This was February 21, 2014. He said further, he said:

“The procedure for the election of a Speaker now provides for various scenarios that may arise during election of a Speaker and ultimately to avoid a repeat of the 2002 deadlock.”

That was part of the Standing Orders brought here. Well, listen to my friends on the other side who were then in Opposition. On February 21, 2014, the hon. Dr. Keith Rowley, this is what he had to say:

“Thank you very much, Mr. Speaker. Mr. Speaker, I rise to join this debate on this, what I consider to be a watershed moment,”—[*Desk thumping*]—
“because if we get this...right, Mr. Speaker, significant positive changes can come to the management of the affairs of Trinidad and Tobago.

I want to associate myself with most of the comments made...”—in this debate.

Or words to that effect to that at the end:

“...associate myself with...”—these— “comments...

Today, I stand proud to support this and hope that it comes into effect as quickly possible.” [*Desk thumping*]

February 2014. But the one I really like is the words coming out of my good friend on other side, the hon. Member for Diego Martin North/East. This is what you did. He says:

“Thank you...”—

This is 14 March, 2014:

“Thank you, Mr. Speaker...it gives me pleasure to join this debate, especially as I was a member of the committee that reported and made recommendations with respect to revision of the Standing Orders.”

The hon. Member then went further:

“What is proposed now is that in the event of a tie—and this is for the election of a Speaker—the Clerk shall proceed in accordance with paragraph 10...”—that is 4(10), Standing Order.

“And paragraph 10 of these...Orders, which is Standing Order 4...”—(10).

“So the Clerk will just draw a straw and decide.” [*Desk thumping*]

He continues:

“Now, one might say that is an unfair and undemocratic way of doing things, but that is a standard practice in many jurisdictions;”

Hon. Members: [*Desk thumping*] “Oooh, who said dat? Who said dat?”

Mrs. K. Persad-Bissessar SC: Hon. Member for Diego Martin North/East.

“...that when you have an election and the votes are tied, you have to find some way of determining who the winner is. And in this case, what is proposed, the Clerk will determine by lot—just drawing lots—as to who the

Speaker will be.”

[*Desk thumping*] So there is more, Mr. Deputy Speaker. So what was so great about drawing lots then? What has changed now? It is not therefore when you say, what is the purpose of this Bill? It is not simply to increase the numbers to create a tiebreaker. It is not that. There must be more behind this, Mr. Deputy Speaker. One, I have seen that Assemblymen will be disenfranchised of certain benefits that have accrued by virtue of the election and so on.

And just before I close, you know, you are going to spend a lot of time, a lot of money, courthouse and so on. I have a simple suggestion to make. Assuming but not admitting that you do not find convincing the argument that you take Standing Order 92 of the THA Standing Orders which allows you to then come to Standing Order 4(10) of the House orders, and you do not want to do that, my suggestion is this. I suggest that you amend this Bill by deleting all the clauses therein [*Desk thumping*] and then inserting thereof, all the deleted clauses—if you really want a tiebreaker, let us legislate only for the tiebreaker, [*Desk thumping*] not for fresh elections, not for more seats, that can come on another day.

And I recommend the following amendment, you delete all the clauses and you insert thereof, Standing Order, the wording of Standing Order 4(10) of our House which is, in the event there is equality of votes, and we can place this right in the THA Act, I think it is 7; 7 says that you elect a presiding officer, we can put a 7(2) or a 7A, we insert and say listen, in the event in the election of a presiding officer there is an equality of votes—

Mr. Deputy Speaker: Member, you have two more minutes.

Mrs. K. Persad-Bissessar SC: I am sorry?

Mr. Deputy Speaker: Two more minutes.

Mrs. K. Persad-Bissessar SC: Two minutes. Okay, good. I could read it then.

Hon. Member: Four.

Mrs. K. Persad-Bissessar SC: Four? I thank you very much, four. So in the event I am suggesting we do this. After Standing Order 7(1)—sorry, after section 7(1) in the THA Act, the Act, and that says there shall be the election of a presiding officer and so on, you put a 7, insert a new (2) or you can put a capital A and say this, words to this effect:

If after the holding of a ballot to elect a presiding officer there is an equality of votes or the votes remain equal, the Clerk must determine by lot which candidate is to be eliminated. [*Desk thumping*]

Here is your tiebreaker. It was good enough for the House, it was good enough for this House, adopted, all 33 of us who were there in the Parliament in 2014, unanimously supported the tie breaker and other amendments to the Standing Orders. So what is wrong with that? This way you do not have the fresh election, you do not spend the money, the time, you do not take away people's rights and you give effect, and you say—what is wrong with that? You know what will happen? It is fair, both sides have an equal chance. [*Desk thumping*] And you know what? You will rest your faith in the hands of the Lord. You rest your faith, because it is chance, in the hands of the Lord as to how the tie will be broken, who will be the winner of that tiebreaker. I thank you very much. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the hon. Prime Minister. [*Desk thumping*] Hon. Prime Minister, you have 20 minutes.

The Prime Minister (Hon. Dr. Keith Rowley): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I just have a few minutes so let me just address the emotions of the Member for Siparia quoting me supporting the use of a tiebreaker in the House to select a Speaker. I just want to draw to the attention of the Member for Siparia that that as she quite correctly said had to do with the

selection of a Speaker.

I also want to draw to the attention of the population that there is a Speaker and a presiding officer and there are two different roles where it comes to the role that they play with respect to selecting the composition of the Chamber. [*Desk thumping*] In the Parliament, in the national Parliament the Speaker has no role whatsoever in influencing the composition of the Chamber. So we elect a speaker and the Speaker presides over proceedings.

In the case of the unique Tobago House of Assembly Act which is a law that applies only to Tobago through the Tobago House of Assembly Act, the Speaker in that Parliament in Tobago has a casting vote which means that once you elect—sorry, the Presiding Officer. Once you elect the Presiding Officer, that presiding officer's power is quite different to the Speaker's power in the national Parliament because that presiding officer using that casting vote can determine the composition of the Chamber. It is as simple as that, Mr. Deputy Speaker. And if that is inconvenient for my colleagues on the other side to understand, it might be useful to advance with great emotions, sound and fury, it does not change the fact that the Presiding Officer under the THA Act has a casting vote which changes the composition of the Chamber at the condition or choice of the Presiding Officer. No such power exists with the Speaker.

So what I supported then, my good friend from Siparia, is not the same thing that exists with the Tobago House of Assembly Presiding Officer. So your attempt, my good friend's attempt to make it look as if we were flip-flopping on an issue is completely wrong. [*Desk thumping*] And I speak here in defence of my colleague, Member for Diego Martin North/East as well because I am sure he too understands exactly what I am saying. So the population is not to be misled like that.

[MADAM SPEAKER *in the Chair*]

And I want to educate the population that the function and power of the Presiding Officer in the THA is different to the Speaker simply because the Presiding Officer has that casting vote. So the minute you select the Presiding Officer by casting straws or turning coins, you immediately give that individual the power to determine the composition of the Chamber, because such a person—and we will disagree on that because as I said earlier on, Madam Speaker, the Government has taken sound legal advice. And if it is that my colleagues on the other side would like to challenge the soundness of that legal advice, they have indicated that they will go to court and have an adjudication made on whether the law has been properly applied. That is how civilized people operate, I have no argument with that. But for the moment we proceed.

My friend from—the new Member, colleague from St. Augustine, I think had the most interesting contribution this evening because that Member for St. Augustine—and by the way, Madam Speaker, I am checking to see whether I had a moment of whatever and did, in fact, say that I make the law. Is that confirmed? If I can be advised it would be useful.

However, my friend from St. Augustine said that, went on to talk about Tobago getting too much, because when you compare what Tobago gets with equal numbers from Mayaro and an argument about inequity of funding, that is the typical continuous UNC argument that Tobago is getting too much, and we just disagree. We on this side disagree, so that is nothing new. But on the basis of talking of about you compared the number of heads in Tobago with the number of heads in Mayaro, Talparo, Tabaquite, that is the wrong approach. There is no country in the world called Trinidad and Mayaro or Trinidad and Tabaquite. There is a country called Trinidad and Tobago, and in that simple discussion, Tobago stands apart from local government bodies in Trinidad. [*Desk thumping*]

And secondly, to come here and argue today that when you count the number of heads in Tobago, the amount of money they get is too much as compared to what heads get in Trinidad, Tobago gets one line of funding out of the Appropriation Bill as laid down by law. Local government bodies in Trinidad have funding by way of the same Appropriation Bill, the budget, and then they are in fact a separate unit below the level of the national administration. So in effect you have two levels of administration in Trinidad and one in Tobago. The two in Trinidad, you have the national level applying to the Trinidad part of the territory, and then you have the local government body, two quasi-executive levels. In Tobago you have one level with one stream of funding. So to compare local government funding in Trinidad with funding in Tobago and try to use that the formula in that way, is to create confusion, misinformation and misdirection. [*Desk thumping*]

And of course Tobago's number of seats, this is an issue that goes back, way back to the 1960s. Tobago used to have one seat in the Parliament, and the formula determining how many persons were in one seat in the Parliament came up in Tobago long before you all were in Parliament, and then it was determined that Tobago did not have enough representation as Tobago in Trinidad and Tobago, and therefore Tobago should have two seats. But if Tobago got two seats, those two seats would have less people in each seat than the seats in Trinidad. That was how—when the two seats were formed in Tobago, Tobago East, Tobago West replacing a Tobago seat, the Tobago seats had less people. But it was a recognition that Tobago's representation was to be seen in a slightly different context. And over the years as the population grew in Tobago, the number of persons in Tobago East and Tobago West consistently increased until today. I think it is almost at the level of the national number.

So to come here today and argue about how many people, how many in a seat in Tobago as to how many people are in a seat in a local government in Trinidad is retrograde and ill-informed. [*Desk thumping*]

5.40 p.m.

The Member for Siparia made a very strong point that I said that I make the law. I just want to go back to that context and let the Member understand the context. I was speaking about the law, what it provides for, and the law what it needs to be changed. And I am saying that since the matter is one requiring the law to be changed:

“...it falls to me as Prime Minister of Trinidad and Tobago to change the law so that the law will give provision for Tobago to move on.”

I need to explain that. I was not saying that I have the power to change the law. The context of it was to take action so that the law can be changed, and the only way law can be changed is by what we are doing here collectively as a group in the Parliament. I have no power to go into my quarter, into my office and change the law. So it is quite misleading to imply that I was implying or saying [*Desk thumping*] that I as the Member of Parliament or as the Prime Minister or as Keith Rowley for that matter can change the law.

Only the Parliament can change the law, meeting in the way we are meeting here now, deliberating on an issue and establishing by procedure how laws can be changed. So do not for one minute ascribe to me powers that I do not have in my personal or my singular office capacity. When I speak about changing the law, I speak about the use of the Parliament, initiated and instigated by me, to change in the way laws are changed in this country. [*Desk thumping*] So, you have wasted your time.

And what was interesting, almost hilarious, is my colleague from St.

Augustine today saying that if the change that we are advocating, as we are, is for there to be a dissolution, or the dissolution would be brought to an end by people going to the poll—because remember, as I speak to you now, the Tobago House of Assembly stands dissolved and we are advocating that that dissolution be brought to an end by going to the polls. My friend from St. Augustine says this will erode the tenets of democracy and went further to describe for us what these tenets are that will be eroded by the action of going to the polls, eroding people's liberty, their fundamental rights and equality. What madness! How going to the polls to cast a vote, the most fundamental of democratic action afforded people anywhere in the world, how could that be eroding the tenets of democracy?

My colleague from St. Augustine should understand it is the opposite. Because if you the people are given the opportunity to break the deadlock by casting your vote, how could that be less democratic by having the matter solved by tossing a coin and leaving it up to Almighty God and trusting in your faith? We have been told by the Member for Siparia this afternoon, trust your faith and put your faith in God and toss the coin. These people could not be serious. We are talking about serious business and putting an end to what is a discomfoting situation. [*Desk thumping*] Because let me just—I see and hear people talking about going to the court. Let me just advise the people of Tobago now, if this deadlock ends up in a court matter, what is likely to happen is what the law says is going to happen while the court matter plays itself out. And I am not saying people should not go to the court, I am just saying what is likely to be the outcome, that the residual Executive that is there now that is being accused of grabbing power and holding on to power will simply remain there until the dances in the court are over.

So, if you think that this law is intrusive, it is a grab for power, where the

law says that within 90 days it must be concluded, going to court to argue about the democratic tenets being taken away and so on, and so on, we have no idea when that will end and where it will end. I am simply saying that to Tobago. And, of course, somehow—I know my colleague from St. Augustine has talent but I did not know she had the talent to look around corner, because they have already seen to outcome of the elections and they are speaking to the outcome of the elections. An election that has not even been called, boundaries that we have not seen, boundaries that we do not know, they know the outcome. So my colleague could come here this evening and say, we doing this to give the PNM a perceived advantage. The only perceived advantage the PNM has is by being the superior political party in Trinidad and Tobago. [*Desk thumping*]

Because what we are doing here today is not giving anybody who does not qualify a vote in Tobago, the right to vote. We are not taking away a vote from anybody. We are not allowing anybody to vote in two seats. And it is the same people who vote in the 12 seats, who will vote in the 15 seats, so what is this perceived advantage of the PNM? Any perception of the power of that vote lies in the hand of the voter. So all of these gobbledygook arguments coming from a self-appointed senior counsel is only to confuse the country. There is nothing to it. [*Desk thumping*] And of course to say if we allow people to vote, we are allowing dictatorship. Madam Speaker, is the word “hogwash politics” parliamentary? But I will not use the word, I am just asking because I want to stay with what the Archbishop asked us to do, which is to use kind words to our colleagues, so I would not describe that statement this evening. You are saying if people are allowed to vote, it is the road to dictatorship.

Let me just say, Madam Speaker, that those of you who follow the news and have been following the news for years, it is not uncommon for an election to be

called in a democratic country. And let us say the President called upon the member of a party to form a government and the person spends a week or two and they cannot form a government, and the country goes back to the polls, it automatically annuls the result of the last elections and they go back and they do it over. That happens in Israel all the time. It happened in Italy, it happened in Luxembourg because that is what you do. So to say that there is a difficulty with forming a government and it results in people going back to the polls is dictatorship, is once again the UNC confusing the population, trying to sound intelligent and speaking the most unspeakable.

And I have heard it said—my colleague from Tobago, Hochoy Charles said we should not have had the elections at all and since the elections were called, people should not vote at all, and what we should do is to let the Joint Select Committee give Tobago self-government right now. Well, based on what is being said here now, I hope Tobago sees that this thing is not as simple as it is. For one thing I can say, I cannot discuss that because in the parliamentary rules, what is going on in the Joint Select Committee remains in the Committee until the Committee reports to this House, and I have no power to force the Committee to come here next week or week after.

The Committee will do its work. This House has asked the Committee to try and conclude by May, and May is going to come as sure as light follows day. But in the meantime, in the meantime, we have a problem of not having in Tobago the workings of the Assembly to supervise the work of the Executive in Tobago, and that is what we are going to solve here now and solve it in the shortest possible order. So, all those allegations and all those observations and all those perceptions brought by our colleagues are simply unnecessary and unhelpful, because it is easy to make accusations but it must make sense. It must make sense in the context of

what is fact and what is sensible, and none of the objections I have heard here today change the fact that we have in Tobago 12 Assemblymen who, by law, are the only people who can do this and have demonstrated that they are not able to do it, and the law says they must keep on trying and trying and trying until the end of the term, which is four years from now. And all we are saying, the central government intervenes— not me personally. What I said earlier on was that I would look to Tobago to solve their problem. The elections were January 25th. It is now almost a month, we have seen no progress towards settling on an assembly in Tobago.

As leader of the central government, I have brought the issue to the Parliament and said, as I said then, if the use of the national Parliament is required, the Parliament, the Government will be on standby to come to the Parliament to do it, and here we are today. [*Desk thumping*] That is all that we have done. Had they been able to solve it in the Tobago House of Assembly, we would never be here doing this now and talking about deadlock in Tobago. Had they been able to do it on the first time, on the second time, we would not be here. Maybe on the hundredth time nothing would have changed. Madam Speaker, it has been said that doing the same thing over and over and getting the same result is just a form of madness. I do not want us to be seen to be behaving in a mad way and with respect to changing of the number of seats, it is common sense that we want to reduce the chances of the same deadlock continuing even after we go to the polls.

Because it is very likely that if we go to the polls with 12 seats, as some people have suggested, given what the electorate had said recently, it is very likely as a betting man you may bet that the same 6:6 may come up again. Then what do we do? I have heard it said, well, after two times then you could come to the Parliament. These are all opinions of different people. But in this situation, the

Government of Trinidad and Tobago, the central government of Trinidad and Tobago, responsible for Trinidad and Tobago being helped, getting help in good order says that there is not good order in Tobago now, so the central government has to come to the Parliament, we make proposals, [*Desk thumping*] there are several proposals, and once we pass this Bill, this amendment is to be passed, and consequentially, if we pass that to break the deadlock, we automatically have to adjust the EBC Act because the EBC is not required to report for another two years. So, we ask the EBC to report earlier so that we can go to the polls and have Tobagonians choose. They chose on January. It is the same people who will choose again in a few weeks' time and what is wrong with that, Madam Speaker? All that they have said, null, void and of no effect. [*Desk thumping*]

So, Madam Speaker, having said that, I think all has been said and therefore, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Madam Chairman: This Bill has six clauses.

Clauses 1 to 5 ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

6 In the Second Column-

- (a) renumber item "A" as item "B" and insert a new item "A" as follows:

“A. Section 2 of the Act is amended by deleting the definition of “electoral district” and substituting the following new definition:

“electoral district” means in relation to—

(a) a Local Government election; or

(b) a Tobago House of Assembly election,

a constituency as defined in an Order made under section 4;”;

(b) renumber items “B” and “C” as “C” and “D”:

(c) in item C as renumbered in paragraph (c) delete the words (d) and replace with the word “(b)”;

(d) in item C as renumbered delete the words “; and” and substitute the words “;”;

(e) in item D as renumbered delete the word “.” and substitute the words “; and”; and

(f) insert after item D as renumbered the following new item:

“E. The Second Schedule is amended in item 2(2) by deleting the word “twelve” and substituting the word “fifteen”.

Mr. Al-Rawi: Madam Chair, thank you for this opportunity. Madam Chair, we have circulated proposed amendments to clause 6 which I will address now. Clause 6 proposes the amendments set out in the Schedule to the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act. What we propose is that we tidy up the language.

First of all, Parent Act has a definition for “electoral district” but that

definition, when one looks at it, is deficient. So the first amendment that we propose in subparagraph A is that that definition be amended by including a definition for “electoral district”. And that definition for “electoral district” will now refer to both “a Local Government election” and “a Tobago House of Assembly election”. Otherwise, Madam Chair, the definition of “electoral district” would remain deficient, because as set out in the parent law, “electoral district” means—and I am reading from the Act:

“in relation to a Local Government election a constituency as defined in an Order made under section 4;”.

So, that is the first amendment to tidy up the parent law.

The second one, having introduced that amendment for a definition to electoral district, is a consequential amendment of all the items set out. So, we are renumbering items “B”, “C” as “C” and “D” instead. In item C, Madam Chair, we are proposing an amendment to the—we are proposing in item C as renumbered, in paragraph (c) we are deleting the word (d) and replacing it with the word (b). We had inadvertently put in the wrong reference to D. It really should be B, so it is to tidy up that which is in the Bill itself.

In item C, as renumbered, we are deleting the “; and” and we are substituting the “;” because in E—in item C, it should be—forgive me. So, in item D as renumbered, we are deleting the “.”, inserting a “;” instead, and therefore this would take us to the new item E. And the new item E is that:

The Second Schedule is amended in item 2(2) by deleting the word “twelve” and substituting the word “fifteen”.

We had not picked that up as a need for an amendment, so this makes it consistent with the entire move of moving from 12 electoral seats to 15 electoral seats. That is the rationale for the proposed amendments, Madam Chairman.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

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

House resumed. Bill reported, with amendment.

Question put: That the Bill be read a third time.

Hon. Member: Division.

Madam Speaker: All right. So Members, we know that when a division is called we wait three minutes for the Members to find their way to the chamber. We are reminded that when a Member's turn is passed, once the Member reaches the Chamber before the vote is announced that Member would be allowed to vote.

[*Pause*] Hon. Members, the vote shall commence.

The House divided: Ayes 21 Noes 18

AYES

Deyalsingh, Hon. T.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Beckles, Hon. P.

Hinds, Hon. F.

de Nobriga, Hon. S.

Forde, E.

Webster-Roy, Hon. A.

Cudjoe, Hon. S.

Gadsby-Dolly, Hon. Dr. N.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

Cummings, Hon. F.

Richards, K.

Manning, Hon. B.

Munroe, R.

Leonce, Hon. A.

Scotland, K.

Morris-Julian, Hon. L.

NOES

Lee, D.

Persad-Bissessar SC, Mrs. K.

Ameen, K.

Charles, R.

Moonilal, Dr. R.

Paray, R.

Indarsingh, R.

Ragbir, Dr. R.

Hosein, S.

Padarath, B.

Haynes, A.

Tancoo, D.

Mohit, V.

Benjamin, M.

Rambally, D.

Ram, A.

Seecheran, Dr. R.

Ratiram, R.

Question agreed to. [Desk thumping]

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Health (Hon. Terence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday the 26th—next week Friday the 26th of February at 1.30 p.m. Madam Speaker, as we know, that is Private Members' Day. I will ask my colleague which matter he intends to raise?

Mr. Lee: Thank you, Madam Speaker. The Motion that we are prepared to debate will qualify on the Order Paper on Monday coming, the 22nd of February, and it is filed in my name:

Whereas the Minister of Energy and Energy Industries has been showing his inability to competently execute his duties to bring certainty and stability to the national energy sector;

Be it resolved that this House express a loss of confidence in the Minister of Energy and Energy Industries.

Hon. Member: Motion No. 4.

Mr. Lee: Motion No. 4

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.10 p.m.