

SENATE*Tuesday, March 19, 1996.*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**MUNICIPAL COUNCILS 1996 ELECTIONS
(SPECIAL PROVISIONS) BILL**

Bill to make special provision for the publication and revision of the list of electors qualified to be electors in the municipal councils elections of 1996 brought from the House of Representatives, [*The Minister of Local Government*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings.
[*Hon. D. Singh*]

Question put and agreed to.

**SUPREME COURT OF JUDICATURE
(AMDT.) (NO. 2) BILL**

Bill to amend the Supreme court of Judicature Act, Chap. 4:01, brought from the House of Representatives, [*The Attorney General*]; read the first time.

**INDICTABLE OFFENCES (PRELIMINARY ENQUIRY)
(AMDT.) BILL**

Bill to amend the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, brought from the House of Representatives, [*The Attorney General*]; read the first time.

PETITION**Girl Guides Association of Trinidad and Tobago**

Sen. Penelope Beckles: Mr. President, I have the honour to present the petition on behalf of the Girl Guides Association of Trinidad and Tobago.

I now ask that the Clerk be allowed to read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Industrial Development Corporation for the year ended December 31, 1988.
[*The Minister of Finance (Sen. The Hon. Brian Kuei Tung)*]

2. Report of the Auditor General on the accounts of the Industrial Development Corporation for the year ended December 31, 1989. [Hon. B. Kuei Tung]
3. Report of the Auditor General on the accounts of the Industrial Development Corporation for the year ended December 31, 1990. [Hon. B. Kuei Tung]
4. The Extradition (United States of America) Order, 1996. [Hon. B. Kuei Tung]
5. The Supreme Court (Amendment) Rules, 1996. [Hon. B. Kuei Tung]

ORAL ANSWER TO QUESTION

UNDP Project TRI/94/G81/A/3G/99

2. **Sen. Prof. Julian Kenny** asked the Minister of Planning and Development:

Could the hon. Minister inform the Senate whether all United Nations Capacity 21 Funding provided for UNDP Project TRI/94/G81/A/3G/99 has been fully utilized and whether all six project tasks have been satisfactorily completed?

The Minister of Planning and Development (Hon. Trevor Sudama): Mr. President, the Trinidad and Tobago Government signed an agreement with the United Nations Development Programme for a grant of US \$150,000 under Capacity 21 to implement a national project entitled National Consensus and the Environmental Agency.

Capacity 21 is a global financial mechanism established to support the implementation of the programme of action called Agenda 21 adopted by Trinidad and Tobago and other participating countries at the UN Earth Summit in Brazil in 1992, in order to reverse the global trend in environmental deterioration experienced over the last few decades. The project is nationally executed. As such the Environmental Management Authority (EMA) which is the executing agency responsible for the achievements of outputs and ensuring that the project objectives are realized.

Prior to the establishment of EMA and the appointment of this board, the project was managed by the Ministry of Planning and Development. All disbursements of funds for the project are made by the local UNDP country office in

accordance with the approved budgetary allocations for the project and UNDP's guidelines for nationally executed projects.

The specific objective of the project is to support the capacity building initiatives aimed at developing a reasonable consensus in support of the establishment of the Environmental Management Authority. The scope of works of the project entails the following six components:

1. Preparation of a management action plan setting out the management activities and milestones to be achieved for the establishment of the Environmental Management Authority and for capacity building activities in support of EMA.
2. Consultations with representatives from Parliament, business, labour, non-governmental organizations, community based organizations and other state holders with the objective of forging a national consensus in support of EMA.
3. An interministerial consultation comprising ministers responsible for the 28 agencies with environmental management functions. The objective of this consultation is to obtain a memorandum of understanding among the ministers and co-ordinating the role of EMA.

1.40 p.m.

- (4) Preparation and implementation of public awareness and education programmes to sensitize the national community on critical environmental issues facing the country and the need for effective environmental management.
- (5) Seminars and workshops on the role and function of the Environmental Management Authority. These events shall invite participation from the non-governmental organizations, business and labour organizations, professional associations, community groups, and from the 28 environmental agencies.
- (6) Preparation of a study on the scope and function of a National Environmental Information System. The project, which is on-going, is being implemented satisfactorily. The status is as follows:
 - (a) The preparation of the management production plan and the establishment of the EMA is one component. The second

component is consultation with the various stakeholders with the objective of forming national consensus in support of the EMA. These two components have been completed.

- (b) On the basis of consultation with the various impacting agencies, a generic Memorandum of Understanding has been developed to govern the broad reciprocal relationship between the Environmental Management Authority and these other agencies.
- (c) Supplemental agreements will be signed with relevant impacting agencies to treat with specific environmental issues.
- (d) The EMA has begun the implementation of a public awareness programme. To initiate the programme, they have selected three local advertising agencies to prepare audio visual material for release by the local media. Additionally, a fire protection programme has been developed in collaboration with the Forestry Division of the Ministry of Agriculture, Land and Marine Resources. The Authority recently launched its logo. These initiatives represent the first phase in the development of a comprehensive public awareness programme. An environmental literacy survey will be undertaken to inform this process. The terms of reference for this survey have already been drafted.
- (e) The process of consultation via seminars, workshops and so forth on the role and function of EMA has commenced. In this regard, workshops have been conducted with different stakeholders, non-governmental organizations, private sector and government ministries and agencies to enhance their understanding of the Environmental Management Act, 1995. A workshop was conducted on environmental clearance certification.

Only this morning, Mr. President, I had a three-hour discussion session with the Chief Executive Officers of the firms at the Point Lisas Industrial site, in which we indicated our expectation of them with respect to the conduct of their operations, taking into account the conservation of the environment. It was a very well attended meeting and the appreciation of the concerns of the Government and adherence to the Environmental Management Act was very high.

- (f) Finally, the terms of reference of the National Environmental Information System have been drafted and the process of a procurement of a consultant to undertake the exercise is expected to commence shortly.

Expenditure on the project as at December 31, 1995, was US \$77,752, leaving a balance of US \$72,248, which has been earmarked for financing the outstanding activities as envisaged in the signed UNDP project document. Further disbursements will be on the basis of the development of a detailed project proposal by the Environmental Management Authority on proposed activities to be undertaken consistent with the approved project document and subject to the approval of Cabinet.

I thank you.

Sen. Prof. Kenny: I wonder whether the hon. Minister can tell this Senate whether any employee of the Ministry of Planning and Development, be they permanent or contract, had been beneficiaries of consultancy contracts under this project.

Hon. T. Sudama: I am not aware that any employee of the Ministry of Planning and Development has been beneficiary under the consultancy services provided by this project document and the agreement.

Sen. Prof. Spence: Is the hon. Minister satisfied that the Memorandum between the EMA and the various agencies is sufficiently strong to allow the job to be done?

Hon. T. Sudama: Mr. President, the Memorandum of Understanding is a negotiated agreement between the Environmental Management Authority and the various executing agencies of the Government. The process of negotiation is one which takes time and involves an understanding of the role, functions and authority of the organizations involved. We have not yet signed Memoranda of Agreement. We are trying to develop a generic Memorandum of Agreement which, hopefully, will be as comprehensive as possible in dealing with the relationships which ought to be established between the EMA and the executing agencies. When we have decided that Memorandum of Understanding, it will be laid in Parliament and will become a public document.

**MUNICIPAL COUNCILS 1996 ELECTIONS
(SPECIAL PROVISIONS) BILL**

Order for second reading read.

The Minister of Local Government (Hon. Dhanraj Singh): Mr. President, I beg to move,

That a Bill to make special provision for the publication and revision of the list of electors qualified to be electors in the municipal councils elections of 1996, be read a second time.

This Bill seeks to make special provisions for the purpose of the 1996 Municipal Councils elections as follows:

- (1) Clause 3 would make provision for the preparation and posting of an updated list of qualified electors and prescribe that it shall be the preliminary list of electors for the 1996 municipal councils elections.

1.50 p.m.

- (2) Clause 4 provides for the application of certain electoral registration rules in the Registration Rules Chap. 2:01, for the purposes of the 1996 municipal councils elections.
- (3) Clause 5 provides that a revised list be prepared pursuant to the Act for which the Bill would be deemed a revised list of electors for the purposes of the Election Rules, Chap. 2:01.
- (4) Clause 6 provides that in the event of inconsistencies with written laws other than the Constitution, the Act for this Bill would prevail.
- (5) Clause 7 gives the legislation limited duration without prejudice to anything lawfully done under it.

Mr. President, Act No. 36 of 1995 amended the Municipal Corporations Act of 1990. It was extended by a six-month period within which the local government elections had to be held. The legal interpretation associated therewith is that local government elections are constitutionally due by June 27, 1996.

As you will recall, the genesis of Act 36 of 1995 was closely associated with the holding of parliamentary elections on November 6, 1995. This effectively set the stage for the postponement of local government elections constitutionally due no later than December 27, 1995. In this context, we were informed by the

Elections and Boundaries Commission that they were without a supply of electoral ink, one of the necessary pre-requisites to administer the elections. Moreover, the materials for the manufacture of the said electoral ink had to be imported and those materials would not have arrived in the country before the end of the year. Mr. President, this effectively meant that it would be impossible to hold local government elections by the constitutionally due date, December 27, 1995.

Active considerations were also given to the problems experienced by electors in the exercise of their franchise during the November 6, 1995 general elections. Such consideration is intricately related to our conviction that local democracy is bound up with the creation of every opportunity for citizens to exercise their franchise, unfettered by institutional bureaucratic anomalies. This Government is committed to ensuring that the administrative problems experienced by the Elections and Boundaries Commission, as well as difficulties on the part of citizens to exercise their franchise during the November 6, 1995 general elections, are eliminated, and that they do not recur in the up-coming local government elections, as far as is humanly possible.

Moreover, the unpreparedness of the administrative machinery of the Elections and Boundaries Commission to respond effectively and efficiently, within such a short space of time, coming right after the general elections, was also taken into account. In this context, I wish to draw the attention of hon. Senators in this august Chamber to a report by the Elections and Boundaries Commission on the conduct of the 1995 general elections, in which it clearly states on page (7) item 9 of this document, and I quote:

“...that a minimum period of 5 weeks (exclusive of Saturdays, Sundays and public holidays) should be allowed for the preparation and conduct of elections.”

The report points to the fact that workers who administer general elections are hard-pressed, overworked and stressed-out when little time is left for the preparation of an election. In this regard, the report clearly states that certain time limits must be given for the notification in order to hold elections.

In the context of the foregoing, the purpose of the period of electoral election is to facilitate prospective voters to register and/or to regularize their registration status, hence the publication of a preliminary list of electors for revision and the subsequent publication of a revised list of electors as provided for in the Registration Rules 52—62.

In preparation for the 1995 local government elections, a period of electoral registration was proclaimed. The actual nine-day registration was held during the period August 3—11, 1995, after which no further registration was conducted until after December 11, 1995, when, by presidential proclamation, the period of electoral registration was terminated. With local government elections now scheduled for no later than June 27, 1996, it is imperative that provisions be made for the publication and revision of the list of electors. It is also imperative that prospective voters be given a further opportunity to register and/or regularize their registration status to ensure that their names appear correctly on the list of electors. This is a clear-cut and very necessary action when one is holding an election.

Apart from the foregoing events, the Act did not make any provision for the proclamation of a second period of electoral registration. Consequently, it has become necessary and urgent for the enactment of legislation similar to the Provisions contained in sections 2—5 and 7—8 inclusive of the Municipal Councils (Special Provisions) Act 1992, in order to pave the way for the preparation and conduct of the 1996 municipal councils elections. A similar provision existed in Act No. 7 of 1992.

Our commitment to the democratic tradition has heightened our concern for the recurring claim on the part of some citizens; that they were denied the right to exercise their franchise during an election. Significantly, the local government elections, to some extent, reduce the level of participation and involvement in the local democratic process. To that extent, voter turnout is an indicator of people's participation and involvement in the politics and government of a country. More importantly, our view of the basic level of empowerment of citizens in communities, is the right to choose freely those whom they wish to represent them; and those who are best able to transform their needs and demands into tangible benefits. Therefore, if some citizens are being denied the right to exercise their franchise, it is tantamount to constitutional impropriety and anti-democratic posturing. Mr. Speaker, no stones shall be left unturned in our quest for equality, justice and freedom for all.

Notwithstanding our aforementioned concerns for defending citizen's rights and liberties, experience has taught us to thoroughly investigate such claims before making pronouncements. That is the surest way to avoid embarrassment; a fact that some institutions realize too late to their chagrin. For example, after the November 6, 1995 general elections, it was reported in the media that 55,000

persons were denied their right to vote, largely due to the removal of their names from the revised list of electors.

2.00 p.m.

This claim was refuted and the true nature of the situation was clarified by the Elections and Boundaries Commission in its report on the parliamentary elections of November 6, 1995. Page viii, Items 16—17, it says:

“By the beginning of 1994 the official list of qualified electors disclosed that there were still 55,000 persons thereon who still had not taken or supplied their photographs to complete their registration update. It was decided at that stage that a special plan be devised to seek them out.

Accordingly, a campaign termed 'project 55,000' was launched for this purpose. After a vigorous campaign some 22,718 persons completed their registration update by taking their photographs, but at the end of the campaign there remained 32,282 of them who had failed again to take their photographs or supply them. This failure however, did not affect their status as qualified and registered electors. In fact, they as well as those who took their photographs, remained at all material times on the revised list as qualified electors and fully entitled to exercise their franchise.”

Mr. President, we do not only wish to commend the Elections and Boundaries Commission for this initiative, but also implore citizens to ensure that they are properly registered as qualified voters and make it their duty to become aware of the basic requirements for the exercise of their franchise during an election. In this context, it is instructive to note that during a period of electoral registration, from the date of a proclamation under section 30(1) of the Representation of the People Act and termination on the date specified in proclamation issued by the provision under section 30(3) and Registration Rule 51 in Part III of the said Act:

- (a) no person shall be registered under Part I, (procedures for normal registration);
- (b) no registration shall be objected to except as provided in this part; (Part III)
- (c) no alteration shall be made in any register as a result of the change in residence or change of name of any registered person in the electoral

district to which proclamation relates except as provided in this part; (Part III).

Mr. President, there are also few noteworthy concerns pertaining to electoral administration which I wish to highlight with suggestions for improvement.

Firstly, there appears to be a problem associated with the number of persons who are known to be dead but whose names appear on the register of qualified electors upon issue of such register. Here, we recommend closer collaboration and liaison between the Registrar of Births and Deaths and the Elections and Boundaries Commission, and more specifically, that quarterly or yearly returns on deaths should be submitted to the Elections and Boundaries Commission.

Secondly, we have noted problems associated with change of addresses and/or migration. In this regard, consideration should be given to the establishment of a mechanism to provide for change of addresses to be reported to the Postmaster General who would then liaise with the Commission. These are very simple measures that would go a long way in eliminating from the list persons who have passed away and regularizing the registration of those persons who have changed their address. Very simple, Mr. President.

Mr. President, we also wish to urge the media to continue to support the efforts of the Elections and Boundaries Commission in its registration exercise and other initiatives to organize and conduct efficiently and effectively the up-coming municipal elections. The Non-Governmental Organizations (NGOs) can also play a key role by ensuring that their members and the wider body are properly registered.

Finally, Mr. President, it is my sincerest hope that the time-frame allowed after the assent of this Act would be sufficient for the Elections and Boundaries Commission to prepare and post an updated revised list of qualified electors for the 1996 municipal councils elections. Further, that all citizens qualified to vote take all the necessary steps to ensure that they are eligible to do so.

In closing, I wish to reiterate that the main objective of this Bill, which was passed in the House of Representatives on Friday, March 8, 1996, is to make special provisions for the publication and revision of the list of electors qualified to be electors in the municipal councils elections of 1996.

Mr. President, I beg to move.

Question proposed.

Sen. Danny Montano: Mr. President, I thank the Minister for his contribution but I would say that we were somewhat disappointed that he chose to read it, it appeared to be the identical contribution that was delivered in another place and we were hoping that perhaps he would have come to make an extemporaneous debate in this House—at least having done it the second time around.

Mr. President, we on this side are prepared to debate this legislation when, in fact, we really saw no need for it in the first place; there is a need now, and we have no particular difficulty with this legislation. Notwithstanding the comments of the Minister, it is the view on this side that there was no need for this legislation at all. That leads us to consider the real motives and objectives behind pieces of legislation, albeit simple and innocuous, that come from the other side. We were certainly of the view that elections could have and would have been held on or about December 18, 1995. Notwithstanding the explanations of the Minister, we feel that if there was a will there would have been a way. When we received this legislation we looked at it very closely. We have been listening to the utterances of the Members of that side, both here and outside and we have come to view the motives and objectives of the legislation that is brought to this House with some degree of suspicion. What is really the objective, here? It appears to us that it may not be as innocuous as it might first appear.

The Minister referred to a denial of rights and the defence of rights and liberties—I will pass perhaps a few comments on that.

2.10 p.m.

It is imperative, Mr. President, that a Government governs wisely, impartially and fairly and must not exercise the tremendous influence and power that it has in an improper way. What we are talking about here, is not necessarily what is legal and what is illegal. What we are really talking about is what is proper and what is improper. What is right, what is fundamentally right and what is fundamentally wrong.

Mr. President, there had been many utterances coming from Members of the other side dealing with members of the press and the media generally. In the conduct of any elections, you would expect that the Elections and Boundaries Commission must be totally beyond interference of that sort and so too, we would expect that the running and management of the regional councils should be free from interference. We have been receiving reports that since the life of the regional

councils, which was extended in this Senate, the advisory committees are required to report to the Minister. That is not correct, it is not proper and it is not how things must be done. Maybe he can do it, but it does not make it right. It makes it wrong, it makes it improper. Those advisory committees must stand independent of the Government and do their work in the areas in which they are operating.

Mr. President, it seems to us that the practice is a virtual reversal of the principles of decentralization and is tantamount to a subversion of the democratic process that we have come all these years to establish. If it is that the Minister is merely requiring information from the regional councils, surely, it is the duty of the mayors and the chairmen to report that kind of information to the minister and not the committee themselves. It seems to us that when that happens, it is direct interference and that should not be happening at all. That is wrong. It may be legal, but it is wrong. We see that kind of action as a continuance of the policy of intimidation and authoritarianism, and a direct influence to control directly all aspects of the national economy. I do not have to say it because it is being said loud and clear in the market place that it is undermining the confidence that the citizens of the country have in our economy and we are seeing it manifesting itself in almost every facet of life.

Mr. President, I would like to read paragraph 25 of the report to which the Minister referred from the Elections and Boundaries Commission and it says:

“It is fitting to assert in this Report that all changes in government since the Country’s accession to nationhood as a democracy under the Rule of Law, have to the great credit and glory of its people, taken place peacefully, honourably and respectfully. It was against such a background that in 1986 the People's National Movement led by former Prime Minister George Chambers handed over to the National Alliance for Reconstruction; that in 1991 the National Alliance for Reconstruction led by former Prime Minister A.N.R. Robinson handed over to the People's National Movement; and that in 1995 the People's National Movement led by former Prime Minister Patrick Manning handed over to the United National Congress....”

Paragraph 26 continues:

“This established record of regular, systematic and orderly elections followed by irenic transfers of power from one party to another is no mean achievement, for a young nation with a colonial past such as ours. It is a record in which its people should take immense pride and, in the Commission’s view, it will add

considerably to the Country's glory and status among nations, if its citizens were to honour this achievement not only with gratitude but also the due exercise of eternal vigilance to guard its sanctity against the predatory onslaught of rash and over-ambitious adventurers."

Mr. President, with regard to the last few words "over-ambitious adventurers", we know that there are such persons in our society and we know that they are walking the streets, and so we raise the question on this side. Who did that? Who allowed that to happen? Who was responsible for that? When we look at the historical facts, we find that the person who defended those "over-ambitious adventurers" are now members of that Government. It may not be illegal, but we certainly consider that to be somewhat improper and wrong.

Now we find that those self-same "over ambitious adventurers" have a huge claim against the state, a massive claim, and what happens? The brother of the Prime Minister accepts the brief.

Mr. President: Will the hon. Member deal with the issue before this Senate, unless you can make a distinct nexus between the matter you are raising and the issue before the Senate?

Sen. D. Montano: Thank you, Mr. President. With respect, the issue is one of intimidation and one of undue influence and what we are saying here, Mr. President, is that it is improper to exercise undue influence. The connection between the representative for these adventurers and the Prime Minister makes it inappropriate. It is an inappropriate relationship and any right-thinking citizen could see that and therefore in the interest of doing the right thing, it should not be done.

The issue continues in terms of intimidation and control. We see during the last few weeks that two state companies that are majority owned by the Government, when the minority shareholders made a representation in the shareholders meeting to ask for a representative on their board, it was wrongly dismissed. Not accepted, as if it was an invalid request. That is wrong. Why do that? The purpose and function of a board is to act on behalf of all the shareholders, not just a few of them.

Mr. President: Let me again ask that you stick to the issue before the Senate. While I will allow some latitude, I think that you are digressing too much.

Sen. D. Montano: Thank you, Mr. President. The connection is, in the same way that the Advisory Councils work on behalf of the people, the boards work on behalf of the shareholders. Those boards should not be subject to political interference like that, they should be doing the work of the shareholders, independently of the Government. That is the point, Mr. President.

We cannot stress too strongly the issue of intimidation and threats and such like. And with reference to these same “over-ambitious adventurers”, we find the astounding situation where they turn up in a VIP Box in the Grand Stand and hon. Members on that side say and do nothing. It is accepted. A so-called explanation is made that the NCC say they had nothing to do with it. That is not an explanation. Mr. President, with respect, nothing is said by the Government. No intimidation. No threat. No coercion, nothing. A total silence. I would like to think that the EBC would be treated with that kind of respect and not be interfered with in any shape or form. We on this side are fearful and we ask them to do the right thing at all times

2.20 p.m.

Sen. Rev. Daniel Teelucksingh: Mr. President, I rise to support this Bill in preparation for the 1996 municipal councils elections but at the same time allow me to raise two related issues pertinent to the elections.

I refer to the real subject of the Bill, namely the electoral list. I notice the hon. Minister spent quite some time dealing with issues relating to the list concerning the last general elections. It was only a few months ago the general elections were held and we are all aware that in certain constituencies there were complaints by the major parties of alleged irregularities particularly on the voters’ list.

I am very pleased that the hon. Minister is aware of this and he ventured to give some answers. There were allegations including missing names, confusion with poll cards which some received in the mail and others complained that they did not receive any; voters who were turned away from polling stations and they ended the day possibly not casting their ballots because they could not locate their polling station.

I know the hon. Minister did his best to compliment the Elections and Boundaries Commission and we all know the kind of effort they put into the elections, but we know that there are Trinidadians and Tobagonians who would not check the lists until the last minute. There is need to set in motion the election machinery much earlier than the given 21 or 28 days' notice. It is not good enough

to say that the Elections and Boundaries Commission or the population should always be prepared even with the 28 days' notice before an election.

I personally believe that there is need for the voters' lists to be posted at least three months before elections and people be motivated to scrutinize such lists for omissions with a view to elections at a particular date.

The hon. Minister informed this House that the Elections and Boundaries Commission, after the November 6, 1995 election, requested that in the future they be notified five weeks, a little more than the 21 or 28 days' customary notice. It means that even the Elections and Boundaries Commission realized that they need more time; similarly, the population.

This brings me to that most significant issue of the announcement of the date of elections which inevitably—and this is my main thesis—influences preparation for elections at all levels. It is a question we have asked for years: why is the date kept a secret until the eleventh hour? I am not blaming the present government, but I intend to make a suggestion. This is such a primitive custom resulting in hasty and inconclusive preparations and the disenfranchisement of several citizens. The Government's concern is often to catch the Opposition unprepared; and when you were in Opposition, you complained about that. I just want to remind you of that today.

The present Government must not perpetuate that rather silly custom of announcing elections like a thief in the night and creating chaos and some confusion both in the party, as you would know, and in the nation.

Mr. President, I submit that this is an outmoded political weapon based on selfishness, stealth and deception and ironically in the last three general elections persons with that secret suffered the greatest humiliation. This strengthens my argument. If you are telling me that keeping the election date a secret is an advantage for the Government, the opposite has happened within the last few elections.

I most respectfully suggest that Government consider that the time has come when in the evolution of an enlightened political culture, the date of elections, both local and general, should be made at least three months in advance of such elections and thereby put an end to at least one politically detestable and distasteful tradition affecting elections that are due both constitutionally and those so-called snap elections. All should be governed by this three-month notice.

Mr. President, if you would permit me, I want to make another observation. I will not digress too much. Since we may not have an opportunity to speak on the business of local elections before the elections, I would like to remind the hon. Minister of a concern that we have as a nation of the quarrels and confusion that affected the work of certain regional corporations during the last term. It might have been unprecedented in the last term to have had so many councillors crossing the floor in some corporations. There have been frequent disagreements among councillors and this I am certain would have affected the functioning of these various corporations.

I want to bring to the notice of the hon. Minister the need for possibly an orientation programme after local elections to assist in preparing councillors for the smooth and efficient operation of local government. I think this is very important because so many of us in various communities depend on local government for the kinds of service that we end up blaming the Minister and possibly central government for. We have heard enough criticism of the breakdown in communication and possibly relationship between central and local government. It is an issue that I really seriously hope the hon. Minister will address very early after the local elections.

Thank you.

Sen. Penelope Beckles: Mr. President, I rise just to make a few comments with respect to the Bill before this honourable Senate.

I was quite happy to hear the Minister express concerns with respect to certain practices which seemingly have developed over the last couple of years and certain concerns that the general population of Trinidad and Tobago normally would have during election time.

It goes a little further than that. The critical issue is not just a question of whether or not concerns have been raised with respect to deceased persons' names appearing on the electors' lists. It is not just a question of persons having changed their address and therefore encountering the difficulty of voting, but there have been the concerns of persons living in particular electoral districts for years and suddenly not finding their names appearing when the time arises for them to vote.

There is also the situation of persons who never lived in particular districts but on election day, lo and behold, their names appear in certain areas.

Mr. President, some of those persons even know exactly where they have to go to vote. These are the concerns that have been raised time and time again and the critical issue, to my mind, is the question of resources.

2.30 p.m.

It is important that we heard of the link between the Registrar General, that is to say the Registrar of Births and Deaths, and the Elections and Boundaries Commission. Mr. President, with respect to some of the difficulties that one would encounter relating to where persons reside and deceased persons, it is a simple question of both the Commission and the Registrar General communicating and, therefore, this information could be made more easily accessible. There would be no difficulty, year after year, of a person's name appearing on the list more than ten, sometimes more than 15 years, or as many as two decades, before it is actually taken off, thereby encouraging irregular and illegal practices.

Mr. President, it is heartening to hear that these concerns would be addressed, but the Elections and Boundaries Commission would certainly require a tremendous amount of resources to ensure that these things actually materialize. It is not as simple as one thinks, especially when we now find ourselves in the month of March and the extension for local government elections is June. The question is whether or not, with this Bill before the honourable House, all these various mechanisms will be put in place—as indicated by the concerns raised by the Minister, to ensure that things that have happened over the last couple of years and, as he said, during the last elections—in time to ensure that we would have no such difficulties come whatever date is announced for the local government elections.

Mr. President, when one looks at the *Elections and Boundaries Commission Report* on the parliamentary elections of Monday, November 6, 1995 one would recognize why I am saying that the question of solving these problems is not as simple as the Minister seems to suggest. If one looks at paragraph 21, for example, it states that there were problems because a number of electors “were handicapped by blindness, old age, illness and other disabilities”.

Paragraph 22 speaks about the length of time, almost 12 hours, that certain persons—presiding officers working at polling stations—had to work without even leaving. What is clear, Mr. President, is that in some situations it is a question of having the correct number of personnel and proper resources, so that at the stations persons are properly trained to deal with the very unique situations of the

blind or the handicapped, because the level of patience that is often required to deal with these matters is not always there.

Mr. President, I am saying that, clearly, all the necessary mechanisms, human resources and training, would have to be put in place to ensure that what is being set about in this Bill actually materializes or we will find, come next local government elections, that we are really back to square one.

There have been experiences at times where persons go to a station to vote. They go to one officer who says their name is not there; they go to the Elections and Boundaries office, they say your name must be there; they go back and check again and it is not there, and they have to check with the head presiding officer who says their name is there. Although the Minister may want to suggest that it is simple, I am sure that many of us have had the experience that, even very basic things such as locating names of persons on a list, very often one would find that there is a difficulty, even though the names are there. More checks and balances are needed so that these things do not happen again.

Mr. President, the report is very comprehensive and I think the Elections and Boundaries Commission have clearly presented some of the suggestions; and a fact-finding document that would actually assist in alleviating some of these problems. I am quite certain that this exercise would be somewhat costly and, based on what the Minister has stated here today, we anticipate that it would appear that he has everything in place, as he said, to ensure that these problems are dealt with. Mr. President, when the Report with respect to local government elections is presented, we would look very closely to see that the concerns expressed here would no longer be expressed in that Report.

Mr. President, it is very interesting that the Minister, in his winding up, made a plea to the media to support the Elections and Boundaries Commission as it relates to this whole exercise, and the mechanisms that would be put in place to ensure that this Bill is given proper support. I might almost say that it is quite ironic that the same media that the Government wants to control, and upon which it wants to set certain ambits, is the same media that it is now asking to support the Commission to ensure that these things happen. Mr. President, I do not know whether that medium includes the *Guardian*, but I am sure, Mr. President, that the Government is now coming around to realize the importance of freedom of the press, and I am quite heartened to hear it is asking the media for support in this particular area. I imagine that, as time goes along, the Government would continue to ask the media for support.

Mr. President, the Minister again made mention about the issue of electoral ink, and the fact that the Elections and Boundaries Commission indicated that they would not have been able to have the ink ready for the 1995 election, which was constitutionally due. I have not heard the Minister mention in his contribution that ink has now arrived and therefore, we would be able to leave this honourable House knowing that the issue of the ink would not be one of the material considerations in terms of holding the election. As we understood it, that was really the only area of concern that caused the election not to be held at the appropriate time. So I am hoping, Mr. President, that when the Minister is responding he would indicate to us that the ink—we were not sure exactly where it was coming from and why it would have taken such a long time, but we would have thought that in the age of technology and Federal Express that could deliver almost anything in a day's time—would not have been so difficult to come by. But, be that as it may, Mr. President, I think the country would be extremely happy if the Minister would indicate if this electoral ink has arrived in the country.

Mr. President, the issue of the link between local government and central government has always been a cause for concern. As a matter of fact sometimes there is a school of thought that with central government, there is really no need for local government. Some people feel that some of the objectives, the aims and so forth, are very often duplicated; that central government and local government are actually doing the same thing. Some people actually have a difficulty understanding separating the functions of both.

Local government is very important and I was very concerned when it came to my attention that some \$13 million had been vired from several corporations which are at present being controlled by the People's National Movement; and that \$13 million had been vired to corporations controlled by the Government.

2.40 p.m.

Mr. President, it would be very interesting at some point if we would be able to get some sort of explanation as to what caused the virement of this \$13 million from corporations such as Tunapuna, Diego Martin, San Juan and Arima to corporations such as Debe, Penal, Chaguanas, Couva and Princes Town. This concern comes as a result of certain things, and rumours that one would be hearing from time to time, and the extent of how quietly it had been done. The concern raised by my colleague relates to certain documents coming from the Permanent Secretary in the Ministry of Local Government specifying certain things that should or should not be done by certain corporations.

As he rightly said, Mr. President, there is an advisory council being set up and, therefore, one does not have a situation where the councillors elected—the Act having expired—are actually doing their work, as it were, prior to the expiration of the Act. So, what we agreed to when the Bill was passed some time in December is that those persons would be advising the mayor or the chairman as the case arises, but lo and behold, we have several pieces of correspondence going to the several regional corporations telling them about complaints with respect to timber and where projects should and should not be.

Mr. President, that is where I think some people have the difficulty between what is the function and role of central government and the function and role of local government. Particularly because of the fact that several districts do depend very heavily on the projects from local government to ensure that certain things happen over a period of time—the issue of scavenging, drains, building of roads, and general cleaning—it is normally, therefore, left up to the discretion of those who live in those particular districts—those who travel those districts daily and actually know what is happening—who would normally be able to say exactly where are the best places for those projects to be implemented. Therefore, those concerns are not ones that should properly and rightly have to be raised by persons living in those districts.

I look forward to the presentation of the next report from the Elections and Boundaries Commission for 1996 with respect to local government. The Minister has given us certain assurances that the concerns expressed in the report, and other concerns that he came upon either by investigation, or otherwise, would be alleviated. Also, I look forward to that report so we would be able to see whether or not all these concerns have actually been dealt with.

Thank you, Mr. President.

Sen. Nafeesa Mohammed: Mr. President, it was not my intention to participate in the debate this afternoon, however, I thought it fit to get up to raise a particular matter of concern which I have had in recent months.

Just a few months ago Trinidadians and Tobagonians went through a very intense period of electioneering and—I would not say, elected a government—following the results of the elections on November 6, 1995, a new government came into power under which the people of Trinidad and Tobago initially had exuded a certain kind of confidence, hope and expectations with respect to its performance.

However, recent events in this country are showing that we in Trinidad and Tobago have to be on the alert now. We have to be on the alert because so many of our democratic institutions seem to be under threat. I say this because today we are dealing with a bill to make special provision for the publication and revision of the list of citizens qualified to be electors in the Municipal Councils Elections of 1996, and today we heard extracts of the *Elections and Boundaries Commission Report* being read in this honourable Chamber.

Mr. President, on the last occasion we met in this Chamber we were dealing with the Supreme Court of Judicature (Amdt.) Bill and the appointment of judges. On that occasion I took part in the debate and made a strong plea for us to ensure that the independence of the judiciary remains intact. Today, we are dealing with the publication of the voters' list, and particularly, the Elections and Boundaries Commission; I am repeating this call for this coalition Government to please respect the independence of some of our institutions, particularly, the independence of the Elections and Boundaries Commission.

Mr. President, during the last general election the two main political parties expressed some concerns about problems being experienced on election day itself with respect to voters. Several persons were not allowed to vote either because their names could not be found on the voters' list or persons in possession of old identification cards were not allowed to vote. As well, there was a situation where sometime ago the list had been cleaned up, but for one reason or the other—through human error or whatever the reason—some persons' names did not appear on the list.

However, one particular area of concern I have here, with respect to voting and the voters' list, is that I live in what is regarded as a marginal constituency. Since the general election of 1995 I have heard several reports and complaints from persons who were involved in the voting exercise, in whatever way, complaining or commenting about green band maxi-taxis dropping people off at the polling stations. I say this because in some instances, particularly, in the marginal constituencies, there have been reports of padding of the electoral list. I am not in any way saying that the Elections and Boundaries Commission is responsible for this, and now that we have a coalition Government controlling the reins of power, I am very fearful of this kind of complaint and report.

2.50 p.m.

On one particular street on which I grew up I know every person living there; if one were to look at that list one would suddenly see several names appearing on

it. There are names of people whom I do not know. In my view this is a matter which requires some attention and the availability of additional human resources to check individually to see whether those persons who can be identified are living at the addresses at which they claim. I view this as a very important exercise at this point in time because we are about to embark on another very heated election campaign coming at a time when so many frightening events are unfolding. The pattern which we are seeing by this new coalition government brings chills to my spine. [*Laughter*]

With regard to this particular Bill, we on this side have no difficulty in supporting the provisions. We are quite anxious for these lists to be published. I trust that all attempts would be made to ensure that the operations of the Elections and Boundaries Commission remain free from interference by this Government which has been interfering and intimidating so many other institutions of our country. My concern here was in respect of one particular aspect of the whole exercise to which some attention can be paid.

Thank you.

The Minister of Local Government (Hon. Dhanraj Singh): Mr. President, firstly let me assure Senators of this august House that this Government of national unity has no intention of interfering with the works of the Elections and Boundaries Commission. In fact this piece of legislation before us originated from the Elections and Boundaries Commission.

Concerns were raised about the voters' lists being padded. In reality, it was in the constituencies that were then Opposition and which were considered marginal, that voters were frustrated and for very apparent reasons. Despite that, today, there is a government that seems to have overcome all these things.

In the contribution of Sen. Danny Montano, he spent a lot of time dealing with other issues rather than the Bill before us, and dealt at length with advisory councils that have been installed in the various corporations as a result of the life of the councils coming to an end on September 27, 1996. He spoke about interference by the Minister. In the exercise of my function as Minister, from time to time I have had to look at the operation of these corporations to ensure that the resources of the people of this country are adequately and efficiently spent.

In this regard I wish to raise certain issues which I have come across in my stay in this Ministry. A particular council commenced a project for \$219,000 in October without the Minister's approval, be it past and present. That project is of a

development nature. It was not included in the estimates for 1995 and 1996. There was no tender document for the contract for \$219,000. That project was extended by about \$73,000. I was not informed. There was no approval, plan or evaluation of the project. Subsequent to that, it was again extended in December by over \$200,000. I have these documents. I am not just making up these things. There was no approval by the Minister and no proper tendering procedure observed. One is arguing that I must not interfere in the operations of the councils. I am looking at them. I am being patient.

Another issue is that there are absentee council members who do not attend meetings and only come when the cheque is ready. I must look after these councils and check into the operations to ensure that they run smoothly. [*Interruption*] The chairmen are also absent. There are other councils that undertook projects and spent vast sums of money building facilities on the slopes of the hillsides, only to realize that the whole project is subject to landslides. There were also plans of building a pavilion on that ground. I must look into these matters.

There are other councils that wish to vire money from projects that are necessary for the livelihood of the people in that area to other projects which are unnecessary. I am also looking into these matters. If that is called interference, then I assure Members that I will continue to interfere. [*Laughter*]

3.00 p.m.

With regard to the virement of \$13 million, when I went into office, one of the first requests made to the Ministry of Local Government was made by the Mayor of Port of Spain, who requested over \$7 million to assist his corporation in paying severance benefits. Incidentally, that is a PNM-controlled corporation. We set about the task of finding the \$7 million. Funds were found from other corporations with surpluses and the money vired to the Port of Spain City Corporation to assist them with their financial problems. When those funds were forwarded, a conditionality was put in place that they indicate to us how the money would be spent. To date, they have not sent any details of how funds have been disbursed.

There are other areas of virement which took place. When one looks at the allocation for scavenging for 1996, certain corporations received more money for their scavenging contracts in 1996. On the advice of my financial director, funds were taken from those corporations with surpluses and vired to corporations which did not have the necessary funds to meet the financial requirements for their 1996 scavenging programme.

There are other issues of virements. Daily-paid workers were owed \$3.5 million in cost of living allowance from June to December, 1992. This Government has put plans in motion to pay that money. The moneys will be taken from the corporations with surpluses. *[Interruption]* I am just telling Senators for their enlightenment. It is all to the benefit of workers, in some instances, at PNM-controlled corporations. *[Interruption]* That is not interfering, that is management.

With regard to problems associated with the last election, which the hon. Sen. Nafeesa Mohammed raised, the Senator seems to have forgotten that it was the PNM which was in control when the last election was conducted. I wish to assure her that we have no intention of interfering with the Elections and Boundaries Commission.

In winding up, I wish to indicate that this Bill is a simple one; it is a requirement for administering elections and I hope that it receives unanimous support.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 7 ordered to stand part of the Bill.

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

Senate resumed.

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

Motion made and question proposed, That the Senate do now adjourn to Tuesday, March 26, 1996 at 1.30 p.m. [Hon. B. Kuei Tung]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 3.12 p.m.