

*Leave of Absence**Tuesday, May 06, 2003***SENATE***Tuesday, May 06, 2003*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Madam President: Hon. Senators, I have granted leave of absence to the following Senators from today's sitting: Sen. The Hon. Knowlson Gift and Sen. Robin Montano.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President of the Republic of Trinidad and Tobago.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency GEORGE MAXWELL RICHARDS,
President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Knowlson Gift is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate with effect from 6th May, 2003 and continuing during the absence from Trinidad and Tobago of the said Senator Knowlson Gift.

Given under my Hand and the Seal of the President
of the Republic of Trinidad and Tobago at the
Office of the President, St. Ann's, this 5th day of
May, 2003.”

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, May 06, 2003

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency GEORGE MAXWELL RICHARDS,
President and Commander-in-Chief of the Republic
of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. GARVIN NICHOLAS

WHEREAS Senator Robin Montano is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, GARVIN NICHOLAS, to be temporarily a member of the Senate with immediate effect and continuing during the period of illness of the said Senator Robin Montano.

Given under my Hand and the Seal of the President
of the Republic of Trinidad and Tobago at the
Office of the President, St. Ann's, this 5th day of
May, 2003.”

OATH OF ALLEGIANCE

Senators Joan Hackshaw-Marslin and Garvin Nicholas took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. First Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Public Transport Service Corporation for the years ended December 31, 1994 to December 31, 2001 inclusive. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of Auditor General of the Republic of Trinidad and Tobago on the financial statement of the Mayaro/Rio Claro Regional Corporation for the period January 01, 1998 to September 30, 1998. [*Sen. The Hon. C. Enill*]

SELECT COMMITTEE REPORT**Police Service Reform Bills
Presentation**

The Attorney General (Sen. The Hon. Glenda Morean): Madam President, I beg to lay on the Table the Second Special Report of the Joint Select Committee appointed to consider and report on the Police Service Reform Bills, namely, the Constitution (Amdt.) Bill, 2002, the Police Service Bill, 2002 and the Police Complaints Authority Bill, 2002.

ORAL ANSWERS TO QUESTIONS**Steps/Measures to Recover Sums of Money Overpaid
(WASA Managers and CEO)**

34. Sen. Wade Mark asked the hon. Minister of Public Utilities and the Environment:

Could the Minister indicate to this Senate:

- (i) What steps/measures are being taken, if any, to recover the sums of money which were overpaid to the Chief Executive Officer, General Managers and Deputy General Managers of WASA between the period March 2002 to January 2003?
- (ii) Whether the Minister intends to take any action against the Board of Commissioners of WASA for illegally and unilaterally increasing the salaries, allowances and other perquisites to the Chief Executive Officer, several Managers and Deputy General Managers of WASA during the period March 2002 to January 2003?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Madam President, the answer to question No. 34 is unavailable at this time. I am requesting a one-week extension, at which time an answer will be given.

Question, by leave, deferred.

**Dismissed Employees
(WASA)**

35. Sen. Wade Mark asked the hon. Minister of Public Utilities and the Environment:

- A. Is the Minister aware that three former senior WASA employees were dismissed for fraudulent activities discovered after an investigation carried out by the Water and Sewerage Authority (WASA)? If the answer is in the affirmative, could the Minister provide this Senate with the names of those employees and the offices which they occupied at that time?
- B. Is the Minister also aware that two of the dismissed employees filed appeals with the Industrial Court and the Court ruled against them? Does the Minister know that the matter was set for appeal again but has not been heard to date?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Madam President, the question posed by Sen. Wade Mark is confusing, since he has not indicated to which employees or to which matters he is referring. As a result, the Government is unable to answer this question until Sen. Mark provides more specific information about the particular employees or matters about which he wants to raise the question.

Madam President: Sen. Mark, are you going to resubmit the question?

Sen. Mark: I do not like to specify names, but now I am being told that I should specify names. I would do that and resubmit it, Ma'am.

Madam President: Mr. Minister, is it the names or do you want a specific time?

Sen. The Hon. R. Dumas: Madam President, I do not know if we have the question on the Order Paper before us. "Is the Minister aware that three former senior WASA employees..." There is no reference, no place that we can start on an answer.

Sen. Mark: I will resubmit the question with the names of the people, seeing that he wants specifics.

Dismissed WASA Employees (Compensation of)

36. Sen. Wade Mark asked the hon. Minister of Public Utilities and the Environment:

- A. Could the Minister indicate to this Senate whether those former WASA employees were ever compensated for their dismissal?
- B. If the answer is in the affirmative, could he indicate the amount of money they received as the final settlement?

Sen. Mark: Madam President, question No. 36 follows from question No. 35.

**Jamaat al Muslimeen
(Current Debt)**

69. Sen. Wade Mark on behalf of Sen. Robin Montano asked the Attorney General:

- A. Could the Minister state what is the current amount of debt (inclusive of cost and interest) owed by the Jamaat al Muslimeen and one hundred and thirteen members in the High Court Action Judgment No. 2292 of 1994/Civil Appeal No. 16 of 2001?
- B. Could the Minister state whether there is a stay of execution to prevent the enforcement of the judgment awarding fifteen million dollars in damages plus interest and cost to the State in the said matter?
- C. If the answer to 'B' is in the negative could the Minister indicate what steps, if any, the Government has taken on behalf of the State to enforce the judgment referred to in 'A' so as to receive monies owed by the Jamaat al Muslimeen on behalf of the people of Trinidad and Tobago?

The Attorney General (Sen. The Hon. Glenda Morean): Madam President, I beg to have this question deferred for a period of one week. I had consulted with the hon. Leader of Opposition Business and had suggested two weeks and I would prefer two weeks. Maybe I should say two weeks because this is a question that I would have been prepared to answer today, were it not for certain events which occurred this morning, relating to this matter, which have caused me to have to revise the information.

Madam President: Sen. Wade Mark, will two weeks then be all right?

Sen. Mark: I suggested to the hon. Attorney General that she should try a week and if she is having difficulty, she can come back. I think she is capable and competent to get the information, if she wants to.

Madam President: Madam Attorney General?

Sen. The Hon. G. Morean: The difficulty here is not my capability or competence, it is really the staff's. They have to do certain things and I have been pressing them to get things as of now. It is because of that that I am asking for a two-week deferral.

Question, by leave, deferred.

WRITTEN ANSWERS TO QUESTIONS

Sen. Wade Mark: Madam President, if you go to the appendix, remember you had ruled that specific time should be set and under each question a date specified. I notice we do not have dates here. Would you reiterate your ruling?

Madam President: Sen. Dr. McKenzie, question No. 6?

Sen. Dr. McKenzie: The Minister communicated with me about it. I agreed that we should have the answer in another fortnight or so.

Madam President: Question No. 7 to the Attorney General, was that one submitted?

Sen. Morean: No, but I would ask that, if a date is being put, it be put for the same two weeks. There are three of them, I think.

Madam President: Questions No. 7, 8 and 9.

Sen. Mark: While we are trying to cooperate, I do not want to stretch this too thin, so I would like the hon. Attorney General to recognize that we have responsibilities. She can take a week instead of two weeks. One week is sufficient.

Sen. Morean: When questions are asked, I try to have them answered as quickly as possible. I have to depend on staff. They have been complaining because we have been having a lot of questions and they have other pressing matters to deal with. I am not being facetious or trying to waste time. We have not been able to have these answers as yet and we need two weeks.

Sen. Mark: Madam President, if, for instance, she says that for question No. 7, she would like one week; on question No. 8, two weeks—some compromise—but just to tell us two weeks for every one is unfair to us, having regard to the fact that you had ruled that you had given the Attorney General 28 days.

Madam President: Madam Attorney General, please try to get one answer for next week.

Sen. Mark: Madam President, please ensure that the dates are installed so that we know something.

SELECT COMMITTEE REPORT

**Police Service Reform Bills
Adoption**

The Attorney General (Sen. The Hon. Glenda Morean): Madam President, I beg to move the following Motion standing in my name:

Be it resolved that this Senate adopt the Second Special Report of the Joint Select Committee appointed to consider and report on the Police Service Reform Bills, namely:

- (i) The Constitution (Amdt.) Bill, 2002;
- (ii) The Police Service Bill, 2002; and;
- (iii) The Police Complaints Authority Bill, 2002.

Senators will recall that a Joint Select Committee was appointed to consider these Bills and that a first report was submitted and an extension of time for submission of our report was given to May 16 because of the fact that after careful consideration of the written submissions received, it had become necessary for Your Committee, Madam President, to interview some of the individuals and organizations from whom submissions were received. Arrangements have already been put in place for several of these interviews. In the circumstances, Your Committee is seeking a further extension to July 31, 2003 to complete its deliberations and report back to the Senate

Question proposed.

Question put and agreed to.

Report adopted.

ARRANGEMENT OF BUSINESS

Sen. Wade Mark: Madam President, if you look at the Order Paper, you will see where the first matter is the Kidnapping Bill, and procedurally that will have to be put before this Senate before we go to Bill No. 2. I am just enquiring, because when we last met the Leader of Government Business said we were going to do the Kidnapping Bill as well as the Validation of the Fourth Report of the Elections and Boundaries Commission (Local Government) Bill.

He called me this morning and indicated that because of circumstances, they would like to pursue Bill No. 2 instead of Bill No. 1. Having consulted with my colleagues, we came prepared to deal with Bill No. 1 because we were anticipating that order.

Madam President: Sen. Mark, my information is that once it is on the Order Paper, you can expect it to be called in any order. If the Government decides that is the Bill it is going to debate, then that is the Bill that will have to be debated. The information we have is that the Government has come to debate the Bill on the Elections and Boundaries Commission.

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, just to clear the air, so that people will understand that this is not an arbitrary decision. I did at the last sitting indicate that we would do both Bills today. In order to expedite our work, I did tell the hon. Leader of Opposition Business that we will do both Bills today, but I would rather do this one first, followed by the other one. I asked the Clerk, because I could not get in touch with Sen. Dr. McKenzie, to convey that to her also. We had always decided to do both Bills today. It was just a question of the order.

**VALIDATION OF THE FOURTH REPORT OF THE ELECTIONS
AND BOUNDARIES COMMISSION (LOCAL GOVERNMENT) BILL**

Order for second reading read.

The Minister of Local Government (Hon. Jarrette Narine): Madam President, I beg to move,

That the Bill to validate the Fourth Report of the Elections and Boundaries Commission under the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 for the purpose of Local Government Elections, be read a second time.

As you are aware, section 4(2)(b) of the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 requires that the Elections and Boundaries Commission submit a report to the Minister of Local Government, not less than two years and not more than three years from the date of submission of its last report. The last report was submitted on July 08, 2002 and the one before that, the third report, was submitted on November 02, 1998. It means that the fourth report is outside the period required by law.

By this Bill, the Government seeks to ensure that, despite the late submission by the Commission, the report is still valid. This is done by considering the Bill to have been submitted to the Minister within the time required by law. It is therefore necessary and expedient that the late submission of the fourth report of the Commission be validated for the purpose of local government elections.

Section 4(1) of the Elections and Boundaries Commission (Local Government) Act requires the Elections and Boundaries Commission to define and review the boundaries of electoral districts into which an electoral area is or is to be divided and shall submit to the Minister reports either:

- “(a) showing the constituencies into which it recommends that an electoral area should be divided in order to give effect to the Rules set out in the Second Schedule; or

- (b) stating that, in the opinion of the Commission, no alteration is required to the existing number or boundaries of electoral districts in order to give effect to the said Rules.”

The Commission uses several rules to determine the number of electoral districts, their sizes and boundaries. These are:

- (1) The number of electors in each electoral district of a regional electoral area shall, so far as is practicable, be the number obtained by the application of rule 2, but the Commission may, in consideration of rule 3 vary such number provided that in no case shall the number of electors in any one electoral district of an electoral area exceed or be less than the number of electors in any other electoral district of that electoral area by more than 25 per cent.
- (2) The number of electoral districts in a regional electoral area in Trinidad shall be submitted as follows:

There shall be in every electoral area a basic number of four electoral districts. To this basic number shall be added the number obtained by dividing the electorate in the area by 15,000; but where, in any electoral area the electorate is:

 - (a) less than 15,000, there shall be seven electoral districts;
 - (b) more than 15,000, any residual number left after dividing the total electorate by 15,000 shall be treated as if that number were 15,000 and one electoral district shall be added in respect of such residual number.
- (3) In the division of electoral districts in regional electoral areas natural boundaries such as major highways and rivers shall be used wherever possible.

Madam President, in plain language, the first rule ensures that each electoral area has about the same number of electors, but in any event, an electoral area should not have more than 25 per cent more than another electoral area.

Rule No. 2 stipulates that each electoral district shall have at least four areas and any other areas are to be found by dividing the remaining population by 15,000. If there is less than 15,000 the electoral area shall have five electoral districts.

Further, rule No. 3 requires that natural boundaries such as major highways be used wherever possible. In respect of the municipal corporations, the following rule is relevant:

The number of electors in an electoral district of a municipal electoral area shall be the number obtained by dividing the number of electors in that electoral area by the number of electoral districts shown opposite the name of that electoral area in the third column of Part II of the first schedule of the first Act, but the commission may, in consideration of topographical factors, vary such number provided that in no case shall the number of electors in any one electoral district of an electoral area exceed or be less than the number of electors in any other electoral district of that electoral area by more than twenty-five per cent.

Again, in plain language, in respect of municipal corporations, rule 4 ensures that each electoral district has about the same number of electors, but in any event any electoral area, should not have more than 25 per cent more than another electoral area.

In accordance with section 4(1)(a), and application of rules 1, 2 and 3 as aforesaid, the Commission has recommended changes in the boundaries of 50 electoral areas in nine electoral districts and creation of two electoral areas; one in Tunapuna/Piarco Regional Corporation and one in the Couva/Tabaquite/Talparo Regional Corporation.

It is noteworthy that a similar situation occurred in 1999 when the Commission's report was submitted late and the then government introduced to Parliament a bill to validate the Third Report of the Elections and Boundaries Commission, under the Municipal Corporations Act, 1990 and the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 for the purpose of local government elections. That was Act No. 4 of 1999.

The Commission has stated that the late submission of its report was due to its consideration of an update of the relevant topographical data contained in its 2001 May to November, house-to-house survey. This was the reason the EBC gave for the late submission of the report.

Being prudent and responsible, this Government understands and appreciates the reasons advanced by the Commission for the late submission of the fourth report. I, therefore, urge all Senators, to possess similar excellent qualities and support this legislation.

Finally, I wish to remind Senators that the chief aim of this Bill is to validate the late submission of the Fourth Report of the Elections and Boundaries Commission, under the Municipal Corporations Act 1990 and the Elections and Boundaries Commission under local government. It is deemed to have been

submitted to the Minister in accordance with section 4(2)(b) of the Elections and Boundaries (Local Government) Act.

I beg to move.

Question proposed.

Sen. Sadiq Baksh: We on this side recognize the importance of validating the Fourth Report of the Elections and Boundaries Commission to facilitate local government elections and to regularize all that took place in the past.

The Minister, in presenting the report, indicated that in every electoral district there must consist a minimum number of 15,000 electors and as such five districts will come from that. I would like to point out that in the Point Fortin Regional Corporation, we have less than 15,000 electors and six electoral districts. In appendix A of the report, the Borough of Point Fortin has 25 polling divisions, 13,601 electors and six districts.

The Minister stated that, for every district, there must be 15,000 electors and that the number required five districts, but that is not strange at all. The Government, in bringing this validation, should jog its memory. It is the same administration that brought a no-confidence motion against the EBC. This present administration is one that went to great lengths throughout Trinidad and Tobago accusing and trying to demonize the EBC, but that is the type of smoke screens we are accustomed to seeing from the present administration. See them coming here now cap in hand trying to validate and crying about the lateness of the report. The same people, throughout the last two years, went out there—in fact they had a commission of enquiry into the EBC, an independent body; and they are coming now to validate its report.

Sen. Morean: Madam President, on a point of order, the report is not being debated today because it has not been validated. It is not yet before the Senate. We are debating the Bill, not the report itself.

Sen. S. Baksh: Just the mere act of validating this report, they should be ashamed to bring it to this Senate. They wasted taxpayers' dollars in setting up a commission of enquiry. They did not stop there. They took senior members of their party and ministers of government before that Commission and told things that were not true. That is the kind of hypocrisy we continue to deal with. We recognize that they are past masters at creating diversions and smoke screens, accusing other people of doing things when they are behind all those things.

Madam President, you will recall that they accused people throughout Trinidad and Tobago of voter padding. They went at length—

Sen. Morean: Madam President, again, on a point of order, Standing Order 35(1)—relevance: this is not relevant to the Bill to validate the report submitted by the EBC, which is an independent body. They have given their report late and we cannot do anything about it. The report is before us and we have no choice but to come to validate it. What is being said is totally irrelevant to the Bill before the Senate.

Madam President: It is going to be very difficult to prevent some kind of debate and some kind of reference being made. Sen. Baksh, I ask you to try to stick to what we are dealing with.

Sen. S. Baksh: Madam President, I assure you that I will not move from the EBC. We have a lot of things to deal with and I would like to point out all the things.

We must understand the historical antecedents of the Elections and Boundaries Commission. We must go back as we evolve into a First World nation. We must recognize that in Trinidad and Tobago we had first an Elections Commission and a Boundaries Commission. When we had the Elections Commission, they looked after the elections. We had a Boundaries Commission that looked after the boundaries. Immediately after its loss, the present administration, as far back as 1958, made efforts, after those federal elections, to gerrymander the boundaries. Then, they merged both the Elections and Boundaries Commissions. Later on, within the last two years, during the life under review of this report, the EBC was placed under tremendous pressure in terms of accusing the chairman and members of the entire commission, an independent organization in Trinidad and Tobago.

I know that the truth hurts. That is the problem. It is not about relevance or what is before this Senate. What the present administration cannot take is that they were beaten at the polls. They could not understand that and instead of going back to the drawing board and preparing properly for an election, they tried to demonize an independent commission, the Elections and Boundaries Commission. They went about systematically undermining the democracy of Trinidad and Tobago. They went all over Trinidad and Tobago saying that the UNC participated in activities that did not promote democracy. They went to the marginal seats—in Ortoire/Mayaro, Tunapuna, San Juan/Barataria, San Fernando West and St. Joseph—systematically undermining the Elections and Boundaries Commission.

They tried their best, so this report should have been different. They tried everything possible to say that the UNC colluded with the EBC—nothing could be

further from the truth. While they were saying that, their senior officers and members of their party were moving people from one area to another utilizing the State's resources to undermine the democracy—

Madam President: Sen. Baksh, I will need to caution you about imputing improper motives. Go on with your debate, say what you have to say, but be careful of what you have to say.

Sen. S. Baksh: Millions of taxpayers' dollars; went about systematically putting people into constituencies, into public buildings—

Madam President: You are continuing along the line of imputing improper motives and making accusations. Please desist from that line!

Sen. S. Baksh: Madam President, in fact, the evidence for those things is available. If you look at it, you will see the movement of people from electoral district to electoral district.

Sen. D. Montano. Madam President, on a point of order, he is ignoring your ruling. He says that he has the evidence, but he does not bring it here. He cannot do this. Everything he has said should be stricken from the record.

Madam President: I am warning you again.

Sen. S. Baksh: Madam President, I know how difficult it is, but it is not difficult for us to validate this report because we have always stated our confidence in the Elections and Boundaries Commission. We have certain reservations in terms of the early drawings of boundaries in Trinidad and Tobago. We expect the EBC to take into consideration all that we said in the past and all that people continue to produce as evidence and work at reducing and/or eliminating the problems of partisan gerrymandering of boundaries in Trinidad and Tobago.

Madam President, if you look at the local government report, you will see a reduction in terms of the number of people on the revised list of electors as at November 30, 2001. We have it moving, in 1998, from to 865,120 to 814,251, a decrease of 50,869 on the list of electors according to this fourth report, a reduction of 50,869 and an increase of two new electoral areas: one in the Couva/Tabaquite/Talparo Regional Corporation and one in the Tunapuna/Piarco Regional Corporation. I take it further.

In the City of Port of Spain, we have an electorate as at December 27, 2001 of 31,928 electors with 12 electoral districts. We have a similar situation in the

Borough of Chaguanas—46,532 electors, but only eight electoral districts. There is some disparity in the numbers right here. In terms of the Arima Borough Corporation, 34 polling divisions, 21,625 electors and seven electoral districts, yet in the City of San Fernando, 42,458 with nine electoral districts. It even goes further in terms of the municipalities. Those are in the cities and boroughs.

In the Siparia Regional Corporation, there are 58,414 electors with eight seats and in the Couva/Tabaquite/Talparo Regional Corporation 111,021 with 12. Then we have in the Tunapuna/Piarco Regional Corporation, 127,348 electors, and now increased to 13 electoral districts.

The time has come when we must now look at the implication of local elections on the lives of the citizens. Local government is the area that touches the lives of ordinary citizens in terms of garbage disposal, drainage and basic amenities. In some of these areas, there are hundreds of thousands of citizens covering a very large land mass. The largest land mass in Trinidad and Tobago is incorporated in the Couva/Tabaquite/Talparo Regional Corporation. The Sangre Grande Regional Corporation extends from Manzanilla to Fishing Pond in Toco bounding on Brasso Seco and other areas. The Rio Claro Regional Corporation is the same thing: from Moruga straight to parts of Ortoire—a very large land mass where you need to look at basic amenities in terms of garbage disposal, drainage and basic infrastructure.

The time has come when we must look at local government for what it really is. It is where grass roots people get involved in their own governance. It is an area we need to look at. We need to encourage more people to get involved in local government and we need to start to demarcate areas and boundaries pertaining to electoral districts and corporations in a manageable way so that we will be able to service constituents in a better way.

Madam President, the drawing of boundaries along natural lines—water courses and highways—leaves a lot to be desired. We need to take the demographics into consideration and bring the governance that people require, so that they would be able to function in a much better way.

It is this concept that we look forward to in terms of the new constitutional arrangement in Trinidad and Tobago when local government will become an integral part of governance; of improving the quality of life of citizens of Trinidad and Tobago; raising funds within the corporation so that they will provide the services people demand. Simple things like security must be developed at the local level so that burgesses and constituents of electoral districts within regional

corporations will feel that they have a first local cause for action, working with the national service in terms of community police and other organizations. Local government must be the link of the ordinary citizen with central government.

As we review the report of the Elections and Boundaries Commission and look at what took place in the past, we recommend to the Government that they take a new view of the Elections and Boundaries Commission; that they put behind them all the accusations they made about it and its collusions with other parties. The EBC is an independent body and they must set in place a foundation to build a democracy that will make Trinidad and Tobago a First World nation.

Sen. Wade Mark: Madam President, I am very sorry if I put up my hand up a bit late. [*Interruption*] It was not disrespect. I love females. I do not disrespect females.

I rise to make my limited contribution to this very important matter before us. May I say, from the outset, that the opposition United National Congress is the quintessential organization in this country that upholds democracy and will always support independent institutions such as the Elections and Boundaries Commission. We are on record as doing so.

Madam President, I want you to understand to some extent why that report is somewhat late and we are seeking to validate it. In 2000, we had a general election. We had a general election in 2001 and 2002, so the Elections and Boundaries Commission would have been under tremendous pressure during those periods. One can appreciate that they may have had some difficulty in pulling their report together. We now have the report before us and, as the hon. Minister said, it is an attempt to validate the late submission of the report to pave the way for local government election on or before July 12, 2003.

As we seek to pave the way for local government election, I bring to your attention the need for this nation and the political directorate to ensure that our critical institutions remain relevant to our needs as a nation. As we seek to pass this Bill and, by extension, to validate this report to pave the way for local government election, we experienced today a kind of undermining of the democratic process, particularly as it relates to local government. It seems to be losing its rhythm in the context of its original function, precisely what the Municipal Corporations Act, 1990 had predicated and predicted for its function. We have only to look at what is taking place. The hon. Minister will be aware.

Today we see resources are limited as they relate to local government even given the present framework—the advisory committees and the chairmen of those

bodies. Just recently I read in the newspapers and saw on television where the residents of Ortoire/Mayaro, particularly Moruga, were in hot protest. They were saying that a basic necessity such as water—which the regional corporation is supposed to provide but cannot because of the absence of resources—for some 200,000 citizens in and around that community, is not provided. The point is that there is an inadequacy of resources in the regional corporations to provide a water supply for those areas of the country.

I raise that matter because when there is a corporation that is under the control of the Opposition, one gets the impression that the policy of the Government is to engage in tit-for-tat. They seem to be committed to not providing the resources to the corporation to ensure that the people living within the boundaries of the corporation access a water supply. This is the cry we are getting throughout the country.

2.30 p.m.

There seems to be, Madam President, a water shortfall throughout. The hon. Minister of Local Government has a responsibility to provide the regional corporations with the level of resources, so that they can either purchase or access water so that the population of those communities can have a regular supply of potable water. I would really like the Minister to take that on board.

In many of these corporations, as we prepare for local government election, one has to ask the question whither these corporations, whither local government. What is happening today is that there is a shortage of equipment, resources and workers and these corporations are unable to perform their functions consistent with the legislation. With the absence of adequate resources, equipment and workers, the watercourses, the drains and ravines as the case may be, are all clogged up. One is anticipating that with the rainy season a couple of weeks away, we might experience an unprecedented level of flooding in this land.

I want to appeal to the hon. Minister of Local Government, as we have a couple of weeks still to go before the rainy season sets in, to provide these regional corporations with the appropriate level of resources so that those watercourses can be cleared because we have to anticipate these things in advance. The Minister of Local Government, a former trade unionist, I would imagine has a heart and understands the heartbeat of the ordinary citizens and that they are crying out for help. I would like to appeal to the hon. Minister to get some resources. Madam President, if it means taking them away from CEPEP, take them away from CEPEP; if it is necessary. I want to advise the Senator and this

honourable House, when I say: “as we prepare for local government election” are we really going to have local government in the way that we all would like, or we all anticipate?

Madam President, the reality is today that local government is a shell of itself and the PNM regime ought to be, at least pumping more resources into local government, giving the local corporations and bodies more authority; empowering the local government agencies so that they can deliver fundamental services to their communities. Instead, what do we have taking place? Duplication and lack of coordination is taking place at the level of local government today. The hon. Minister is in a state of confusion because he is a victim of an aggressive CEPEP. That programme is not providing him with the opportunity to properly coordinate the work of the local bodies.

The Minister of Works and Transport, in a newspaper report sometime ago, made it very clear—he came here and said he did not mean it. The point is I am talking about local government. This report is seeking to validate and pave the way for local government. As we seek to pave the way for local government, we have to look at what we have as local government today. Local government today is not what it ought to be. The Government is undermining and compromising the institution of local government in Trinidad and Tobago. When we look at what Minister Khan said: if he had the power—although he came back here and said he is sorry. [*Interruption*] Okay, he did not make— With respect to local government workers, he said if he had a chance, he would replace all of them and put CEPEP workers instead, that is what he said in the papers. Madam President, that is undermining local government. We are going to have local government election and at the end of the day, what powers are we going to give to local government? The Minister, right now as we speak, has all the power to determine projects, programmes and the distribution of resources. He runs the corporations. He actually directs the chief executive officer.

Madam President, would you believe a chairman of a regional corporation, Princes Town Regional Corporation, has been denied access to the official vehicle of that corporation, simply because there is a campaign of victimization against this particular individual? What is the Minister of Local Government doing about it? It is not happening to the Chairmen of the Diego Martin, San Juan/Laventille or Tunapuna Regional Corporations, but only to Winston Chindra who is the Chairman of the Princes Town Regional Corporation. He does not have an official vehicle to take him to official functions; they have denied him that reality.

Madam President: Senator, I have allowed you to go on with your favourite topic which is CEPEP, I think I would like you to come back now to the validation of the report.

Sen. W. Mark: We are dealing with the Validation of the Fourth Report of the Election and Boundaries Commission (EBC) because we are paving the way. This Bill is paving the way for local government election which is due on or before July 12. As we seek to validate this Bill, we just cannot rise like the Attorney General and say the EBC has said this and we approve it. We are the Opposition. We are the alternative government. We are the government in waiting. [*Desk thumping*] We have to put our point of view forward. What we are doing here today is indicating, as we pave the way for local government election, that there are some critical issues affecting local government. The Minister of Local Government ought to be conscious of these issues because he is the person in charge of local government.

I would like to indicate to this honourable House that we need to ensure that local government has the power. Madam President, I do not know if you are aware—you are from the Barataria area, we contested the election in 1991 and you were my opponent and I was defeated by approximately 1400 votes. I was defeated. You know I am a decent and honest chap. If I am defeated, I am defeated. Madam President, you would know that one of the functions of local government is the provision of street lights. You would know; you were a representative of that community. As we pave the way for local government election, validating this report today, I would like the hon. Minister of Local Government to deal with the issue of street lighting because in many communities today I understand, particularly in constituencies or corporations under the control of the United National Congress—this is the information I have received—street lighting is not going at the pace and/or rate that it ought to be going. What the Government is simply doing in many instances is discriminating in that particular regard. I think the hon. Minister of Local Government ought to pay attention to this question of street lighting. I would also like to suggest to him, in their mad rush to pave roads to impress the electorate, there ought to be some coordination between WASA and local government.

As we prepare for local government election and we validate this report before us this evening, I would like the hon. Minister to establish a system of coordination. Do you know what is happening? Critical and vital resources of this State of Trinidad and Tobago are always scarce. Madam President, roads are being paved in a haste to impress for the 2003 local government election. Three

weeks later, the roads are dug up again in order to lay pipelines for the flow of water because in that particular community there is a shortage of water. That is a waste of resources and we must be able to have a coordinated process in an effort to promote efficiency levels. My hon. colleague, Sen. The Hon. Martin Joseph, would know about these things. At the end of the day we want gains, but it must be realized through an efficient utilization of our resources. I would like the hon. Minister of Local Government to pay some attention to this matter: a proper coordination of this exercise.

Madam President, I also want to indicate that the report that we have before us, as you know, is going to increase the number of electoral districts from 124 to 126. From my information, looking at the report, I have been advised that 50 electoral boundaries are to be redrawn in this report. We are not debating the report because we have to validate it first, then it will come back. I am serving notice that these are some of the decisions and recommendations coming out of an independent Elections and Boundaries Commission: an independent commission that we have and will always support and defend. If we are to preserve our democracy, if we are to flourish and grow and expand, we need to protect, safeguard and promote our institutions especially our independent institutions such as the Elections and Boundaries Commission.

As I indicated to you earlier, my contribution would be very limited today. I do not want to go too far into the report because that is going to come back. I hope the Minister gets an undertaking—this Government makes a lot of promises and does not fulfill those promises. When the Government says that they are going to come back to debate this report they may never come back. For election to be called they need to have this report validated. The only reason we have this report before us is that it is required that it be validated by both Houses of Parliament. I will bet you a dollar, that as soon as this report is validated, on Indian Arrival Day, not only would Christine Sahadeo be announced as a Cabinet Member, but also election day would be announced on Indian Arrival Day. I have no doubt in my mind. *[Interruption]* Is the Senator rising on a point of order because I am anticipating? I thought he wanted me to take my seat. I am just anticipating, Madam President, that by that period we are not going to have an opportunity again to debate this report. That is why, Madam President, I would like you to exercise some patience in this regard, unless you can get an undertaking from Sen. The Hon. Dr. Lenny Saith that this report, if passed today, will come back for the debate, I will take my seat and await the next round. Dr. Saith, would this report be fully debated?

Madam President: Senator, please direct your questions to me and continue how you are going.

Sen. W. Mark: That is why I felt that sometimes, in raising points, I have to be a bit constrained because I am being told by my colleagues on the other side that it is just only to validate and they do not want us to go into details. I am saying to myself if I go into details you might stop me.

Madam President: I will.

Sen. W. Mark: I have no guarantee that they will come back to debate this report in the future.

As far as we are concerned, the EBC has submitted a report, it is a bit late. We are going to validate this report today. It is the one thing that we may remain silent on because we respect this independent institution. As I indicated earlier, we have a position on a number of matters of which the Government is well aware, but on this particular matter—because of our commitment and the upholding of the principle of independence of institutions of this country—we will give our tacit recognition to this particular report. We would certainly recognize the need for its validation and at the appropriate time, we will do what we have to do in this regard.

I thank you very much.

The Minister of Housing (Sen. The Hon. Martin Joseph): Madam President, I believe it is necessary to correct some of the misinformation placed on the record of this Parliament by my colleague, Sen. Sadiq Baksh. Let me start off by indicating to this honourable Senate, as is known, that it is not customary to debate the contents of the report; neither in this place nor in the other place.

The question about the late submission is something—I do not want to say—that we have grown accustomed to but because of the nature of the way in which the EBC is required to prepare these reports, as close to when the next local government election is possible—as Sen. Mark indicated, because of certain circumstances of the day with respect to the general election—this resulted in the EBC having this report prepared late and as a result, we are validating the report and not necessarily debating or discussing the contents of the report.

Given the fact that Sen. Baksh made mention of aspects of the report, I think it needs to be corrected. First of all he gave the impression that as a result of our dealing with the EBC over the last few years, it has now been forced to make adjustments to the boundaries as a result of the PNM witch hunting or harassing

the EBC. That is not so and it needs to be corrected. In the first instance the Senator mentioned the question of municipalities and boroughs, as provided in Appendix A of the report. He spoke about the number of electors and electoral districts associated, to give the impression that there was a discrepancy. Madam President, for the information of this honourable House and for the record, the cities and boroughs are fixed by law. Chapter 25:50 of the First Schedule, Part II lists clearly the number of electoral districts that are associated with the various cities.

Let me place this on the record, in the City of Port of Spain, there are 12 electoral districts fixed by law; the City of San Fernando, 9 electoral districts; the Borough of Arima, 7 electoral districts; Point Fortin Borough, 6 electoral districts and Chaguanas Borough, 8. As it stands now, as the population changes: whether it is an increase or decrease, the EBC is forced now to make sure it adjusts the boundaries so that at the end of the day they stay within the law as it relates to the number of electoral districts. If we were to go into details, I would have been able to look at each electoral district within each of the cities and municipalities and indicate the adjustments that were necessary. We are not now debating the Report. I think that needs to be corrected. The impression is being given that there are some “irregularities”.

The EBC has the authority, with respect to the municipalities, to make adjustments: to add electoral districts and to remove, if the need becomes necessary. This is the reason why, with respect to two corporations: Couva/Tabaquite/Talparo electoral area, they have moved from 11 to 12 electoral districts. In the case of Tunapuna/Piarco electoral area, they have increased from 12 to 13. They went to give an explanation in the report as to why it is that they moved from 11 to 12 and 12 to 13. Sen. Baksh did not provide this House with that information. That is the first thing that needs to be corrected.

The second thing that needs to be corrected is that he said we brought a motion of no confidence against the EBC. We did no such thing. It is because of our understanding—the People’s National Movement have had to deal with the EBC over the last few years while we were in Opposition—and respect for the independence of the EBC, we were forced to literally watch-dog that EBC because the UNC government at the time compromised the independence of the EBC. [*Desk thumping*] That is on record, the Senator could say what he wants.

I do not want to get into too many details, but a Commonwealth Observer Group visiting this country, talked about the fact that a phenomenon has existed in this country for a long time and referred to it as “ancestral voting”. I

would never forget that as long as I live. Again, let me put this for the information of this House. What is ancestral voting? We have a situation in this country where, depending on where a person is born and raised, he initially registers there to vote. No matter where the person goes to live: Valsayn, San Fernando; when election time comes the person goes right back there to vote. That is ancestral voting. That UNC administration exploited ancestral voting.

Madam President, it could be proven, the then Leader of the UNC indicated at the opening of a post office in Tunapuna—I will never forget— “We need your help. We have a problem in Tunapuna and the East-West Corridor constituencies and we have an abundant supply in Caroni East and other places, come out and help there.” The first indication of the whole question of moving illegitimately and illegally, encouraging people to move from where they actually lived to go and register in certain identified constituencies.

Sen. Mark: On a point of order. The Minister is implying improper motives to the Leader of the Opposition. I think this is a complete misinterpretation. The Senator should withdraw that statement.

Madam President: Senator, please come back to the report in front of us and do not be referring to any matters outside of that please.

Sen. Mark: On a point of order. I am saying, through you, the Senator has implied improper motives to the Leader of the Opposition and Member of the other House. Under Standing Order 35(4), no Member is supposed to impute improper motive to Members of either House. He has done that by saying that the Leader of the Opposition encouraged people to go and illegally live in Tunapuna. That is wrong!

Madam President: All right, Sen. Mark, I have heard you. Minister Joseph, please do not continue to impute improper motives, especially to someone of the other House.

Sen. The Hon. M. Joseph: I am guided, Madam President. I am correcting some of the misinformation placed by Sen. Baksh, as it relates to the record. I have a responsibility here to correct the record.

Madam President, you would recall at the time, the so-called strategist; a gentleman by the name of James Carvel was brought down to assist in terms of the preparation of the election and the advice there was also the same: the difference is going to be the result of small numbers. There was certain abundance in one area and they were placed in another area. This was the start of a unit

called “PASU”—for those of us who do not remember—whose entire responsibility was to ensure that we exploited what was a phenomena referred to by the Commonwealth Observer Group as ancestral voting into a deliberate attempt to make sure that persons—*[Interruption]*

Sen. Nicholas: On a point of relevance. Madam President, the Minister might be an authority on ancestral voting, having participated in the process himself, however—*[Interruption]*

Madam President: Please get to the point and do not make a speech.

Sen. Nicholas: It is not relevant to the Bill that we are debating at the moment.

Madam President: When the Senator stood, he specifically said that he was replying to certain matters which were brought up by Sen Baksh. From what I am hearing, he is in fact doing that. Please continue, Minister.

Sen. The Hon. M. Joseph: I think I have corrected some of the misinformation placed. Let me again indicate this party and this Government’s commitment to the independence of the Elections and Boundaries Commission. *[Desk thumping]* When we were out of office all we asked was that the EBC be allowed to discharge its responsibilities in a free and fair manner, without the unnecessary interferences of politicians. There is evidence that the EBC was compromised.

Sen. Baksh also made the point that we ensure that our independent institutions will continue to be independent. Let me tell this honourable House, and by extension the national population, that we have no intention to compromise the EBC. *[Desk thumping]* What we can say is once the rules are clear, we play by them and we win by them. *[Desk thumping]* That is all! When we are not successful, we understand what our role is and we continue to play our role to ensure the overall development of Trinidad and Tobago. Let me indicate that we eagerly look forward to the upcoming local government election *[Desk thumping]* and to the expected results that we intend to accomplish as a result of that election.

I thank you. *[Desk thumping]*

Sen. Brother Noble S. A. Khan: Indeed, this two page Bill as the case may be is very important for what is before us. Perhaps we might see and one may wonder whether the advocated consciousness of the limits of one’s own value system does not lead to moral laxity, particularly after these few moments which

we have heard. This may be relevant whenever we are dealing with uncertainties in life and whether we are preoccupied with the past, present or future.

To give and share power to the powerless is one of the great acts that one could do. I would think in our country this is part of our being here in this hallowed House. One would think that the transfers from people—this is an important aspect—when people may see themselves as fulcrum or loci of power to one of systems and one would think that what is before us is systemic approach to that transfer from persons to systems. This diffusion of power would obviously allow for a platform for growth, development. [*Cell phone rings*]

Madam President: I am hearing a cell phone. Would everyone please turn off your cell phones, that includes the gallery and the media.

Sen. Brother N.S.A. Khan: The system will allow for the diffusion of power and thereby allow for a check; even built-in within the system and for growth and sustained development. We hear of this growth and development in every phase as a Third World people, a nation crawling out of oppression and seeking a place to establish for ourselves and build that tendency towards elimination of that inequality which seems to be our heritage.

One may try to develop a prediction about long-term change and its differentiations from that locus of power. One would think in terms of particularly what we hear about local government. One would think about the size of our population, the cultures that exist in our country and the different sectors of our country. It is very important to honour and respect these differences and changes. There is so much upon which these differences and changes would allow for building ourselves and becoming more dependent on decision-making, shifts to where the implementation is this. This could be the essential core for the development of a people: this is where we see local government.

Wealth and its share distribution and economic development and where it will take place has always been a big challenge. There is the question of dominance and the use of power for that for continuity. One would think in terms of legitimacy of our culture, what motivates us and what would want us to be a great nation. I would think, too, the question of consultation, collaboration, co-operation, partnership, justice and fair play. I do not want to sound too much like—to some extent we have been hearing quite a bit of this within recent times and have always been around with us. There seem to be goals and hopes which are farfetched, though close, as far as our globalization is concerned. I do not excuse myself, but I like to think of all of us as a people and moving away from

being second class—even if we perceive that by what we see around us in the legacy that has been left for us and if we are to speed up the process, as horses will gallop forward—and see how fast we could attain that.

Earlier today I was thinking that some of us who dabbled in economics would think back to 30/40 years ago about Rousseau and his theory of development. I would always try to bring it in a form that I could think about. I think about that as the great nations go forward as 2020 is not too far from us and we hope to achieve 2020 even before. Those who are upfront move ahead and we who come behind have to keep up with that movement forward. Some analogue or mathematical calculations could show us this in a system.

As I remember the last founder of our nation made reference to us as a people in the area of utilization and nutrition in our bodies. For centuries that denial of proper nutrition has left us as a people backward in our thinking capacity, some would say. We need to catch up with that even in using that concept in this way. If we are to really go forward, as is the hope and aspiration of all of us here and everyone outside, the need for paying patent cognisance and implementation of those simple words: consultation, collaboration, co-operation, partnership and dialogue will lead us a great way.

I think there is nothing much that we can do with this but to support it. The question of the EBC, as so many of the other institutions in our country, is always subjected to criticisms. This may not necessarily be unhealthy. If we do not honour what is ours and seek to build it, we might not be on the correct track.

Sen. Carolyn Seepersad-Bachan: I did not intend to speak this afternoon on this particular Bill but based on some of the issues that arose this afternoon, I thought it wise that I make a contribution. I would like to join with my colleagues on this side in supporting the independence of the Elections and Boundaries Commission. As we all know, we have witnessed a rather gruelling attack on the EBC, under the representatives on the other side while they were in opposition and when they became government.

I am sorry the hon. Minister is not here, but I would really like to respond to some of his issues. He indicated that they supported the independence of the EBC yet they were the ones who stood there and challenged every decision made by the EBC. One would remember the Minister brought up something called ancestral voting. I want to refer to the same Commonwealth Observer Group. Nowhere was it ever deemed to be illegal. It was a custom in this country and a practice from years gone by. My problem with the Senators on the other side is why

did it become such a problem for the 2000 election when they recognized that they were going to lose. I know, I am one of them that they put under pressure when it came to that issue, but as the Almighty would have it—during the years when I supported that side: the PNM, it was never an issue. The minute I became a member of United National Congress it became an issue. [*Desk thumping*]

As fate would have it, during the 2000 election I was residing in San Fernando for more than a year, when that issue was brought up by the PNM. To tell you about the independence of the EBC and how much they trusted the independence of the EBC, when I went before the EBC, the matter was heard and the EBC, based on the evidence that it had, threw the issue out and said that I was a resident of San Fernando West and should be allowed to vote. During the commission of enquiry, once again, there were attempts on their side to again malign a lot of members who were supporting the United National Congress and who were in a similar situation like myself. [*Desk thumping*] We all had to go back before the commission of enquiry and still today, they come back with that nonsense.

Do you know what is very disappointing? I always say what is good for the goose is not good for the gander; those are the principles to which they adhere. The very same Sen. The Hon. Martin Joseph, in the year 2000 practised ancestral voting and he admitted that before the Elections and Boundaries Commission. Sen. The Hon. Christine Kangaloo would recall that she voted in San Fernando West but was actually residing in Port of Spain. No one contested that issue because we saw it as a right that we had; it was a custom and a practice. If it is a practice to be removed, it must be for everyone and not select people. That was the point that I was making. [*Desk thumping*] There are other issues of ancestral voting that we must also understand before we go about saying—because it does not suit the PNM's side and because they recognized that they could have lost the election, they wanted to stop it. When we take decisions in a sort of willy-nilly fashion like that, the problem is that we affect other rights that we have. I felt—this is why I stood firmly at it—ancestral voting was a right that we had: it was the freedom of mobility. If there are other debates fine, we will go ahead with the debates but when that ruling is made it must be for everybody in Trinidad and Tobago and not a select few because they support the United National Congress. That is the point I want the hon. Minister to understand. Nowhere did anybody or the Commonwealth Observer Group ever deem that to be illegal, or in any way was that ever exploited; that is their opinion. When it was exploited by the PNM it was not a problem.

I move to the other issue. We talk so much about the independence of the EBC. I looked at—because I participated in that enquiry—the way they carried on. They lied before the Commission of Enquiry into the Elections and Boundaries Commission several times and had to come back and actually—

Madam President: Sen. Seepersad-Bachan, please be very careful about imputing improper motives and temper your language.

Sen. C. Seepersad-Bachan: Madam President, there were several untruths. [*Desk thumping*] They were all discovered before the end of that enquiry. There were several untruths and the whole nation is fully aware of them. I do not need to repeat. As you say, Dr. Saith, “move on” that is why we need to move on, because it was a sad time. It was despicable to consider what the PNM has put the citizens of this country under. They would never let us forget it. [*Interruption*] Exactly, terrorising. You are the ones talking about independence and free from fear—

Madam President: Address the Chair.

Sen. C. Seepersad-Bachan: I wonder where the hon. Minister went to because I really want to respond to him because he has been one of them. I want to respond to the issues, through you, Madam President, of the hon. Minister. I have this and I live by it; it was a principle given to me by my father about honesty and truth: it will also come out, it may not be today or tomorrow but one day it will come out. Always be ready for when the truth comes out. The hon. Minister must be ready because up to this day I have heard no response from him after the Leader of the Jamaat al Muslimeen, on Sunday, on the radio, openly admitted that he and the hon. Minister colluded in the 2002 election. He brought in his three seats: San Fernando West, Ortoire/Mayaro—

Madam President: Senator, that has nothing to do with the debate. Please be very careful of what you are imputing.

Sen. C. Seepersad-Bachan: That is why, if it is untrue, it is important that these things be dealt with because it gives a very poor—I said this before: perception is reality. This is why a lot of people in this country are not fully confident that there is no fear in elections. We may be talking about free and fair elections but we are not sure, based on what came out on that Sunday morning, that they were free from fear in the 2002 election.

We are talking about a democratic country and upholding the principles of democracy. This is why it is so important at this juncture—we are talking about becoming a First World nation. These are issues we must deal with and get rid of

because it will go against us as a country. This is why we cannot continue to be harassing one side to the next, because of stupid issues because we want to hold power. We must understand that we damage an entire country. The citizens of this country lose confidence. This is what they must deal with. That is why I am saying this with all passion this afternoon.

The PNM have not moved on; they are stuck. They have to move on, they are in government. They need to get on with the people's business. All they keep doing is accusing and blaming. Listen to them this afternoon imputing improper motives to our Leader of the Opposition. They were totally out of context. That has gone on and on. My hon. colleague, Sen. D. Montano, takes every opportunity to quote our Leader of the Opposition out of context. That is what the Minister did this afternoon. Nowhere has that ever happened.

Madam President, we recognize that we are here only to validate this report. Like Sen. Mark, I would like to urge you as President to ask for an undertaking as to when we are going to debate this report and if ever we will have that opportunity; when and where. It may not be in this lifetime, the way the PNM Government usually operates: it is here today and tomorrow—

Sen. Yuille-Williams: Madam President, just a bit of information. The Senator is doing her thing talking about when the report will be validated. For those of us who remember and who were here in 1999 when the Minister of Local Government brought the validation to this House—short memories—it came here with no report. We did not know what we were validating. Senators opposite must remember that. The Senator wants to know when we are going to debate the report. It is kind to know that the UNC presented us with the Bill and no report. It went to the Lower House and they stopped it. They said they were not going to validate anything that they had not seen. I just want to give the Senator this information since she wants to know when we would be debating the report.

Sen. C. Seepersad-Bachan: Madam President, through you, the point is that we are not at a juncture where there are so many issues that plague elections in this country including the whole issue of constitutional reform. I am coming to the point because two wrongs do not make a right. [*Desk thumping*] This is why the UNC while in government never used to get up and talk about what the PNM did; they did what they thought was right. At that point in time, the Opposition should have dealt with that situation. At this juncture it is crucial as a nation that we start dealing with some of these issues. In playing my role as opposition, this is what I am about.

Every time we get up to make a point, that is the sort of comments that come back. You asked us to do our job, we are doing our job. At that point in time it may not have been critical. The issues may not have been critical otherwise you would have asked. You would have dealt with those issues.

Madam President: Address the Chair and not the Senator on the other side.

Sen. C. Seepersad-Bachan: Through you, Madam President, what I am saying to the Senators on the other side is that at this point in time, in doing our job as the Opposition, we want to deal with some of these issues because we feel it is important in how we chart the way forward for the future of this nation. We feel it is important because they have implications that are far impacting on the way that we govern ourselves.

We have heard from the other colleagues and I just want to endorse some of the points because we cannot any longer take local government insignificantly. It is now playing an important role, especially as our citizens are becoming more and more aware of their needs, responsibilities and rights and rightly so. They must become an integral part of governance. This is why some of these issues about boundaries, number of electors and divisions are becoming important issues.

We would like that opportunity—we cannot force them, but we can only place it on record. I want to suggest and recommend to the other side that they need to clean up their act. If that is the case, deal with all that was said on Sunday morning by their good friend, Mr. Abu Bakr, because it is creating a perception and it is going to create some danger for the next local government election. I just want to put on record that I have stated that.

As I said with some passion, I want to be able to say at the end of the day that I live in a country that is free and fair when it comes to elections.

I thank you, Madam President. [*Desk thumping*]

The Minister of Local Government (Hon. Jarrette Narine): Madam President, I think that my colleagues on both sides understand what this Bill is really about: it is to validate the Fourth Report of the Elections and Boundaries Commission in order to hold local government election.

Some speakers are probably afraid of local government election because the UNC never won a local government election. On the last occasion, you would remember what happened in Siparia, we had a tie: four each. The UNC paid someone who was supposed to be fair to each person and they stole the election at

the corporation level. I am certain that would not happen again because even between 1986—91 the government of the time controlled the majority of areas in local government. Before that, the government controlled. The government of 1991—95 controlled local government because people in this country understand that in order to get the amenities and services, they need government and it happens like that. In the Senator's time it did not change, he lost the local government election. They understood at that time when you want good governance you look for the People's National Movement. [*Desk thumping*]

Madam President, I would respond to some of the matters that were raised here. The Senator gave way and rightly so; we cannot speak about local government and not touch on some of the issues that affect local government. I hope my colleague, Sen. Mark saw the Morning Edition programme on Sunday morning with the Mayor of Chaguanas. He would not have had to come here—probably he did not see it—after being a Cabinet Minister and give wrong information. I really should have had very little to say on this debate, but I feel I should respond. I do not know why the UNC is fearful of local government election because certainly we are going to win more areas than we had before. I have no doubt about that.

Sen. Baksh said approximately 50,000 voters were removed from the list. This simply meant that they were cleaning up the list after he had interfered with it. On the last election approximately 300 voters were arrested in a squatting area in Arouca where the hon. Senator, being organizer of the party, came with all his high-ranking officials and controlled the area for some time.

People of Arouca will trust anyone, but the first time you stab them in the back they are through with you. This is why I am able to survive for 20 years, after seven elections. I just waited my turn and I got all those the Senator was resting in the squatting area who had to vote in Tunapuna to come and vote in Arouca. We got 14,000 votes so it did not make a difference. When the Senator speaks about elections, the EBC, who should voter-pad and all that, I have no problem. Once the Senator sits on that side he will always have a problem.

Sen. Seepersad-Bachan in her contribution—probably a greenhorn in the politics—I have been in PNM since 1963 and I cannot remember seeing this face in the PNM. I am certain she did us justice by leaving the PNM and going on that side. [*Desk thumping*]

Sen. Mark raised some fundamental points on local government. We are talking about funding in local government. Obviously, he did not follow the

career of the “Sheriff” at that time, or should I remind him? I am certain when I am finished this afternoon he will be on the edge of his seat like the last occasion when I came here.

Madam President, all of us who have been in politics and worked in government before understand how funding, through the budget, is given to the various ministries between the heads and subheads. Normally, what is happening in local government—because of Act No. 21, of 1990, the economy is in the corporations’ hands. Last Friday was the deadline for the corporations to submit their draft estimates for the 2003/2004 budget, which was signed by the CEO, mayors and chairmen and the technical staff. From there, the Ministry of Finance will call in the various corporations and everybody must share in the pie. The budgetary allocations, when we debate the budget, funding will be given to the corporations. I am not and was never interested in recurrent. There are 10,000 permanent workers in local government. We signed the permanent cadre last year, which was not signed for five years. There were persons in that ministry doing nothing and now the Senator is accusing us of strangling local government. I will show the Senator why he is wrong.

Since I was councillor in 1983 I was interested in development funds. Recurrent funds are to take care of the day-to-day needs. The 2001/02 budget was a UNC budget. Do you know what was the total amount given for development—\$6.522 million for 14 corporations! It was broken down in certain areas but I would not want to go through all that. The area Port of Spain got \$279,000; Arima Borough, \$466,000; San Fernando got none. San Fernando got no development funds under the watch of the UNC but the Senator is talking about equity. Point Fortin Borough Corporation got \$646,600, PNM; Chaguanas, \$767,000; Diego Martin Regional Corporation, \$616,000; Tunapuna/Piarco got zero; Sangre Grande Regional Corporation, \$667,000; Mayaro/Rio Claro Regional Corporation, \$519,000; Siparia Regional Corporation, \$423,000; Debe/Penal Regional Corporation, \$943,000, almost \$1 million out of the \$6 million and Princes Town Regional Corporation, \$535,000.

3.30 p.m.

The Budget which was read last year—a PNM budget—the sum of \$28.775 million was placed for development under the Ministry of Local Government, but one hears a lot of lies on the television and on the press—untruths, sorry, Madam President—saying that the Minister of Local Government is squeezing the funding. The funding goes directly to the corporations, and all the corporations have to do is to apply for the funds. What has happened—and as I said on the

Sunday programme—the \$28 million that was given this year, I would like to tell Senators how that money was distributed.

Port-of-Spain City Corporation, \$1.9 million; Point Fortin Borough Corporation, \$1.5 million; Chaguanas Borough Corporation, \$2.390 million. The Chaguanas Borough Corporation is not controlled by the PNM, but I could tell you that at some time it would be controlled by the PNM. I could tell you that. Diego Martin Regional Corporation, \$1.4 million. I just want to make the point that I have encouraged most of these corporations—and since there are no councils—to send and ask for their releases very early, and Chaguanas Borough Corporation has collected \$2.9 million, and that is a fact.

I would like to go on now and talk about the Road Improvement Fund—since my colleague had spoken about funding—under the watch of the UNC. One would realize that they are the ones who were trying to shut down local government by making one single ministry, the Ministry of Works and Infrastructure, and there was no Ministry of Local Government. It is because of the PNM that we now have a Ministry of Local Government, and I could tell Senators that the workers got lost in that Ministry. The workers are now happy and they are working.

The Road Improvement Fund (RIF) is a 5 per cent taxation that is collected on gas pumps, and \$25 million out of this fund goes to local government and \$25 million goes to the Ministry of Works. In 1998, the Arima Borough Corporation got zero; Chaguanas Borough Corporation got \$420,000; Couva/Tabaquite/Talparo Regional Corporation got \$6,560,000. So, when Sen. Mark spoke about roads deteriorating, the roads are deteriorating now because of their “road-friendly exercise” to pave on dirt. We are now taking this funding and doing drainage before we pave. Sonnylal Road, which is in the Couva/Tabaquite/Talparo Regional Corporation, is one example of that. The funding from the RIF has been given for drainage, and when we have completed the foundation of the roadway we would pave.

We are a well-structured Government, and the PNM has a track record in Government, and the PNM knows how to handle these matters unlike them. [*Desk thumping*] In 1998, the Diego Martin Regional Corporation got zero; Mayaro/Rio Claro Regional Corporation got zero; Debe/Penal Regional Corporation got \$2.3 million; Princes Town Regional Corporation got \$1.7 million; Point Fortin Borough Corporation got zero; Port-of-Spain City Corporation got zero; San Fernando City Corporation got zero; San Juan/Laventille Regional Corporation got \$607,000; and it goes on and on for each year. The Diego Martin Regional Corporation got no funding for six years under the RIF. The Arima Borough

Corporation got zero; San Fernando City Corporation, got zero, but you had Couva/Tabaquite/Talparo receiving \$6.056 million. In 1998/1999, \$9.843 million; 1999/2000, \$17.176 million; and in 2000/2001, \$8.249 million. These are the records from the Ministry, Madam President.

Madam President, last year the funds were equitably distributed. We got \$25 million, and most of the corporations received approximately \$1.5 million. Only last week we got our first tranche of \$13.134 million. I would just read the summary so that one could understand the difference between the PNM and the UNC, which is a vast difference in governance in local government.

Sen. Smith: Madam President, I remember recently you ruled that there should be no repetition in this Senate. The hon. Minister is reading the identical speech that he read the last time he was here.

Madam President: I gave the opportunity to other Senators to open the debate, and I think the Minister has the right now to respond to some of the issues that were raised, so hon. Minister, please continue. [*Desk thumping*]

Hon. J. Narine: Madam President, if the matter is funding then there must be some repetition. I am not reading; I am debating. I am not like the Senator to give a reporter some money to put his picture in the newspaper. I am a politician of good standing.

Madam President: Hon. Minister, please do not impute improper motives. Would you please stick to your debate and respond to the issues?

Hon. J. Narine: Madam President, I was speaking about funding which was sent to the corporations last week.

Sen. Smith: Madam President, I would like the hon. Minister to withdraw that statement. I never paid anyone to put my picture in the newspapers. I am in the newspapers long before the Minister. The Minister is a “Johnny come lately”.

Madam President: I have already cautioned the Minister about imputing improper motives to anyone. A name was not called so, hon. Minister, continue. [*Desk thumping*]

Hon. J. Narine: Madam President, what I was indicating here is what happened just last week. We received the first tranche from the Road Improvement Fund in the sum of \$13.134 million, and it was distributed as follows: Diego Martin Regional Corporation, \$1.156 million; Siparia Regional Corporation, \$1.67 million; Debe/Penal Regional Corporation, \$900,000;

Couva/Tabaquite/Talparo, \$929,000; Point Fortin Borough Corporation, \$1 million; Sangre Grande Regional Corporation, \$1.010 million; San Juan/Laventille Regional Corporation, \$952,000; Arima Borough Corporation, \$931,000; Port of Spain City Corporation \$1,048,000; Chaguanas Regional Corporation, \$598,000; Mayaro/Rio Claro Regional Corporation, \$1 million; Princes Town Regional Corporation, \$740,000; Tunapuna/Piarco Regional Corporation \$827,000; and the San Fernando City Corporation, \$1.056 million. This is equitable treatment; this is what governance is about; this is what governance does to people in the rural communities, and not what went before.

This Ministry now owes \$32 million for work that was not done, and we are now struggling to pay some of this money. Do you understand? The last government went and spent money from the Unemployment Relief Programme, and did not pay \$32 million, and they have no shame to come here today and talk about funding.

The next matter that the Senator spoke about was WASA and local government. I think that Sen. Mark must have been in government long enough to know that WASA is responsible for the distribution of water where there are lines, and where there are no lines then local government is responsible for distributing water, and I will give the figures. The corporations gave out contracts—not local government—and they were given equitable treatment. We applied for funding in a supplemental way, and we also gave that funding to the various corporations—I am reading here from a report dated April 14, 2003—and we are speaking here about the original amount given to the various regions. Chaguanas Borough Corporation—although it is a small borough—got \$100,000 in the first instance, and under supplemental, \$100,000. The Diego Martin Regional Corporation got \$675,000, and under supplemental, \$245,000; San Juan/Laventille Regional Corporation got \$600,000, and under supplemental, \$300,000, so they got almost \$1 million. Tunapuna/Piarco Regional Corporation got \$800,000 and \$200,000 under supplemental; the Sangre Grande Regional Corporation got \$800,000 and \$300,000 under supplemental; and Couva/Tabaquite/Talparo Regional Corporation got \$700,000 and \$310,000 under supplemental.

Madam President, in some areas like the Couva/Tabaquite/Talparo Regional Corporation, you would see an increase there, but not in some of the other corporations. For example, you would not find increases in the Port-of-Spain City Corporation, Arima Borough Corporation and so forth, because there is pipe-borne water in those areas. Madam President, by the way, the last government had said “Water for all by 2000”, which meant that the whole of Trinidad and Tobago

should have had water. Madam President, after the big spending on the Desalination Plant, do you know what happened? They increased the water supply and they could have built a new dam at Piarco to increase the water supply by 10 per cent. The nation must know this, and we must keep repeating ourselves.

The Mayaro/Rio Claro Regional Corporation got an additional \$1million for water under supplemental. If the corporation had handled the funding properly—and they had started distributing water to their friends and families in tanks, then, obviously, they did not have water to give the people, and the people went and blocked the road and lit fires. This is a fact! The corporations are doing that; the corporations sell the water.

Madam President: Hon. Minister, please be careful because nobody is here to defend himself, so just continue on the straight and narrow path please.

Hon. J. Narine: Madam President, I am not going to impute improper motives to anyone. It is a habit for people in the corporation to sell the water. That is a fact!

Sen. Smith: Madam President, the Minister is challenging your ruling.

Hon. J. Narine: No. I am telling you about a report that I have here. Are you Madam President? [*Laughter*] [*Interruption*]

Madam President: Hon. Minister, do you have a report on that matter?

Hon. J. Narine: Yes.

Madam President: Just continue how you are going but just be careful.

Hon. J. Narine: Madam President, in 1991 I became a Member of Parliament, and if I speak Hindi in Parliament, I would explain it in English as happened recently. Anytime I speak in Parliament I always have some paper in my hand. This is a report, which came from the officers of the Ministry.

The next matter that Sen. Mark raised was equipment, and I have raised this matter on many occasions. I have a whole batch of correspondence where the Mayor of Chaguanas bought a gun, and the Senator is talking about funding. If the Mayor of Chaguanas could take taxpayers' money and buy a gun, which is illegal to do, how can we have funding to do other things in local government? I would tell you what the corporation paid for the gun and what are the going prices right now.

This is the cheque that paid for the gun; this is the invoice for the gun which was ordered, and what is strange about this—I would probably make copies and leave it for the Senator, because he feels that people come here and impute

improper motives; this is an improper motive by the Mayor. This is a fact! The same day that the Mayor got training, he got the gun. An invoice was sent and a cheque was made out for it the following day, and one month after, the former Minister of Local Government approved the invoice, it is here. This is why some people are still walking around free and some people cannot.

Hon. Senator: What are you doing about that?

Hon. J. Narine: I have instructed my Municipal Police—because it is the corporation's property—that the Mayor could wear it in his office and on his ankle, but he must not go away with it, but he has been doing that. *[Interruption]* Madam President, since we are on this matter, the training institute that the corporation bought this gun from, at the time, the unit price for a Smith and Wesson 910 mm pistol was \$3,800, and that was the quotation. The gun that was actually bought was a Smith and Wesson .385P special revolver lightweight. The corporation paid \$7,500, and the quotation which I got two years after, was \$7,000, which was supposed to be the price of the gun. The corporation bought 25 rounds of .38 SP ammunition at \$2.50 each, which cost \$500. Madam President, do you know what was the quotation two years after? The quotation was \$62.50. The corporation also bought a .38 SP cleaning kit. A cleaning kit, which is now \$150, was bought for \$250, but hear the next part. The 1.385 9mm ankle holder for \$800 now costs \$250; it is here. So that is why when Sen. Mark—and where is he? Probably, on the last occasion, he learnt his lesson so that he would not sit there and listen. I have seen the Senator lectured to in this Parliament by the PNM on many occasions and he will never learn. Do you understand!

The Senator also spoke about vehicles. Madam President, there are certain regulations that govern vehicles in the Government. I am not supposed to use the Ministry's vehicle for my private business. I am paid a travelling allowance for my vehicle. I am not supposed to do it, and I am not doing it unless there is an official function, and I need the vehicle—I probably used the vehicle once within the last two years to go to Point Fortin, because my vehicle was not working. You do not use government vehicles like that. They are supposed to be parked in the compound or at a police station and the keys lodged safely. There are people driving around in government vehicles for the last three to four years without the insignia on them. They have refused to paint on the corporation signs, because the vehicles are parked under their homes.

Madam President, the point is that those regulations must be followed. I am not going to be responsible for a Ministry where people take government vehicles to go to the market and drop off their children to school. The only thing that they

are not doing with the vehicle is working it PH. [*Laughter*] They do not even understand what is an official function. If they have to go to a party group meeting they are using the vehicle.

I went to an interview at the Express House with my vehicle, and the Mayor came with a vehicle from the corporation and two policemen, and asked me: “Hello, so how you come alone?” and I said, “I am living here, I am in Trinidad, so what are you telling me about.” [*Laughter*] I do not need to have policemen to walk with me. [*Desk thumping*] So that vehicle that the Senator was speaking about, the Chairman has been using that vehicle for his private purpose.

Hon. Senator: It has to stop.

Hon. J. Narine: It has to stop because that is why the Senator talked about it. I will always stop those things, because I worked in government for 28 years, and I know those regulations before even going into politics.

With respect to street lighting, apparently like the Senator stays in one place—Real Springs—and he is not going anywhere else. Madam President, between last year and this year, the Ministry of Local Government and the Ministry of Public Utilities have increased streets lights to over 100 per cent. [*Desk thumping*] There are many areas—even private areas—that have street lights now and did not have street lights for 15 and 20 years—Realsprings has street lights?

Sen. Smith: Call the names.

Hon. J. Narine: They are Casselton, Cane Farm, Cazabon and Paradise. Do you want me to continue calling names? [*Interruption*] Madam President, some people do not want street lights because of their activities, but we are going to put street lights all over the country. [*Desk thumping*]

Sen. Wade Mark spoke about the coordination of WASA, T&TEC and other agencies. Madam President, with respect to the Municipal Corporations Act, No. 21 of 1990, I have not met one person in the UNC who knows that Act or understands it. I would have to train them after the election. They do not know the Standing Orders and Act No. 21 of 1990. In that Act there is a coordinating committee that brings all these people together: WASA, T&TEC, TSTT and other agencies, and when they are given funding they are supposed to know that WASA is going to dig a particular road to put down mains, and the right thing to do is to find out.

If I have a list of roads, which I have sent to them, and there are five or six roads to be paved, that is not much. Some of these roads cost \$.5 million to be

paved. What is wrong with calling WASA and telling them that the corporation is going to pave Mission Road in San Juan? Do you have any plans during this year or next year to put down mains there? It is easy to do that, but it is easier to go and pave the road, get the kickback and dig the road after, but that is not going to happen under our watch, Madam President. [*Desk thumping*] It is not happening.

Madam President, in winding up, I must say that I am happy to be in the Upper House today, and to have the support of the other side on this Validation Bill, but normally when I come here, I know this is a dignified Senate, but one must respond to some of the things that were said. So, I am happy that I had the opportunity to respond.

Sen. Prof. Deosaran: Madam President, I wanted to take the opportunity to enquire from the Minister, if he would want to give consideration to the existing situation, with regard to the law fixing those electoral districts, and then having to shift the boundaries to accommodate what the law says in five of your regions. What I wanted to enquire—if you could so answer now—is whether you want to consider changing the law instead, so as to allow a more expeditious way of handling, what seems to me, a perennial problem?

Hon. J. Narine: Madam President, that is for the Elections and Boundaries Commission, which has its own autonomy and so forth. I do not think that we should interfere with that. If it is that we need to interfere with the laws then we need to go for constitutional changes, at that point in time, because I am certain that would need a two-thirds majority. Now, the Elections and Boundaries Commission, over the years, had empty parcels of land. For instance, at one point in time, the population reached Curepe, and there was land available but not numbers, but since the housing boom started years ago, one would find that in the Tunapuna/Piarco Regional Corporation, the Elections and Boundaries Commission was quite right to put in an additional seat, because it was becoming difficult for the councillors to operate.

When I became a councillor in 1983, the electoral districts of D'Abadie, Bon Air and La Horquetta, which were two electoral districts—and were divided up after a three-year period—had 4,000 votes, and when Maloney, La Horquetta and so on came on stream there were 10,000 votes in the same electoral district, and I am talking about four years after and that was in 1987. So the Elections and Boundaries Commission really has the proper authority, the funding, and the planning to look at which part of the country the population is increasing. At one time, Laventille used to boast about having the largest population in Trinidad. I could tell you—thanks to my brother, Sen. Baksh—Tunapuna/Piarco Regional

Corporation now has the largest population in Trinidad. It bypassed San Juan/Laventille Regional Corporation and everyone else over a short period of time. We are talking about a three- or four-year period. Do you understand!

So that in answering the Senator, I know that there are other things that we need to put into place to get that done, but we need to look at some consultation with the Elections and Boundaries Commission before we could look at these areas and have them changed. There are people who are now changing their names to different religious names, and they are ending up with two identification cards. I have that information because we now have a computerized system in the Unemployment Relief Programme, and that system is taking up these matters, and it never happened before. If your name is down twice to collect salaries in URP—like we had during 1991—1995, but that system was dismantled in 1996 because they wanted to corrupt the system.

We have now put in place a computerized system that is picking up on every pay-day whether one has two or three pays to collect, and if two persons have the same identification card numbers and so on. [*Interruption*] You had more than that. You cannot stop these things, but the point is that we are aware of them and we have facts about these things, because all the papers were left. I have a team of people going through these papers. There are people who were given \$1 million for 14 contracts to reach under \$100,000.

Madam President, I have contracts here that were signed by a Member of Parliament who gave out work during the period 1996—2000. A Member of the Lower House signed and gave out contracts to people to build bridges and so forth.

Madam President, thank you very much. 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 Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Preamble 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.

KIDNAPPING BILL

[Second Day]

Order read for resuming adjourned debate on question [April 15, 2003]:

That the Bill be now read a second time.

Question again proposed.

The Attorney General (Sen. The Hon. Glenda Morean): Just before the hon. Senator makes his contribution, I just want to mention that amendments were circulated for the convenience of Senators—that is Minister’s amendments—so that while it is true, we have to deal with them at the Committee Stage, it could be borne in mind during the debate.

Sen. Garvin Nicholas: Thank you, Madam President. In understanding the Bill before us, we must first look at why this Bill was brought to this honourable Senate. On December 24, 2001, the PNM was selected as the Government of Trinidad and Tobago, and has remained the Government of Trinidad and Tobago to this date, and to the date that this Bill was introduced to this Senate.

Madam President, since December 24, 2001, this country has witnessed an unprecedented rise in crime at all levels; whether it is robberies, rapes, burglaries, kidnappings or murders, and even the carnage on the roads is as a result of the total abuse of the rules and regulations that cover the driving on our highways and byways which have been totally ignored. We have witnessed almost chaos in our society at all levels, and this is apparent from the news on our televisions, radios and newspapers. Every day when one picks up a newspaper one could see evidence of what I speak of. Madam President, kidnapping has become a new phenomenon in Trinidad and Tobago, in terms of its rate, and the way in which it is practised. It has become a virtual business in Trinidad and Tobago and we ask: Why is this?

If we go back to the early days of this PNM regime and we listen, for instance, to the utterances of the Leader of the PNM, the hon. Prime Minister, when kidnappings were now becoming a real problem in Trinidad and Tobago, the Prime Minister’s utterances suggested that kidnappers did not exist, and that people who were being kidnapped were actually kidnapping themselves. He insisted that there was no problem and, therefore, he ignored what was actually becoming a huge problem in Trinidad and Tobago. He played politics with the problem—a real problem—that affected many people in our society. Since that fateful day, December 24, 2001, many business people have

taken their money and left Trinidad and Tobago in fear of being victims of kidnapping.

Madam President, there was a situation where the Minister of National Security sought to address the problem by introducing many programmes. There was Anaconda, then Anaconda II, and he even brought down a so-called consultant, an expert in kidnapping, who turned out to be no more than an insurance salesman for businessmen seeking kidnapping insurance. Madam President, this is why we are here today. The Government of Trinidad and Tobago—that is the PNM Government that sits on that side today—has failed the people of Trinidad and Tobago miserably. All the programmes that they have introduced; all the old talk that they have spoken and fallen from their lips have been in vain, and they have not solved the kidnapping crisis that now exists in Trinidad and Tobago.

People are going about the place with bodyguards; people are being forced to purchase guns. The hon. Minister even indicated that the prices of guns have fallen—so much so is the demand, and the trade is going on in Trinidad and Tobago at the moment. Trinidad and Tobago has become a very dangerous place to live in. But what did the population say about this Kidnapping Bill? The population is saying that the Opposition is reckless in its lack of support for this Bill, and they are saying so because of the misleading information that is being given to them by the Government, the information that suggests that this piece of legislation could somehow solve all the problems with respect to kidnapping. Anaconda has failed; Anaconda II has failed.

The Attorney General, who is the second most senior Member of the Government, has walked against crime in Trinidad and Tobago. Imagine that! So much is the frustration of the Members of the Government that they have to walk against crime in Trinidad and Tobago. If it is that the Attorney General is walking against crime, what is left for ordinary citizens who elected this Government to address this problem to do? Walk! Is that the solution, or is it this piece of worthless legislation? Madam President, the answer is, neither this piece of legislation nor walking, will solve the kidnapping problem.

In order to address the realities of kidnapping in our society, we must look at what our leaders are doing. Our leaders—well their leader anyway—are meeting with so-called community leaders all over Trinidad and Tobago, under the guise of some sort of credible institution, or credible meetings. These so-called community leaders are turning out to be no more than common bandits, gangsters

Kidnapping Bill
[SEN. NICHOLAS]

Tuesday, May 06, 2003

and kidnappers themselves. Now, this is public information. Instead of the hon. Chairman of the National Security Council standing up and saying, “I will have no more to do with you gangsters, you kidnappers and you bandits”, he says, “Come, I will meet with you; I embrace you; come to me; I am your father.” Madam President, that surely cannot be the way to seriously address the concern of kidnapping that is affecting our population of 1.3 million people.

Let us look at the actual legislation. Clause 3(1) defines what is kidnapping and it says:

“A person who, whether for ransom, reward, service or for any similar purpose unlawfully leads, takes, decoys, inveigles or entices away, abducts, seizes, carries off or detains any person without his consent or with his consent obtained by fraud or duress and without lawful excuse, to the intent that such person (hereinafter in this Act referred to as the ‘kidnapped person’) is held, confined, restricted or imprisoned or prevented from returning to his normal place of abode or sent or taken out of Trinidad and Tobago, commits an offence...”

Madam President, do you know what is the common law definition for a kidnapper? The common law definition for a kidnapper is simply taking or carrying away of one person by another by force or by fraud without the consent of that person, and without lawful excuse. Why is it that we require this cumbersome definition in this legislation, when the common law definition covers all of it?

Clause 3(2) says:

“A person under the age of eighteen years is deemed incapable of consenting to being led, taken, decoyed, inveigled or enticed away, abducted, seized, carried off, detained, held, confined, restrained or imprisoned.”

Now, this legislation is saying that unless one is over the age of 18 one cannot consent to being taken away, to being led and to being carried off. Madam President, may I remind this honourable Senate—what is the age for obtaining a driver’s permit? As far as I could remember it is age 16 or 17 at most, but it is under the age of 18. So that one could obtain a driver’s permit in Trinidad and Tobago, but cannot consent to or be carried off. Nonsense! At age 16 one could get married, but one cannot consent to be led away. Nonsense!

Madam President, one of the matters that came up when this piece of legislation was introduced was the fact that it prevented persons who were accused of kidnapping from obtaining bail. This has since been taken out of the

legislation, but it was one of the fundamental reasons that this side objected to the legislation, and it is important that the population understands why.

Madam President, in Trinidad and Tobago, even as we speak, there are some 15 persons who are being held under the common law offence of kidnapping without bail today. Why? Because a judge has the discretion whether to grant bail or not based on the circumstances, and the evidence that is associated with the particular accused. If it is that a judge no longer has this discretion, it would mean that anyone in this Senate could be accused of kidnapping; could be picked up; and would have to spend the time, and it would take that person some time to show his innocence before he could be released. Madam President, that is an infringement of one's right to freedom of the worst kind.

Madam President, any society that gives a parliament or a government the ability to make laws on its behalf does so in order that that society would be a better society, so that the people within that society would enjoy a high standard of living. They trade off certain rights and privileges, and as a legislative body charged with such a responsibility to take away freedoms and privileges so that society could become a better place, that body must do so very responsibly; with great thought and deliberation; and not haphazardly.

The introduction of this Bill with the clause that bail would not be granted to anyone who is accused of kidnapping, I suggest was not a well-thought-out idea, and that is why the UNC decided that it could not support this Bill. It could not support the Bill because the Bill was not in the best interest of the population of Trinidad and Tobago.

Madam President, we have spoken about alternatives to this Bill. We have spoken in terms of the context in which we should address the whole idea of kidnapping, and we have introduced ideas such as: community policing; the monitoring of our highways, byways and cities, so that we would be able to respond more quickly to any situation where someone is deemed to have been kidnapped. Having the community police present would act as a deterrent to kidnapers. Now, this has been shown to work in other countries where they operate similar systems and laws to those in Trinidad and Tobago. The Government should put these policies in place and we would say, "Yes, we support these policies." We cannot have a real problem such as kidnapping, an out-of-control crime in Trinidad and Tobago, and expect to support willy-nilly legislation that does not go to the root of the problem, and this is why, we on this side decided that we could not possibly support the Bill as introduced that was deemed to prevent kidnapping in Trinidad and Tobago.

Kidnapping Bill
[SEN. NICHOLAS]

Tuesday, May 06, 2003

Madam President, we said the Bill was ill-conceived; it was clumsily drafted; it took away rights from the citizens that were unnecessary; the common law offence that exists takes kidnapping well into its boundaries; there are sufficient penalties for convicted kidnappers; we have judges who are in a position to deal with the question of bail or no bail, and sentencing could range depending on the nature of the kidnapping.

The common law offence allows for what is in normal parlance “petty kidnapping” to serious kidnapping, and the sentencing reflects that. This Bill takes away any kind of discretion. It is no more than another public relations gimmick of this Government.

Madam President: Sen. Nicholas, how much longer do you think you would speak? Are you going to go on for a little period of time yet?

Sen. G. Nicholas: Madam President, we could adjourn for the tea break and I should be just a little while after.

Sen. Morean: Madam President, before we take the tea break, on a point of clarification, I just want to find out something from what the hon. Senator just said. Is the Senator saying that if the clause dealing with bail is removed that the Opposition will be supporting the Bill? Is that what the Senator is saying?

Sen. G. Nicholas: Madam President, I have actually stated in my submission that the clause has already been removed, so that was just one issue. There are a number of other clumsily-drafted clauses.

Madam President: Sen. Nicholas, when we return from the tea break you will answer the Attorney General’s question. Hon. Senators, we will now take the tea break and we will come back at 5 o’clock.

4.31 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Sen. G. Nicholas: Madam President, I wish to just clarify one issue and that is the issue of bail. You see, the Bill that is before us today is a completely different Bill from the one that was introduced initially, and we, on this side, have been blamed by those on that side for having watered down the Bill, and as such, it has been said by those on that side that the Bill is of little effect, now that it has been watered down. If the Bill is of no effect because it has been watered down, then I humbly suggest that the Bill be withdrawn, and they look at something that will actually work. As far as the issue of bail is concerned, maybe some further

clarification is needed, especially to the population and those who might have been directly or indirectly affected by kidnapping. *[Interruption]*

Sen. Morean: On a point of order, Madam President. I think the hon. Senator should speak to the Bill that is before this honourable Senate, because what the hon. Senator is doing is referring to something that is not before us. If he is making a suggestion for something to be reintroduced it is different, but if he is speaking to the Bill that is before this honourable Senate then that is what we want to deal with.

Madam President: Okay, hon. Senator, you were doing very well before tea, please try to continue along that way and stick to the Bill. Thank you.

Sen. G. Nicholas: Very well, Madam President, I am so guided. The Bill, as it appears before us now, cannot be looked at in isolation because the Bill has been amended for a reason. Questions have actually been raised by the hon. Attorney General, with specific regard to the bail issue and as such, I think that I need to clarify my answer to the question posed by the hon. Attorney General just before tea. I think it would be very remiss of me if I just ignored it and pursued my course without taking consideration of the hon. Attorney General's opinions and questions.

As I said, those who have been affected by the crime of kidnapping, directly or indirectly, would feel that our position is an affront to the sufferings that they might have incurred as a result of the kidnapping. They would certainly want to ensure that the perpetrators of the crime of kidnapping are locked behind bars, so that they would not be able to continue, or for there to be a recurrence of kidnapping by those particular persons. We say simply: A judge in his wisdom is usually able to decide whether or not a person is deserving of bail.

It pertains now that 15 of the kidnapped accused are being held without bail because the judge exercises such discretion. There would, however, be issues and times when persons would be held and accused of crimes which they have not committed. Therefore, it would be wrong for those persons to be held without bail, until such time as that can be determined by the courts, whether it is two or three years later. *[Interruption]*

Sen. Morean: Again, I am sorry, Madam President. I do not want to break the hon. Senator's trend of thought but, nevertheless, I feel constrained to interrupt again, because of the very fact that the Senator is continuing along the question of dealing, arguing and debating the question of bail. Is the Senator asking that we put back the bail? If that is not so, then he is not debating the Bill that is before this honourable Senate.

Madam President: Senator, I think what the Attorney General is trying to get across, if I am correct, is that right now it is not part of the Bill, it has been removed. Unless you are saying that, as a party, you are going to put that back in, then you would need to stay away from it. Okay?

Sen. G. Nicholas: Thank you very much, Madam President. I will desist from the issue of bail, but as I pointed out earlier, the only reason I went down that road was because of the question posed by the hon. Attorney General. And if the hon. Attorney General does not want to speak to the issue of bail anymore, I would expect that that be the common thread that runs through this honourable Senate for the rest of this debate.

Madam President: If I am correct, Senator, the question that was asked by the Attorney General was: Is your party considering supporting the Bill if that was put back into the Bill? Is that correct, Madam Attorney General?

Sen. Morean: Madam President, that was not the question, but his subsequent trend now is moving towards that. At first he said that they were not supporting the Bill because of this bail provision. And I then said, "Well, if that is not there are you supporting the Bill?" But now he has sort of gone around in a different way.

Madam President: Okay, I see what you mean.

Sen. G. Nicholas: Madam President, let me put the whole debate into perspective. My position on this particular Bill is this: We are here debating this Bill because the Government has failed miserably in its attempt to deal with kidnapping. In fact, the Government has shown itself to be very much at home and very cosy with those believed in the society to be associated, in some way or another, with the crime of kidnapping.

Madam President: I will caution you, Senator, to be very careful when you make those kinds of accusations, not just of the Government but of the people out there.

Sen. G. Nicholas: Okay, Madam President. I further went on to say that the Bill that stands here now does not, and is not likely to impact on the curbing of kidnapping in Trinidad and Tobago. The Bill just does not do anything for kidnapping in Trinidad and Tobago.

I go on further to suggest that if the Government is serious about the crime of kidnapping in Trinidad and Tobago, it would move to put in place serious systems and solutions that can really address the crime of kidnapping. And what do I mean

by that? By serious systems I mean cleaning up the police force. It is well known that there are very good police officers in the police service and there are not so good police officers in the police service. Recent occurrences have shown that police officers can be or may be intertwined in this whole crime of kidnapping. There are police officers before the courts at the moment with regard to the crime of kidnapping.

One of the things that have to be done is that the police service needs to be addressed and it has to be cleaned up. Secondly, we have to put systems in place that would allow us to catch the kidnappers, because at the moment we have a common law offence for kidnapping where, if we catch the kidnappers they can be taken to court and be faced with the appropriate punishment, but we are not catching the kidnappers. Therefore, systems must be put in place that would allow us to catch the kidnappers. What are we doing now? Nothing. A lot of the hype and public relation gimmicks that have been introduced over the last year and a half, has not actually yielded the results that the population now demands, and therefore, what this Government is doing, with regard to catching kidnappers is not working. The Government has failed us, and because the Government has failed us it has now introduced legislation and publicized it as the great solution to kidnapping. That is not going to do it; let us be serious, Madam President.

Our highways continue to be unmanned; our cities continue to be unmanned; our communities continue to be unmanned, and as such things happen in our cities, communities and our highways that contribute to the crime of kidnapping. That has to be curbed. So we are looking at two things so far: addressing the police service and putting in the necessary systems so that we can track and catch the kidnappers. Should the Government bring legislation or require any support to have those things done that can yield real, solid, positive results they would have my support. But I can assure you, Madam President, that what the Government is trying to do—[*Interruption*]

Sen. Prof. Deosaran: Madam President, I am very sorry to interrupt, but I think I have heard this point made by the distinguished Senator and other Senators on his side, which has led me, at one point, to believe that it is likely that they would bring certain amendments to fulfill the position he is now taking. So with great respect I want to ask, in the interest of all concerned, whether he would be prepared to make some amendments to the Bill to suit the position with respect to the two conditions, such as manning the communities and so on, so that there would be all round support. [*Desk thumping*]

Sen. G. Nicholas: With all due respect to the hon. Senator, I do not believe that introducing amendments to deal with community policing or policing of our highways and cleaning up of the police force in a Kidnapping Bill, would be the most suitable or the easiest thing to do, and it would be rather clumsy. So, having amendments to this Bill to achieve our objectives does not seem possible at this time. What we are saying, however, is that this Bill, addressing the issue of preventing kidnapping just does not work, and as such, I cannot support this Bill in its present form because it does not go anywhere towards achieving our desired goals and that of the population.

I thank you.

ADJOURNMENT

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, as you realize or are aware, today the hon. Speaker will host the Members of the Commonwealth Parliamentary Association who are visiting Trinidad and Tobago and a number of our Members have indicated that they would like to attend the function. Therefore, in order to facilitate them in terms of time, I move that this Senate do now adjourn to Tuesday, May 13, 2003 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.19 p.m.