

**THE**  
**PARLIAMENTARY DEBATES**  
**OFFICIAL REPORT**

IN THE FIRST SESSION OF THE TENTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND  
TOBAGO WHICH OPENED ON JUNE 18, 2010

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SESSION 2010—2011

VOLUME 1

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**SENATE**

*Tuesday, October 05, 2010*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Anand Ramlogan who is out of the country and to Sen. Ted Roopnarine who is ill.

**SENATORS' APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following correspondence from His Excellency, the Acting President, Timothy Hamel-Smith:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency TIMOTHY HAMEL-SMITH,  
Acting President and Commander-in-Chief  
of the Republic of Trinidad and Tobago.

/s/Timothy Hamel-Smith  
Acting President

TO: MR. SHANE MOHAMMED

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

NOW, THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting 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, SHANE

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MOHAMMED, to be temporarily a member of the Senate, with effect from 5<sup>th</sup> October, 2010 and continuing during the absence from Trinidad and Tobago of the said Senator Anand Ramlogan.

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 30<sup>th</sup> day of September, 2010."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G Richards  
President.

TO: MR. TERRENCE DEYALSINGH

WHEREAS Senator Ted Roopnarine 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, TERRENCE DEYALSINGH, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Ted Roopnarine.

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 4<sup>th</sup> day of October, 2010."

**OATH OF ALLEGIANCE**

*Senators Shane Mohammed and Terrence Deyalsingh took and subscribed the Oath of Allegiance as required by law.*

*Welcome*

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**WELCOME**

**The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Thank you very much, Mr. President. I welcome you back to this Senate. We knew you had a good time and we knew you performed your duties exceptionally. In your absence, Sir, your Vice-President did a wonderful job. [*Desk thumping*]

**ELECTIONS AND BOUNDARIES COMMISSION  
(LOCAL GOVERNMENT AND TOBAGO HOUSE OF ASSEMBLY) (VALIDATION  
OF THE NINTH REPORT OF THE ELECTIONS AND BOUNDARIES COMMISSION)  
(NO. 2) BILL**

*Order for second reading read.*

**The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Mr. President, I beg to move,

That a Bill to validate the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area for Tobago under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, be now read a second time.

Mr. President, this Bill is a simple Bill. It is a Bill which merely validates the report of which we are about to speak. The intent of this Bill, as I said, is to validate the late submission of the Ninth Report of the Elections and Boundaries Commission under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50 on the boundaries of the electoral districts in the electoral area of Tobago by deeming the said report to have been submitted by the Minister in accordance with section 4(2)(c) of the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act.

Whereas under section 71 of the Constitution of the Republic of Trinidad and Tobago there is established an Elections and Boundaries Commission (hereinafter referred to as “the Commission”).

And whereas provision is made under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50 as amended by Act 27 of 2008, which is the Act that permits us to bring this Bill today.

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In section 4 it states:

“...the Commission shall define and review the boundaries of the electoral districts into which an electoral area is, or is to be, divided and shall submit to the Minister reports either —

(a) showing the constituencies”—

for members of the public, the electoral districts are what we call the constituencies or the area represented by the various assemblyman, but the electoral area is the whole of Tobago, so it said the area is to be divided and shall submit to the Minister reports, either—

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

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

Mr. President, and whereas the time period set for the submission of the Commission's report is identified under subsection (2)(c) of the said section 4 which states that:

“Reports under subsection (1) shall be submitted by the Commission—

(c) in the case of a report in reference to Tobago, not less than two nor more than four years from the date of the submission...”

And whereas the Eight Report of the Commission was submitted on August 23, 2004—That was the date of the submission of the report.

And whereas the Ninth Report of the Commission was submitted to the Minister within the four-year period—just slightly outside the four-year period on December 22, 2008, that is to say more than four years from the date of submission of the commission report, what we intend to do today is to validate the report. However, I humbly seek your leave to read into the records certain sections of the Ninth Report and I start from paragraph three, page 8 of the report:

“The Commission's last Report on the electoral area of Tobago was submitted to the Honourable Minister of Local Government on August 23, 2004. However, the deadline of August 22, 2008 for the presentation of this Ninth Report could not be met because it became necessary to enact legislation to correct the lacunae in the Elections and Boundaries Commission (Local

Government) Act, Chap. 25:50”—there was a lacuna and although the report was presented to the Minister, it could not have been validated because there was a lacuna in the law and it was —“discovered by the Commission shortly before the deadline referred to in the foregoing. Such correction came in the form of Act No. 27 of 2008.”

**1.45 p.m.**

“The Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Amendment and Validation) Act, 2008, ‘An Act to amend the Elections and Boundaries Commission (Local Government) Act Chap. 25:50 to provide for the review and definition of boundaries in the electoral area of Tobago for the purposes of elections in relation to the Tobago House of Assembly and to validate certain Reports of the Elections and Boundaries Commission in respect of the electoral area of Tobago.’ That Act was assented to on December 12, 2008.”

It should be noted:

“...that because the instant report is submitted out of time it may not be presented to Parliament for consideration unless the submission out of time is first validated.”

So this submission which was handed over to the Minister on August 22, 2008, had to be validated and today the purpose of this Bill before this honourable House is to validate that report:

“A similar validation was enacted by Act No. 31 of 1996: An Act to validate the Sixth Report of the Elections and Boundaries Commission (Tobago) Act, 1996.”

There were changes which were recommended. There were no changes in the size of the constituencies or changes in the boundaries of the various constituencies. However, it says, as you said, that Tobago was divided into the 12 electoral districts. However, at paragraph 8 it says:

“However, the Commission, having observed that the community of Belle Garden straddles both the electoral districts of Belle Garden/Goodwood and Roxborough/Delaforde with the western portion falling in Belle Garden/Goodwood and the eastern portion in Roxborough/Delaforde, considers that the names of the two electoral districts should be changed to more accurately reflect that fact. The Commission, accordingly considers that the

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name Belle Garden/Goodwood should be changed to Goodwood/Belle Garden West and the name Roxborough/Delaforde be changed to Belle Garden East/Roxborough Delaforde.”

The Commission also recommended by this 2008 report that:

- “(a) there should be no change in the boundaries of the 12 electoral districts...
- (b) the names of the electoral districts now known as Belle Garden/Goodwood West...”

And those which I have just mentioned, be changed. And it says that each 12 electoral districts for the area should carry the names as shown in Appendix B and it has the delineation. This report, as I said, was dated 22nd December, 2008.

So the Bill that we have before this honourable House today is to validate this report which we have just spoken about and this Government, the People's Partnership, at the first opportunity given to the People's Partnership, we have brought this Bill to validate that report to ensure that the electoral process in Tobago goes smoothly.

The Government, having agreed that the submissions were out of time and that the Ninth Report of the Commission should be validated and considering that it is expedient to do so, we are humbly asking that hon. Members of this House agree that we validate the said report by way of this Bill.

Mr. President, I beg to move.

Thank you very much.

*Question proposed.*

**Sen. Penelope Beckles-Robinson:** Mr. President, I just want to join with my colleague, Minister Panday, in saying that we are happy to see that you have returned and that we hope you enjoyed your stint as Acting President.

I would just like to make, really, some brief comments. The presentation as made by the hon. Minister in the Ministry of National Security, I would like to say we support the validation. I have read the report from the Elections and Boundaries Commission and I would like to agree that, having read the report, the recommendations really do not refer to the changes in any boundary; they really refer to the changes of names. I think there are two districts. Therefore, we on this side have really no difficulty in supporting.

There was one previous occasion on which there was a necessity to do a validation and what we recognize from the explanatory notes, is the Elections and Boundaries Commission recognized some issues as they related to the previous reports that were not submitted. Those reports have all been validated and I understand from this particular validation that we would now be bringing up to date all the existing reports, save and except, I think, the report of the last election which would be 2009, and they would have up to 2011—at least in the first instance—to ensure that they meet the statutory—that it is not less than four years. So they would have, I guess, up to at least 2013 to make sure that that report is dealt with.

In the report itself, the Elections and Boundaries Commission I think was at pains to explain to us why it is they were not recommending changes in the boundaries and, really, I think we would all know that it is a question of mathematics. They looked at the numbers in the various villages. In the various communities and similar to local government or general elections, you look at the total population of Tobago; you divide it by the number of districts and you make sure that there is that balance in terms of math.

**Sen. Hinds:** Give or take 25 per cent.

**Sen. P. Beckles-Robinson:** Well, give or take 25 per cent. We all recognize that at times that may cause some challenges for communities. Having been a former councillor myself, and MP, you realize the difficulty sometimes, because people are on the right side, and on the left side of the road they cannot understand why it is that, you know, “I am just opposite you and you fall into another district.” Or even on occasion you have members of families that may be voting in one district and another—but once, I think, the population is educated about how that could be rectified, I do not—I mean, it is sometimes a source of concern but, clearly, if people are familiar with the legislation and understand where the Commission is located, those matters could be rectified. But very often we wait until maybe the day of election or just when it is too late.

So, in essence, it is not the type of Bill that I think—at least at this point in time so far, having regard to what my honourable colleague said, that really requires any substantial debate and therefore I would rise to say that—*[Interruption]*. At this point in time—do not worry—we have enough colleagues here who can deal with it appropriately. Insofar as what I would say the opening batsman has bowled, I have responded appropriately and I therefore support the validation.

Thank you.

**The Minister of Tobago Development (Hon. Vernella Alleyne-Toppin):** Mr. President, I thank you for the opportunity to address this honourable House. I wish to elaborate on the Bill as we see it on this side. I take the opportunity to draw to the attention of the honourable House some of the comments contained in the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago dated December 22, 2008. This report was submitted to the then Local Government Minister, the hon. Hazel Manning, and stated as follows:

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

2. Section 4 of the Act provides *inter alia* as follows:

4(1) The Commission shall define and review the boundaries of the electoral districts into which an electoral area is, or is to be, divided and shall submit to the Minister reports either—

- (a) showing the constituencies into which it recommends that an electoral area should be divided (which we know, of course) in order to give effect to the rules set out in the Second Schedule; or
- (b) stating that, in the opinion of the Commission, no alteration is required to the existing number of boundaries of electoral districts in order to give effect to the said Rules.

(2) Reports under subsection (1) shall be submitted to the Commission—

- (a) in the case of the first report after the commencement of this Act, not later than six months after the date of commencement;
- (b) in the case of any subsequent report, not less than two nor more than three years from the date of the submission of its last report; and
- (c) in the case of a report in reference to Tobago, not less than two nor more than four years from the date of submission of the last report.”

I elaborate in order to educate our listening public as well as this honourable House.



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

The report continued:

“4. The Honourable Minister should note that because the instant report is submitted out of time it may not be presented to Parliament for consideration unless its submission out of time is first validated. A similar validation was enacted by Act No. 31 of 1996: ‘An Act to validate the Sixth Report of the Elections and Boundaries Commission (Tobago) Act, 1996.

5. For the present purposes, the effect of the relevant provisions of the Act is as follows:

- (i) Tobago is divided into twelve electoral districts; and
- (ii) the Commission may in consideration of Rule 3 of the Second Schedule of the Act vary the number of electors in any electoral district ‘provided that in no case shall the number of electors in any one electoral district of an electoral area exceed or be less than the number of electors in any other electoral district of that electoral area by more than twenty-five percent”

As stated by the hon. Member there:

“Rule 3 referred to above, provides as follows:-

‘In the division of electoral districts in regional electoral areas natural boundaries such as major highways and rivers shall be used wherever possible.’

6. For the purpose of considering its recommendations, the Commission compared the electorate of 2004 with that of 2008. The relevant data are set out in the table...”

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I can quote a bit from the table: We have in Bacolet/Mount St. George—3,243; Belle Garden East/ Roxborough/Delaforde—3,349; Bethel/Mount Irvine—3,514; Black Rock/Whim/Spring Garden—3,853; Buccoo/Mount Pleasant—3,475; Canaan/Bon Accord—3,321; Lambeaux/Signal Hill—3,675; Parlatuvier/L'Anse Fourmi/Speyside—3,313; Plymouth/Golden Lane—3,370; Providence/Mason Hall/Moriah—3,661; Scarborough/Calder Hall—3,499; bringing a total of 41,899 voters.

**2.00 p.m.**

- The highest electorate in an electoral area is 3,853, and the lowest is 3,243. The maximum electorate permissible in an electoral district is 4,054 and the minimum is 2,890.
- Electorate in the 12 electoral districts of Tobago rose from 38,142 to 41,899—an increase of 3,757 or approximately 9 per cent.
- The highest electorate is 3,853 and the lowest is 3,243. The highest electorate exceeds the lowest by 18.8 per cent. The highest electorate being 3,853, the minimum electorate permissible is 4,054. An electorate in each electoral district falls within the maximum levels permitted.

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

Mr. President, we agree, but it may become necessary—and we have to understand the social situation in Tobago. The population drift has been traditionally away from the rural areas into the urban areas. This is because of lack of amenities and services and I think in the world over there is a population drift to urban areas, except in the instances where you increase opportunities in the rural areas.

We are looking towards a population redistribution which may result in the redefinition of electoral boundaries as we are going along. We are also thinking of the situation in which we have 12 electoral districts and, whenever there is an election, it is very likely that you can have a tie as obtained in Trinidad some years ago. Therefore, as we move, we move in our growth pole, we move to stimulate the economy and to empower the communities especially through land ownership.

The People's Partnership is moving—in respect of all of this and as an offshoot of all of this—to maybe an area where constitutional reform will take us into a place where Tobago will have more electoral areas, where Tobago will be

divided into more electoral areas as we will attract a larger population because of the kinds of incentives and projects that will be embarked upon, as we embark upon the repopulation of the rural areas especially in the areas of Tobago East of which I am the Member of Parliament. Tobago East is spread over a very wide area. Most of Tobago is considered Tobago East and it stretches from Scarborough to Charlotteville, right around the North Coast, and right around Parlatuvier, Castara.

For my own self, on Saturday I took a drive around—I do that all the time—to speak to people in the villages, and the situation in L'Anse Fourmi where there is a primary school that has only 34 students or something of that nature, we are looking to increase opportunities in those areas so that we can repopulate and maximize our economic potential there. In this growth pole area, we have development of agri-businesses. We have, of course, training of youths for things like diving and recreation for commercial purposes, as well as for recreational purposes. We have bottling of water—*[Interruption]*

**Sen. Beckles-Robinson:** On a point of order. I want to advise and certify on—because I am sure you will note the presentation made by both the Senator and myself, has been very tight and restricted to the matter at hand. My hon. friend is going way out of the issue of the validation. *[Desk thumping]*

**Mr. President:** I will ask the Member to restrict herself to the relevant matter at hand. You may continue.

**Hon. V. Alleyne-Toppin:** Thank you, Mr. President. The matter at hand concerns the validation of the report and I was sure I was raising some points that were valid to the matter at hand, but then, I would change my—so I can include perhaps the fact that we have situations that are peculiar to Tobago, situations that we need to address, and, whenever we have an opportunity such as this in the instance where we have subdivision of areas that comes from another body and comes to the people of the island of Tobago, we try to explain to the people what is happening.

Now, I understand the boundaries. It is my area and the boundaries that have been demarcated at this time, these boundaries are understandably relevant because of the Belle Garden West area which falls into the Mount St. George electoral district, and Belle Garden East area which falls into the Roxborough/DelaFord district. We understand and we support, of course, that those changes have been considered and are necessary.

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We agree with the recommendations of the report and I would like to thank, of course, the Elections and Boundaries Commission for the comprehensive report on electoral districts. If we are looking at electoral districts as the Member on the other side said, maybe we should not consider what would happen if there is a tie, maybe we should not consider what the future might bring. We have supported and we agree.

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

**Sen. Shamfa Cudjoe:** Thank you very much, Mr. President. At this time, I would like to welcome you back and thank you for the opportunity to contribute to this debate, a Bill to validate the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area for Tobago under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50.

Mr. President, last week Thursday when I first received the notice that we would be debating this Bill today, looking at it I thought it was very simple. I thought it was a simple legislative procedure that we would just come, validate and say we agree or we do not agree. On Friday, I called the Parliament staff asking for the Ninth Report because we did not receive it before that. They sent it, and, looking into the documents and doing my research, I got overwhelmed and recognized that this is not a simple Bill. The *Hansard* records over the years have shown that this is not a simple case or codification. So, I want to join my colleagues in validating this Ninth Report of the Elections and Boundaries Commission. Not too many changes were made. Just the names for two of the areas were changed.

I want to highlight some things that would have piqued my interest in doing my research; first regarding determining borders. In the context of determining electoral boundaries in Tobago, I think the Elections and Boundaries Commission needs to pay closer attention to its strategy. The current strategy requires that natural boundaries, such as major highways and rivers, shall be used wherever possible. However, Mr. President, I, recommend that the EBC examine its strategy as it relates to splitting natural communities, which often frustrates the social environment and disrupts the culture of some electoral areas.

For instance, I live in the Tobago West constituency and some of the communities are affected by this fragmentation in areas like Canaan, Black Rock, Mount St. George, Les Couteaux—and I am sure that there are other areas too. So we have a situation where you have a piece of Canaan lumped with Buccoo; a

piece of Les Couteaux lumped with Black Rock/Spring Garden and these are not natural social groupings. I think we need some kind of consultation process for defining the boundaries, so we can save and even protect communities when distributing the electoral boundaries.

My next concern relates to the actual Act itself. The Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 was amended and renamed Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Amendment and Validation) Act, 2008, which is actually Act No. 27 of 2008. It is important to note that this parent legislation, the Elections and Boundaries Commission (Local Government) Act, was enacted on October, 24, 1967, and at that time, Tobago was a county similar to those that are in Trinidad, where we had nine counties, eight in Trinidad and one in Tobago. Therefore, the provisions in the 1967 legislation referred to Tobago as a county council as it was. However, the Tobago House of Assembly was established in 1980—Act No. 37 of 1980 and was assented on September 23, 1980—giving the Tobago House of Assembly more powers than a regular local government body, as Tobago was on a separate path towards local self-government.

Now, in 1990, the then government passed a law—the short title which is Municipal Corporations Act—under which the local government system was reformed and the Municipal Corporations Act created municipal corporations. So in creating Act No. 21 of 1990, we abolished the county council system and the references for Tobago were taken out as Sen. Panday had just indicated. It is my information that the then government at that time, the NAR in 1990, had intended to place the requirement for the conduct of elections for the Tobago House of Assembly in its own special piece of legislation or even under the Tobago House of Assembly Act, but so many things happened in 1990. We had the infamous coup and then in 1991 the NAR would have left government, so they did not get to make the amendments that they would have liked. They left office with no legislation to conduct the Tobago House of Assembly elections.

**2.15 p.m.**

Let me just mention some of the provisions that were taken out—the omissions. There was:

- Part II of the First Schedule, Chap. 25:50, which defined the electoral area of Tobago as having 12 electoral districts;
- The Second Schedule, entitled Rules for Determining the Number of Electors in an Electoral District;

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- Rule 5, which states that Rules 1, 2(2) and 3 shall apply in respect to the electoral area of Tobago;
- The definition of the electoral area in relation to the Tobago House of Assembly; and
- The interpretation of Chap. 25:50.

Those are some of the things that were taken out that were very critical to the EBC doing its work regarding elections in Tobago.

The omissions were discovered while the EBC was creating its report and while reviewing the electoral districts in Tobago for the purpose of the 2009 Tobago House of Assembly election. They recognized a lacuna in the legislation. Several administrations came in to central government after 1990 and continued business as usual, not recognizing the lacuna in the legislation. In fact, it was overlooked until the EBC changed leadership and the new chairman recognized the problem. There was no legislation that empowered the Commission to submit reports, so they submitted none.

It appears that both the EBC and all the administrations that came into power after 1990 operated in ignorance; not knowing that the legislation was not there. So Act 27 of 2008 sought to rectify the lacuna; correct all the omissions and regularize the situation for supporting the EBC, for giving the EBC authority and flexibility, the necessary teeth and the legal basis to conduct elections in Tobago.

Paragraph 3 of the Ninth Report supported this. It states:

“The Commission’s last Report on the electoral area of Tobago was submitted to the Honourable Minister of Local Government on August 23, 2004. However, the deadline of August 22...for the presentation of this the Ninth Report could not be met because it became necessary to enact legislation to correct the lacunae in the Elections and Boundaries Commission...discovered by the Commission before the deadline...”

It goes on to say that the Act was made specifically for the 2009 election. Now, this debate was happening in December 2008. We have the Tobago House of Assembly already dissolved since November 01; an election was already called and, unlike the municipal corporations, you cannot amend a law to extend the life of the Tobago House of Assembly. When it is dissolved, it is dissolved and there is nothing you can do about it, according to my research.

So these amendments were made specifically for conducting the THA elections in 2009, in the interest of time, especially since the Parliament was about to go on a break on December 16. So the amendment was made to the Act and they added the Tobago House of Assembly. So Act No. 27 of 2008 is now entitled, the “Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act”. From the *Hansard*, I quote the then Minister of Local Government as saying:

“This Bill seeks to rectify a legal error, a lacuna associated with the Elections and Boundaries Commission (Local Government) Act... which has existed for the past 18 years. This Bill seeks to validate the reports of the Elections and Boundaries Commission in respect of the boundaries of the electoral districts in the electoral area of Tobago for the years 1992, 1996, 2000 and 2004. This Bill also seeks to ensure legal validity to the holding of the Tobago House of Assembly election that was due by January 31, 2009.”

On the other hand, we gave the EBC the legal authorization that they are seeking in order to allow them to carry on the business of the THA election.

So there was a change in the title where the Tobago House of Assembly was added to the title. At that point in time, the PNM would have made it clear that this change of title and other amendments were simply for the conduct of the Tobago House of Assembly election and the adding of the words “Tobago House of Assembly” in the end. The title would be to provide a road map so that I could come now and see what had happened. Also, in the interest of time, instead of making a whole new law, they amended what they already had.

In those debates the PNM would have stated its position clearly regarding the matter relating to the Tobago House of Assembly election. I quote from the *Hansard* Minister Imbert stating that Government's policy was that the arrangements for the conduct of elections for Tobago would either be in their own special legislation or would be put into the Tobago House of Assembly Act.

So, it was our intention also to have the legislation created or amended to reflect the policy in time for the next report of the EBC, especially in time for the next Tobago House of Assembly election 2013. Little did we know that we would be out of office then; so we did not get to do that. We felt that we had time.

**Sen. King:** It will be done.

**Sen. S. Cudjoe:** I hope so. Mr. President, today, the PNM still maintains its position that the Tobago House of Assembly was created for the purpose of moving away from the concept of local government as it applies to Tobago. You see, Tobago has its own arrangement. It has its own Assembly. It is no longer a part of the local government system per se. Tobago House of Assembly is a case of local self-government, rather than simply local government. Therefore, as intended and committed to before, there should be some special legislation for the Tobago House of Assembly election, preferably in the Tobago House of Assembly Act, so that it is not kept with the local government legislation.

Now, even at that time, December 2008, in the debate, we see in the *Hansard* record that the Opposition supported us. I quote Sen. Wade Mark, who reminded us that:

“The THA is not a local government body; it is not a regional corporation... The THA is a completely different arrangement from the arrangement of the local government body.”

He was concerned that putting the THA and local government under the same legislation would have actually put the Tobago House of Assembly under the purview of local government and the THA back to county council status. Sen. Mark proceeded to encourage government to bring the necessary special legislation or amendments to the Tobago House of Assembly Act. This comes from the *Hansard* debate in December 2008.

Now, Sen. The Hon. Subhas Panday has agreed that there must be a substantial amendment to Chap. 25 and that any amendment that seeks to put the Tobago House of Assembly under the status of local government is a backward move. He said it was a dagger that the government was trying to direct into the hearts of the people of Tobago and he would be no part of that. In this vein, he called on the Government to make the necessary amendment to reflect Tobago's special status.

**Sen. Panday:** I love Tobago.

**Sen. S. Cudjoe:** I like that. You love Tobago.

Even though the PNM came out of office prior to the election in 2013, I wish still to ring the bell; to sound the alarm that we need to remain committed to making the arrangement. Both the PNM and the UNC at the time would have committed to that, and I want to keep that hope alive.



The very fact that the arrangements for the THA are still contained within an Act, sharing the title with local government, it still needs to be addressed, as was committed to in 2008. The legislative changes must be done so that the THA 2013 election and future elections would now fall under its own special piece of legislation—and we prefer the Tobago House of Assembly Act.

Tobagonians view the House of Assembly as being very sacred and dear to our existence; even our independence. We know that the THA was created to move away from the concept of local government and that we are no longer a part of that. We want the legislation to reflect that.

We also need to consider the whole concept of the EBC report for the Tobago House of Assembly being submitted to a minister of local government. We can also look at these reports. We can also look at these reports first coming to the THA and being debated there where the impact of the legislation is mostly felt.

The *Hansard* record stated that the Member for Siparia, in 2008, suggested that we were wasting valuable parliamentary time trying to settle the THA election legislation when, indeed, there were more important issues like crime to be debated.

Maybe this debate should really take place at the Tobago House of Assembly. I do not know if it is right to say what the Member would have said, but we need to consider having the legislation passed through the Tobago House of Assembly.

I admire Sen. The Hon. Subhas Panday because he was always talking about letting democracy prevail and making things right for the people. Now, the Minister of Local Government, Hon. C. Sharma, was always calling on the government to bring legislation to the House that would add value and better the lives of people. So I call on you to bring this legislation for the Tobago House of Assembly elections to life, and improve Trinidad and Tobago by extension.

I look forward to the Tenth Report, which is due as early as December 2010 and no later than December 2012; just in time for the next legal Tobago House of Assembly election in 2013. I am hoping we would do as we had committed to in 2008.

Sen. The Hon. Subhas Panday always said he wanted to make things right and called on us to make things right by making the necessary amendments for conducting the THA election. We also need to consider that even this cozy arrangement for the Tobago House of Assembly Act reform that now falls under the Ministry for Tobago Development, if it should be considered—was this considered? Should we expect that, in that initiative?

If you are setting up a competing committee, then you must think about doing something greater than the existing John Prince Committee, an independent committee that was set up since 1995 for THA reform, a committee of the people, for the people, by the people. There were consultations with the different political parties, village councils and youth groups in Tobago.

When you come with big bad John boots and say you will stamp out this committee and create a new one, then you are thinking about making big and fast moves. It calls for concern, Mr. President, because we have people like Dr. Rita Pemberton, Dr. Eastlyn Mc Kenzie, Mr. Russell Martineau, SC. These are credible people. So, if you come with something better, then I want to see with whom you are working.

**2.30 p.m.**

Mr. President, it is a concern in Tobago as to what is the true purpose of this new committee. We question it; if legislation like what I have mentioned today is going to be placed under that Committee.

Minister Sharma at that point in time would have been a Member of Parliament when I was reading the *Hansard* and looking at the things he would have said about the government using gun power and muscle power to do what they want. He accused the People's National Movement of using gun power and muscle power to influence elections and things of that nature. I looked at the setting up of this committee that speaks about a report commissioned by the Tobago Organization of the People, for the reform of the Tobago House of Assembly to influence the whole of Tobago. I look at the step where we come in and we do not consult with the Assembly, or even with the present committee, as to what they are doing. I look at that as the People's Partnership doing the same thing that they have blamed the PNM of doing; the use of gun power and muscle power to just step in and do what you want. "Dey say" do not throw stones when you have glass windows, and what you do not like for yourself, you cannot like for other people. When Minister Sharma and his colleagues were in Opposition they blamed the PNM for doing things of that nature. It makes you wonder.

There has been talk in small circles about trying to hold an early THA election and things of that nature. I hope that this is not the intention, because this would really, really, really—[*Interruption*]. I am afraid and you need to be afraid too. When you—Mr. President, they think this is funny, but this is so not funny—talk about putting on muscle power and that kind of thing, and you try to make a move

like this move that people are accusing—I am hearing it bantered about in small and large circles about this move to try to have an early election. You have to be careful. It will be the first time, if this happens, within the Commonwealth, where a government uses its majority to step in on a legal election process. It would be the very first time. Continue to make history.

Mr. President, I think that there is also the feeling that there is this momentum that: “Okay, we won central government election and local government election, so there is a rush to try to get into Tobago.” I want to advise them to take their time. You do not have to do any camera tricks or make friends with the media or that kind of thing to be placed in government. If you really deserve to be in government then the people will take you and carry you there. So, you do not need to play all these tricks to try to get into government. Wait your turn, if you even have one. While it is good to feel happy and optimistic and that is okay, and you are going to step into Tobago and hold an election, I do not know how you are doing that. You are being optimistic to do that kind of thing. You have to be sure that you are going to win.

I commend the People’s Partnership in winning this election, because they had the biggest promises. They promised so much. When you offer pensioners a \$3,000 universal pension at age 60, and even the \$20 minimum wage, I cannot beat that. I cannot beat that. When we go to people’s houses when campaigning and the people say: “You know what? I am voting for my pocket.” [*Interruption*]

**Mr. President:** You are straying.

**Sen. S. Cudjoe:** I would come right on track. When we are talking about introducing legislation that is meaningful to Tobago and we look at the concerns regarding this whole new arrangement for constitutional reform and THA reform, I am not sure if the People’s Partnership would get Tobago’s vote, because so much has happened since. [*Interruption*]

**Sen. Hinds:** They have gotten to see their ugly face.

**Sen. S. Cudjoe:** I do not know if the intention is to try to do this while you are still together and while things are still looking rosy.

Mr. President, I want to take this opportunity to say let us tread this route carefully. I think if we are really talking about bringing legislation that is meaningful to the people of Tobago, to change the lives of the people of Tobago, let us do what is right. Let us use our muscle power to do the right thing. Let us use our gun power to do the right thing and introduce the legislation that would

rightly govern the Tobago House of Assembly election in Tobago, either by a special piece of legislation or under the Tobago House of Assembly Act. I thank you.

**The Minister in the Ministry of Tourism (Hon. Dr. Delmon Baker):** Mr. President, let me at the outset look at a few issues that were raised by Sen. Shamfa Cudjoe. She raised these issues, and I shall point them out:

- the dissolution of the THA in 2005;
- the election of the THA in 2009;
- the commitment of the PNM to include the THA in legislation concerning this matter that we are dealing with in separate legislation; and
- the issue of constitutional reform.

I am certain that all Senators will agree with me that these topics were raised and, therefore, I am given some leeway to deal with these matters in a way that brings the Tobago perspective in line.

I am not particularly well today. I am trying to fight off the flu, but these matters that were raised are of such import to the people of Tobago that it would not be an honourable thing for me in this Senate to walk away from the concerns of Tobago; the Act to validate the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area for Tobago under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50. Given our recent history, and the pronouncements made by those on the other side in Tobago, one would have assumed that there may have been some difficulty for the representatives of Tobago to express the Tobago position in the Senate.

Further, a prominent former MP had stressed that, given the configuration and the protocols of both Houses, it would not be the ideal thing for the representatives of the Tobago West and Tobago East constituencies to be in government. In fact, she was making an argument for the two Tobago MPs to continue, as it were, in Opposition. From the reception, and I am certain that I can speak for my colleague in Tobago East, we from Tobago East and West have gotten a friendly reception, a positive reception and there is no—I want to use the word that the Leader of the Opposition used in Tobago at the Works Conference Room on October 02, 2010, he considered the representatives for Tobago East and West as stool pigeons. I would get to that.

Permit me to go a little further. As a young man, I stood outside the gates of this honourable Chamber on three occasions before being elected to the House, and wondered whether I would have been able to walk in and sit in the public gallery. I must say that, even in this Senate, I am both honoured and humbled to sit in your presence. As I stand here representing Tobago West, and, as Minister in the Ministry of Tourism, I can say to you that Tobago's voice will be heard. This is a Bill that seeks to validate the electoral district boundaries for which elections will be held in the future for the THA. Therefore, the manoeuvre used by my colleagues on the other side to stymie the debate and to keep at bay the voice of Tobago East and Tobago West—*[Interruption]*

**Sen. Beckles-Robinson:** On a point of order. If I use the Standing Orders and the Presiding Officer ruled, then it is quite out of order for my friend to make that suggestion. It is quite out of order.

**Hon. Dr. D. Baker:** Let me apologize immediately. We in Tobago recognize our place. *[Interruption]*

**Sen. Hinds:** Did you apologize?

**Hon. Dr. D. Baker:** Immediately. As a junior person in the House, sometimes we may make a few mistakes, but I am depending on the graciousness of those on the other side to inspire me to go on and to continue to represent the people for whom I was elected. *[Interruption]* But you would countenance listening.

“Stool pigeons”, according to your leader, “when they assume their appointments they cannot convey the message that they were supposed to.” The two Tobago MPs are no stool pigeons in this Senate. The Opposition needs to look within its own borders to find stool pigeons.

The Government of the People's Partnership wants to note the hard work of the public servants in the Elections and Boundaries Commission who, at the core of their responsibilities, have the formidable task of protecting the electoral system that we now operate under. They are, in fact, social engineers who act often without credit, sometimes in adverse conditions, when one has to factor in time and resources. The Elections and Boundaries Commission has the task of producing a credible result that finds the acceptance of both or all parties with people at large and the wider international community. For this, we in this Senate must commend them for their hard work.

In validating the Ninth Report, we do several things at the same time:

1. We validate the Commission's right under the existing legislation to recommend the changes that they did.

2. We bring in line, in terms of time, the acceptance of the Commission's report.
3. We accept the conclusion that the Commission considers that no adjustment is necessary to the boundaries of any electoral district in the THA at this time. Of course, this conclusion has been drawn from the fact that the highest electorate and the lowest electorate fall within the percentage limit delineated in the legislation.

**2.45 p.m.**

Mr. President, it is the custom of reports like these produced by the EBC to be treated in a political manner. To coin a phrase, you see, it is in recognition of the work of the EBC that we deal very specially with this legislation. So, as we laud the efforts of the Commission and the commissioners with the same breath, we would be derelict in our duty if we did not examine the processes under which they operate, or the results those processes yield in the aim of ensuring that, whatever is that result, it is in the best interest of Trinidad and Tobago.

I thank Sen. Cudjoe for permitting me the latitude to raise those issues which she brought up. You see, it is the reason that, as I am a Tobagonian at birth, I am no less or no more a citizen of Trinidad and Tobago, thus it would stand to reason that the issues affecting Tobago will also affect Tobago and Trinidad.

As I am on this point, I was told that there was a transformation over the weekend in Tobago, where the Political Leader of the PNM changed skin a little. The Member for Diego Martin West remembered his ancestral birth and called himself, once again, a Tobagonian. I am proud that he held on to his Tobagonian heritage. He made some statements. He said that the PNM had been in power for 54 years. He said the first leader of the PNM took the party to 1981; the second leader took the party to 1986; and the third leader took them from the 20th Century to the 21st Century; a boast about the survivability of the PNM.

Mr. President, if 54 years gave us UDeCott; unfinished mega projects in Tobago; significant cost overruns in the Signal Hill hospital project; no library; no cultural complex; no financial complex—

**Sen. Cudjoe:** Mr. President, Standing Order 35(1), relevance. How is this relevant to validating the Ninth Report?

**Mr. President:** In the reply from Sen. Cudjoe, she did open up the latitude, so I am going to allow the Minister to respond to matters raised by Sen. Cudjoe. On the other hand, I will ask him to retain himself within the boundaries of those matters that Sen. Cudjoe dealt with. Thank you.

**Hon. Dr. D. Baker:** Mr. President, thank you. You see, the Bill to validate the Ninth Report presents us with an opportunity to look at the stewardship of the Elections and Boundaries Commission, specifically as to the management of recent elections under which the boundaries outlined in the report reappeared unchanged. I thank Sen. Cudjoe for giving me that latitude. She is my good friend. The Senator and I spent time together in my house in Bethel, as she studied in my presence. She will tell you the truth. *[Interruption]* So the animosities that someone on the other side may generate are not the personal animosities at all between the goodly Senator and myself. In fact, we are quite good friends. *[Interruption]* I will give you more details outside the Chamber. *[Laughter]*

In the conduct of the 2005 election, this must be raised. These were the same boundaries held in the then “secret report” known to the government of the day, but kept till the twilight hour of an election campaign. In fact, when the report was presented, the Tobago House of Assembly was dissolved. Therefore, in the Tobago House of Assembly, there was no time or no opportunity to debate the new boundaries which directly affected the Tobagonians. What does this mean? You must give the Tobago House of Assembly a chance to sit inside the House, like we are sitting in this Chamber, to raise those issues affecting Tobagonians in a meaningful and substantive manner, and we will not allow any political party to silence the voice of the Tobagonian population.

You see, reports like these, if they are valid, must stand the acid test. They must stand scrutiny from everybody; both this side and that side. *[Crosstalk]* When the report is passed—again, I thank them for assisting me in maintaining the decorum of this honourable Senate. *[Desk thumping]* Even though we may sometimes argue with the opposite side on the same issue, we extend courtesies to each other to ensure that the debate proceeds in a manner that all of Trinidad and Tobago will be proud.

He said that whenever the election is called and people of Tobago can make a pronouncement, you will find yourself in the political graveyard that you are supposed to be in. *[Desk thumping]*

**Sen. Hinds:** It sounds like Tobago loves you.

**Hon. Dr. D. Baker:** Plenty; plenty. You see, my own THA constituency of Bethel/Patience Hill the same constituency to which Sen. Cudjoe and myself belong and which was changed in 2005 radically to become the constituency of Bethel Mount Irvine, carved out a piece of Black Rock, a distilled part, and added it to the constituency leaving out almost completely the Patience Hill part of the former constituency. What effect does this have?

If you did it in the twilight hour without informing the Opposition, then the only party that has information concerning the boundaries is the party in power and, therefore, when the party in power is selecting a candidate, that candidate is to reflect the views of the widest number of persons in the constituency.

So, the PNM by some—I am not blaming the EBC—measure of fortune—I am saying this is what we are debating; the election of 2005 which the Senator raised—got a gift from the action of the EBC at that time. [*Interruption*] No, I am not saying that at all. It is a matter that happened because, as I said—do you want to raise a Standing Order? Are you threatening to do something? I walk Sen. Hinds, but I would show you who do not walk.

You see, Mount Grace, a tiny village, got up the next morning to learn that that area was divided among three representatives. This is the effect of the Bill that we are now debating.

**Sen. Cudjoe:** That is the EBC.

**Hon. Dr. D. Baker:** If you listen to the argument you would follow the line. So you could imagine the obvious confusion to the residents in not knowing which of the representatives to turn to just before an election. Further to that, these changes meant that the ancestral polling station for those affected no longer existed, and that the electors had to travel some distance away in many cases to exercise their franchise, causing some of the electorate to become disenchanted with the process. That is what the effect is. If you do things and vote on Bills and you do not know what is the effect, then the process for which this Senate was created makes no sense.

Mr. President, when the born-again Tobagonian political leader of the PNM goes to the island and causes mischief by suggesting that the People's Partnership somehow is attempting to pull a fast one on the population of Tobago and, by extension, Trinidad and Tobago by tinkering with the Tobago House of Assembly Act and invalidating the election of 2009 and calling for a fresh election, he is simply being dishonest.

Mr. President, this document—you see when there is unity the parts become the whole.

**Hon. Senators:** Ahaaaa. [*Desk thumping*]

**Hon. Dr. D. Baker:**—written in black and white on page 63 of the Manifesto entitled “Prosperity for all Manifesto 2010”—what a change! [*Desk thumping*] It states:

“In pursuit of the principle of autonomy of the People's Partnership policy on the constitutional relationship...”



You see, they did not read it first. Have you all received laptops since? *[Interruption]* Let me continue. There is some noise there aiming to distract me from my line. Let me read it.

“between Tobago and Trinidad speaks to ‘a Tobago that has the constitutional authority to treat fully with all matters under the fifth schedule of the Tobago House of Assembly Act...’”

So, what we are seeking to do is give the Assembly the power to deal with those matters delineated in the Fifth Schedule. It is in the manifesto; it is now the Government's policy. *[Interruption]*

**Sen. Hinds:** Is that in the Ninth Report?

**Hon. Dr. D. Baker:** Who raised the issue? Let me go back. Constitutional reform! Senator, thank you for giving me the space, I will give you the details. It continues:

“In order to give effect to this policy, the People's Partnership government will take the following steps:

- Review the matters listed”—in the legislation.
- “Bring to Parliament a Bill to amend Section 75(1) of the Constitution so as to give the THA Executive and Legislative authority...
- Amend all the existing laws to be consistent with and give legal administrative effect to the new constitutional relationship...”

That is the promise of this administration, empowering Tobago and giving the Tobago House of Assembly the autonomy that we have been asking for, for some 54 years. *[Desk thumping]* I will add this. The third leader may have taken you from the 20th to the 21st Century, but the fourth leader will take you nowhere.

I have to comment on one more matter. I was surprised, in the same sentence, the hon. Political Leader of the PNM attempted to paint himself in the same stature as ANR Robinson. But the hon. Member for Diego Martin West is no ANR Robinson. In fact, the political ideologies have come to be so diverse that the twain shall never meet.

**Sen. Hinds:** Mr. President, Standing Order 35(1); the issue of relevance.

**Mr. President:** Well, I did listen to Sen. Cudjoe for quite some time, and I certainly think that she gave the latitude to the other side to respond on matters which she raised. I think that the Minister is still within the boundaries of what I consider to be a reply to Sen. Cudjoe, and I so rule. *[Desk thumping]*

**3.00 p.m.**

**Hon. D. Baker:** Mr. President, I will go quickly over this. In fact, he claimed himself to be a man of integrity and moral standards. He also claimed that because he had the same as Mr. Robinson, they had the same general ethos. Let me tell Tobagonians that when Mr. Robinson was faced with a difficult decision as to whether to remain with the PNM, when issues of corruption were made before an election, Mr. Robinson walked. The leader of the PNM, Dr. Rowley, stayed within the party. That is not integrity; that is not Tobagonian integrity. Now he is associating himself with an association in Tobago that is decidedly corrupt. *[Interruption]* *[Crosstalk]*

**Mr. President:** I ask you to take that back. You are going beyond the boundaries of what I consider—

**Sen. Hinds:** He is really going beyond the boundaries. He is really, really crossing the line, Mr. President. *[Crosstalk]*

**Hon. Dr. D. Baker:** I apologize, Mr. President, for making that error.

**Sen. Hinds:** It should be expunged from the record!

**Hon. Dr. D. Baker:** I come back to the issue of the campaign in 2010 where it was clear—and you heard it from me, the political leader of the TOP, hon. Ashford Jack, and Hon. Alleyne-Toppin, and you raised the issue. *[Interruption]* You feel abused? I am very sorry, Sen. Cudjoe; my apologies.

We noted in the campaign that the constitutional arrangements between Trinidad and Tobago were inadequate. In fact, I am pleased to hear the other side in her contribution indicate that there was an attempt by that side to improve the legislative construct of those matters relating to the Tobago House of Assembly (THA). I hope when the serious legislation comes to this honourable House that we would have your support. *[Crosstalk]*

I suggest to you, in the pursuit of the principle of autonomy, the People's Partnership policy of the constitutional relationship between Trinidad and Tobago speaks to Tobago gaining its autonomy, and that is what we will do. Which Tobagonian truly concerned about the autonomy of the Assembly would not support this? Who born in the sister isle, loving its treasures, claiming her heritage as their own, working in the development of its political maturing, will not support this legislation? Who, Sen. Cudjoe, you?

**Sen. Cudjoe:** The independent John Prince Committee!

**Hon. Dr. D. Baker:** It is no secret that this was a clear campaign promise, and, by the overwhelming mandate that the People's Partnership got, we will keep in line with the promises we made with the people and ensure that the constitutional arrangements are improved. There is only one kind of politician afraid of an election, those who know that they would lose. The burden of the evidence may suggest that it is too much for them to bear.

Let me hold up one more mirror, Mr. President. In the election of 2009—and this is directly in relation to the legislation we are currently looking at—the Elections and Boundaries Commission (EBC) recognized that many Tobagonians—*[Interruption]* The energy from this place is so great; my illness seems to be going away, the longer I speak. *[Desk thumping]* *[Laughter]* There is some value in representing the Tobago position. You get stronger over time.

The EBC recognized that many Tobagonians who were going to school or working in Trinidad had not really changed their ancestral electoral addresses, but were still in the confines of Trinidad and Tobago. So, rightfully, I might add, the EBC utilized its prerogative and assisted those who could not make the trip to the island by setting up polling stations in Trinidad for the THA election. I ask the question, and maybe someone could assist me and indicate where else in this country of Trinidad and Tobago did the EBC do the same for Trinidadians living in Tobago? I come to why I am asking that question.

The general idea to me is good. I deem it a great one, considering the expense that Tobagonians sometimes have to fork out to travel between both islands. What was curious, however, was the eventual treatment of these special ballots, and this I questioned, arbitrary or purposely assignment of the votes of special electors to specific THA electoral districts. See if you can digest this.

There are three districts in which special ballots were lodged: Roxborough/Delaforde, Parlatuvier/L'Anse Fourmi/Speyside and Scarborough/Calder Hall. Why does this make any import to the people of Trinidad and Tobago? On the night when the results were tallied on the ground, particularly in the Scarborough/Calder Hall district, there was a clear winner, and it was not the person who holds the seat now. After those special ballots were lumped by whichever mechanism they chose, the result changed. Therefore, Tobagonians had to ask questions and, at that time, we required of the EBC to come to us, sit and explain to Tobagonians what happened. But did they do that? I only ask the questions.

**Sen. Al-Rawi:** Take action; bold allegations.

**Hon. Dr. D. Baker:** In seeking to bring in line this present report, the People's Partnership Government is ever mindful of the wishes of the people who elected us, the people whom we serve, and we are working in their best interest. In the words that Tobagonians would appreciate: "Think not that we have come to diminish the autonomy of the Assembly, for we have not come to destroy, but to fulfil". What shall we fulfil? The promise to give the Assembly law-making powers; the promise to lift and maintain the dignity of the elected representatives of the people of Tobago; the promise that Tobago will stand side by side with Trinidad in development, in education, in economics, in health care and tourism; the promise that the voices of your representatives will be heard, so that as we validate the Ninth Report of the EBC on the boundaries of the electoral districts in the electoral area for Tobago, we fulfil the promise that together we will rise.

Mr. President, I thank you.

**Sen. Embau Moheni:** Mr. President, today we are here to validate the Ninth Report of the Elections and Boundaries Commission, by virtue of the fact that the report could not be delivered to the hon. Minister within the four-year stipulation. It means, therefore, that when we look at August 23, 2004, when the Eighth Report was submitted, up to December 2008 you had the election of 2004 held without the necessary legislation being enacted to ensure that election, being governed by the EBC, was legally constituted.

This report of the EBC could not be submitted to the Parliament until Act No. 25:50 of the Elections and Boundaries Commission was amended, as well as this report validated. It is quite clear that the need to validate this Act does exist, but there is more that needs to be done in order to ensure that the process is so functional as to be in the best interest of Tobago and also of our nation. The People's Partnership Government, in keeping with our election pledge to pursue constitutional reform, will also look at the EBC Act as it relates to the functioning of the electoral process in Tobago.

We have seen where boundaries have changed during the past 10 years, and oftentimes you hear queries, dissatisfaction and, in some cases, accusations, coming from the public with regard to the manner and intent of such changes. You have, for instance, parts of Delaford being included in the Parlatuvier/L'Anse Fourmi/Speyside constituency, which in itself has raised several queries and a certain measure of dissatisfaction. The people of Bethel believe that the changes in their electoral district were purposefully done in order to benefit a particular political party.

The fact remains that there has been dissatisfaction, there have been queries and outright accusations in terms of the intent and as far as the establishment of the changes in these boundaries are concerned. The EBC is and has been constituted to function as an independent body. However, it is important, if the process is to function properly, that the manner in which it conducts its business is such that the confidence of the population is maintained. I must say that confidence has suffered in the recent past, because we have had a lot of lip service about human resource being the most important resource, but sometimes when we need to live it, it is a different situation.

The confidence of the population in the system is critical. When one examines the level of confidence that the population has in several of the institutions in this country, it instructs us that we need to examine very carefully what measures can be adopted in order to correct that lack of confidence as may exist in so many cases.

**3.15 p.m.**

Mr. President, people are important and we need to be very careful in determining the kind of impact that actions have on our population. It is my opinion that, notwithstanding the independence of the Elections and Boundaries Commission, measures need to be taken to ensure that the population could understand the process. You had the instance of the 2009 election, as well as the 2005 election being held with changes in the boundaries that the population was only aware of at the last minute, which, in addition to the confusion that may be created, raised queries as well as dissatisfaction.

We cannot just look at the end product, as important as that may be, because, if we are to examine the function of the Elections and Boundaries Commission, what would make its functioning good, what would make its functioning relevant and what would make its functioning of benefit to our nation is not only the end product. The process is also important and, given the level of mistrust that has been generated in this country by virtue of the kind of corruption that we have witnessed in the recent past, the level of deception, it is even more so important that we examine the question of the process. That is why I am saying that that process must be one that ensures that the population is fully aware of what is taking place from stage to stage. That process should be such that the population is also consulted, because these decisions are and do affect their lives. It affects their ability to exercise their franchise as electors in a manner that would be satisfactory and in a manner that would be fair to the population.

*EBC Validation (No. 2) Bill*  
[SEN. MOHENI]

*Tuesday, October 05, 2010*

The question is that, as we all know, it is not only necessary that justice be done but it must be seen to be done and, therefore, I would strongly recommend to this Senate that we examine the process by which boundaries are established, and, in addition to the 25 per cent margin that separates the largest constituency from the smallest, it is also necessary and imperative that a greater degree of transparency, a greater degree of communication and a greater degree of consultation be engaged in, in order to ensure that the population could be fully aware and could be a part of this exercise.

As a matter of fact, this Ninth Report was submitted since December 2008. As we stand today we should be looking towards the Tenth Report. We are way behind time and that report—

**Sen. Hinds:** [*Inaudible*]

**Sen. E. Moheni:** I know. I said we should be looking towards the Tenth Report, not revalidating a report that should have been submitted since August 2008.

The PNM had the full opportunity, June 2009, to have validated that Ninth Report, and that has not been done. Today we have to go back in history to address that.

The question of electoral reform, therefore, is on the agenda and it is important to this process. The process engaged in by the EBC, as well as other institutions, has to be seen as part of what this People's Partnership Government sees as critical in as far as rebuilding the confidence that our people have lost in the recent past as well as having them participate at all levels in the exercise of nation building. I think that enough has been said with regard to some of the queries in as far as the movement of part of Canaan into the Buccoo constituency. There has been quite a bit of dislocation where the constituencies or where the electoral districts are concerned and the population in Tobago—their people there—are very much concerned about the manner in which these areas are constituted.

However, I do lend my support for the validation of that Ninth Report which is necessary at this point in time so that we could move to the Tenth Report.

Thank you.

**Sen. Fitzgerald Hinds:** Thank you very much, Mr. President and hon. Senators, for an opportunity to engage in this very important debate to validate the Ninth Report of the Elections and Boundaries Commission, as it relates to the electoral area that is Tobago.

I had not really intended to engage in this debate, but in light of some of the comments made by some of our friends on the other side and having accepted your ruling to permit some latitude, it behoves me on behalf of those of us on this side to make a brief intervention. The history of the difficulty that brought us here today is by now, in my view, sufficiently clear. It is that for some 18 years, since 1990, some attempts were made to regularize the operation for Tobago in light of the presentation of the Municipal Corporations Act. That led to the lacuna that we had heard about earlier from my good friend, Sen. Panday, and it is interesting, that, while that lacuna caused us to be here today, the substantive rectification of that legislation is yet to be undertaken.

Let me, in proceeding, address very briefly, a couple of the comments from my friend, Sen. Embau Moheni. He spent a considerable amount of his contribution time in blaming the PNM for the delay, as he put it—that was quite unfortunate—because, as we had heard earlier, quite correctly from Sen. Cudjoe, the difficulty that brought us here today existed since 1990 and cut across, virtually all political administrations since then. So I am very disappointed that he would have embarked upon the “blame thing” this afternoon. I would not engage him in that, simply to correct the record and to have him have a better understanding of the facts; and this is not about blame. As we evolve as a society, we recognize that some bits of legislation may have been quite appropriate in times past, but certainly not any more, and changes must be made. Social circumstances change, morés change, expectations change and, therefore, the laws of Trinidad and Tobago and even our Constitution, as distinct from ordinary laws, must be organic in their character and evolve as we proceed, and certainly this is the case here.

And this is by way of an example. We operate the Larceny Act of 1916 as you would know, Mr. President, in Trinidad and Tobago today, yet the principles that we practise in the courts sometimes touch and concern the principles that come out of the Theft Act of the United Kingdom, 1968. As they interpret cases under the Theft Act, which replaced their Larceny Act—in Trinidad and Tobago today, judges are using law reports coming out of England, their interpretation of the Theft Act of 1968 and 1978, but we still operate the Larceny Act in Trinidad and Tobago. I am sure my friend, Sen. Panday, would take note of this. He may want to give it some attention in the course of his operation.

Sen. Moheni, as well, spoke, and I suspect, unwittingly, in a manner that lent the impression that he was attacking the EBC. I know that the EBC was in his line of fire, but he was really trying to attack the PNM. But apparently he did not

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understand the distinction between a political party that has been in government from time to time, so much time as a matter of fact, and the EBC, which is an independent organization or institution established under our Constitution, and to suggest that the PNM was in any way responsible for some of the deliberations, outpourings and manifestations of the Elections and Boundaries Commission, is really to call that, a very lofty institution, into unnecessary disrepute. I want to warn my friend, Sen. Moheni, that is rather dangerous given the fickle nature of things in this world and in our society today. We have to do all that we must to preserve the integrity of those institutions, and particularly as parliamentarians. I can tolerate that from the man who ought not to know better and who may not know better, but certainly, it is intolerable coming from a Senator in this honourable Senate. I would urge him, as he proceeds in the future, to be careful as he attempts to pass judgement on the independent authority of the EBC.

Our friend, the hon. Minister, the Member for Tobago West, was rather a more interesting contributor today, a stranger to this Senate—we extended the full range of courtesies to him. As I use the word “stranger” to describe him, I overheard Sen. Cudjoe protest vehemently when he suggested from where he spoke, that she, Sen. Cudjoe, visited him at his house.

### **3.30 p.m.**

I am advised that he being a stranger in this sense and in every sense of the word and Sen. Cudjoe, having heard from her parents, "You must be careful with strangers", I am advised that she has never gone to his home and I simply wanted to say that for her benefit. [*Desk thumping*] Never, particularly if he ever displayed in his earlier days any inclination towards the UNC, I am sure she would not have done it.

The hon. Minister reminds me a bit of former Chief Secretary Hochoy Charles, very ebullient; very energetic and he gets to “hype” quite easily. He mentioned en passant that Tobagonians had to fork out so much money to come to Trinidad and Tobago, without considering the fact that a government of this country, put in place a very effective ferry service between Trinidad and Tobago and Tobago and Trinidad at a very subsidized rate so that the people of Tobago can make it to Trinidad for \$50.

I was so pleased to learn—we sat here in this Parliament and saw students in the public gallery and would discover joyfully and satisfactorily that they came from Tobago. I found it rather interesting. They would get on a bus somewhere in Tobago, get down to the port, use the ferry with the bus—the bus goes on to the



ferry; it brings them to Trinidad; they spend some time enjoying the capital; they come to Parliament to witness the deliberations here in the afternoon and at some point in the evening get back on the bus; the bus rides back on to the ferry and back to Tobago all in one day. I think he overlooked that wonderful excursion for the youngsters—[*Desk thumping*]*—to underpin the fact that the government of the PNM has gone a long way in making things far better for the citizens of Tobago who are separated from Trinidad by water. [Desk thumping] If that was all, I would have felt badly, but certainly it is not—very subsidized airlift, very efficiently provided for the most part, so I think he needs to take that into consideration.*

Mr. President, not to belabour the point, insofar as the ferry service is concerned, provisions were put in place by a certain government that the pensioners are not required to pay for travel by sea.

**Miss Cudjoe:** Neither the bus.

**Sen. F. Hinds:** So that that alone would underscore the—it is not a favour; it is just good policy and it simply is quite a mile apart from telling them that you would have gotten \$3,000 and they found themselves disappointed and wanting. He read from the UNC manifesto today. He was given that latitude. I thought that he would have gone on to page 41. I have never read it myself, but I have heard so much about page 41 from the senior citizens of this country.

**Sen. Bharath:** Very good reading; excellent reading!

**Sen. F. Hinds:** I would hardly touch that document, quite frankly.

**Sen. Panday:** Why?

**Sen. F. Hinds:** No, no. I think it would be a bad omen. I think so. I would hardly do that. Talking about that, that goodly Member of Parliament for Tobago West, the Minister, that stranger to whom we extended all of these wonderful courtesies, he mentioned President Robinson and I saw a smile come to your face. He expounded on the whole business of President Robinson and what a noble man he was. And we know that.

**Sen. Abdulah:** Is.

**Sen. F. Hinds:** I remember—as President—I said President Robinson and still is—former President; dignified and noble man; contributed greatly to the development of our society; served as Chief Secretary, Prime Minister, President, Minister Extraordinaire, a wonderful contribution he has made. But do you know

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something? I remember, just to tell you briefly, when an election for his presidency came in this House, I remember the then leader of the PNM telling us, while we had objected, because at that time he was the Member for Tobago East and was seeking support of the Parliament, the Electoral College, to become the President—I remember the pride I felt— PNM pride, to put it flatly—when we were told by our leader at that time, “Gentlemen and ladies, notwithstanding the contest that will ensue in that Electoral College, the minute President Robinson is so elected to office, we will accord to him all of the courtesies and dignities that are warranted on that office.” The records would show that in true PNM style, we did particularly that; we did just that!

No one can ever say that they saw from a PNM bench, inside or outside this House, any discourtesy or indignity to President Robinson. Not one! Or, indeed, any President, as I am being reminded by my learned friend, Sen. Al-Rawi. On the other hand, I want to tell the Member for Tobago West, it was President Robinson and one Pam Nicholson, Tobago East and Tobago West respectively, that in a 17/17/2 situation in 1995, allowed the UNC, the same UNC that is sitting over there, with a little COP clothes and a little TOP clothes and a little NJAC and a little unknown MSJ; it is the same UNC he assisted. He joined his two seats from Tobago—or his and another from Tobago—and they were 17 plus two, equals 19, and they walked into government.

I remember that! And shortly thereafter, in typical UNC style, they shafted him. Not only that, they dishonoured and undignified him, if I may put it that way. I remember them calling the goodly President—please forgive me; I have to say it for the record—“Robbie”. I remember that; Ministers of the UNC government! Some of them are still in Government today! I do not have to call names. The records are there; complete indignity, much to our shame and chagrin! I want to remind the Member for Tobago West, that is the way of the UNC and if you wonder at all what does that have to do with today, I always say the UNC was born in sin and shapened in political iniquity. I say so for good reason, because the ethos is right there; the ethic is still right there.

So I want to warn the Member for Tobago East and the Member for Tobago West, we learn from history. We have been there before. They better be careful. Drink your porridge cool with the UNC. Take it nice and easy. Do not get too lofty. Do not feel too secure. That is a risky business. [*Desk thumping*] I say so because the new leader of the UNC was close to the then leader of the UNC,

supported, encouraged and imbibed the ethic that he dispensed to the rest of the team in contradistinction to the positions as I have described them from our leader and how we do the business in the PNM. [*Desk thumping*]

I want to move on. I indicated that I did not plan to spend too long on my legs here today, but just to make a short intervention, and, as I said, the history of the—the path that brought us here is well known. Interestingly enough, it was the EBC in December 2008 that discovered the difficulty in the law, Chap 25:50—yes, the same EBC—and having discovered it, wrote a letter to the then Chairman of the Law Revision Commission and sought advice indicating that the 2008 report, as mandated by the law as it was supposed to have existed, was near ready, but because of the difficulties with the law as they discovered it then—and the difficulties are well known to us. So we ran elections 1992, 1996, 2000, 2004 in Tobago on the basis of legislation that was not exactly in place. This is the reason why sometime later, “in grappe”, if I can use that colloquialism, they had to validate several reports at once. I think that was done in 2008, if my memory serves me correctly.

So that none of the political parties and their strategists, none of the lawyers on all sides, observed the lacunae. It was pointed out by the very EBC and as has already been said, it was necessary to validate reports ex post facto and I would think that—there are some suggestions; it was addressed by Sen. Cudjoe; it was addressed by, of course, the Member for Tobago West when he spoke; that stranger—the question of—I mean I could not easily come to terms with it, but there is current thought and talk in Tobago about this spectre of the Government, the UNC-led coalition, trying to use the very lacunae that we have described, trying to argue that since the mechanics were inadvertently taken out from 1990, they would attempt to rectify it now, somehow or the other concoct an arrangement where they will get a new term, because the argument will be—I found it strange; preposterous almost, but you cannot put it past them; they are ingenious enough to argue that the last election was invalid, unconstitutional, could not stand; concoct a situation with their colleagues from the TOP in Tobago; somehow or the other get a new arrangement in place and a new term and host an election for the THA before 2013 when it is properly due.

When I first heard that, I rejected it as ordinary “Trinbagonian” talk, but, having listened today and against the backdrop of my understanding of the ethos of the UNC—a little bit different from the COP, and this is why the COP has to be very careful in its relationship with the UNC; very, very careful. So we simply want to put on notice, preposterous as it would sound to any ordinary, decent-

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minded observer or citizen, that if that is what they—and I found it preposterous; I said that, but you cannot put it past them. If that is what their plan is, think it over; think again. The people of Tobago and the people of Trinidad and Tobago would have none of it.

So the Member said that the PNM which now forms the Secretariat of the Tobago House of Assembly is afraid to lose an election in Tobago. That does not ring true. We are never afraid. PNM has been in the business for a long time. Not for the first time we are in Opposition. We have been there and we have done that.

**Sen. Abdulah:** Stay there.

**Sen. F. Hinds:** Yes. So my hopeful friend, Sen. Abdulah thinks, yes. I understand where he is at. While they talk about growth poles, they identified a former constituency of mine, East Port of Spain, as one of the growth poles and Sen. Abdulah, I particularly benefited from his elucidation as to what that meant for Laventille and its environs; this concept of Old Havana.

He told us in his budget contribution, they envisaged a—[*Interruption*] No! No! We are talking to the issue. [*Interruption*] No, no, no!

**3.45 p.m.**

The Member for Tobago West raised the question of growth poles and I am talking about one of them. [*Desk thumping*] I am speaking of one of them because he spoke of growth poles. Sen. Abdulah, in relation to his elucidation on the question of the growth pole that is East Port of Spain, the Government envisages a situation where the people of Laventille will put on old clothes, old hat, looking like 1940 to create an Old Havana. Put flambeaux along the way—it is in *Hansard*.

**Mr. President:** I am really considerate.

**Sen. F. Hinds:** Much obliged. I am obliged—and told us about cassava bread. The people must make that. No, we are going beyond that, well beyond that, but I should come to that in another debate.

So, Mr. President—just that he intervened to get my attention—we are not afraid of any election in Trinidad and Tobago. I just want to say in passing, we have fielded candidates. Hear this proud record. Nobody else could boast of it. We have fielded candidates in every single local election from 1956 to now, in every single electoral district. [*Desk thumping*] We have fielded candidates in every single general election since then in every constituency. [*Desk thumping*] Never lost a deposit. That is our record. Afraid of elections, afraid of that, no way!

Since May 24, they have upset thousands of people including people in the electoral area of Tobago, with the Clico scandal and the way they managed it. They have upset all of them. Many of them are from Tobago—Bacolet, Delaford, Bloody Bay, L'Anse Fourmi, and some of the names we heard of today. All of the elderly citizens from Tobago, with the \$3,000 pension promise that never came, they have upset all of them since May 24, 2010.

They have upset the public servants who have worked so hard in Tobago. They have upset the Tobago CEPEP and URP workers. They have upset the Tobago TSTT workers. In fact, they have upset all workers across Trinidad and Tobago with their false promise about some better minimum wage. They have upset all Tobagonians who were short-changed in the budget, notwithstanding the sugar coating that some of their spokespersons tried to put on it, and, certainly, the people of Tobago understand no kiss cake, no kiss cake van or chubby could fix that. [*Desk thumping*] So, we are not afraid of any election in Tobago. To put it in a succinct form, since May 24 the people of Trinidad, and more particularly the people of Tobago, had an opportunity to see the very ugly face of the UNC-led coalition. So if they have an election now, they may be quite surprised.

Mr. President, we have come today to validate the Ninth Report of the EBC as it relates to Tobago. The circumstances that brought us here are quite clear. There is clearly need to improve the legislation because we have been doing a little fixing as we went along, and we considered that it was good that the EBC would have identified this problem. It just shows that we are a developing nation. We make mistakes, we are not perfect, but we are getting somewhere, and the Law Commission has responded quite sensibly to the urgings of the EBC. The technocrats thereat worked hard and came up with a solution to the problem. I would expect to see my friends on the other side apply their minds to fixing the problem once and for all, and have, as has been recommended by my friend, Sen. Cudjoe, a separate piece of legislation dealing with that issue of elections in Tobago or at a bare minimum it be included in the THA legislation. We would like to see them spend some time on that.

Alas, their legal advisor, the Attorney General, rather than applying his mind to something as important as that, especially since they spoke so well in their pretence that they love the people of Tobago, he is not too concerned about that. I understand that he is overseas at the moment, finding other friends to sit on the commission of enquiry as it relates to HCU and Clico. That is a matter to which we should return. We have already pointed out, rather than spend time looking at the issues in Tobago and fixing the lacunae as we have identified today, he is more concerned about other things.

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You were absent, Mr. President, and I am sure—as a matter of fact, let me place on record immediately—I should have done this at the top of my contribution—I welcome you back [*Desk thumping*] and to say on behalf of all of us that you can be assured the courtesies of your high office. We would extend them from this side. I feel very comfortable with you in the Chair. I must say so. I did not always feel so confident in previous contributions in this debate for reasons that will become a bit more obvious later on, because we are here for a long time. [*Desk thumping and laughter*] You see, it only demonstrates that while they call other people “duncy”—[*Interruption*]

**Sen. Beckles-Robinson:** They are listening and enjoying your contribution.

**Sen. F. Hinds:**—and tell lies about who called who “duncy”, they do not even wait to learn. I was talking about we, the PNM in the Parliament, and they applauded while the—Yes, Mr. President—[*Interruption*]

**Sen. Panday:** [*Inaudible*]

**Sen. F. Hinds:** You could say what you want. Very wishful, very hopeful, they applauded themselves.

**Sen. Beckles-Robinson:** They are listening. They are enjoying your debate. They are all awake.

**Sen. F. Hinds:** Yes! So, Mr. President, I feel very comforted and rather than spend—we have a lawyer. The Leader of Government Business here is an astute lawyer and an accomplished attorney-at-law, and there are others in both Houses—part of the Government—and, rather than give attention to these matters, the Attorney General came here in your absence and stated a deliberate falsehood. The Members of this Senate, Sen. Fitzgerald Hinds and Sen. Al-Rawi, we tried to rectify the matter in accordance with the Standing Orders, but it is—[*Interruption*]

**Sen. Panday:** Mr. President, on a point of order, Standing Order 35(5).

**Sen. F. Hinds:** Let me assure you that it is not relevant because I am winding up now. So, Mr. President, I thank you for the opportunity to have made a very short intervention in this debate and to indicate as our Leader here has already indicated, responsible as we are, we would very well support the measures in this Bill, and that our friends on the other side can be assured of that support.

May I thank you. [*Desk thumping*]

**Sen. David Abdulah :** Mr. President, like some others, I had not intended to speak on this particular Bill because I think that—and I am sure most Senators

were of the view that it is a very simple matter as it had been introduced by Sen. Panday and also supported by Sen. Beckles-Robinson.

The comments of both of them indicated that, in essence, this was going to be a very straightforward Bill and it would have been passed without a great deal of either debate or rancour. I was interested that Sen. Cudjoe's contribution opened up a Pandora's box so to speak, and, having just heard Sen. Hinds, one could not leave what I deem to be PNM revisionism to go unresponded to. So, I thought that, as we discuss this Bill, to validate the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago under the EBC (Local Government and the Tobago House of Assembly) Act, Chap. 25:50, some points need to be made, because, while it has been pointed out that this has arisen because of legislation and gaps in that legislation of some 20 years ago, and Sen. Hinds made the point that it straddled both or more than one administration, it must be recorded that at least 14 of those 20 years the administration in government was that of the PNM and, therefore, the prime responsibility for addressing that would really have fallen to the People's National Movement government. [*Desk thumping*]

Therefore, he cannot now suggest that, having just come into office, somehow or the other we should have simply not brought this Bill today to validate the Ninth Report, but that we should have actually brought legislation to close the lacunae. It is really to stretch people's imagination.

When the goodly Senator spoke about my colleague, Sen. Moheni, obliquely seeking to raise criticisms of the Elections and Boundaries Commission and suggested that no Member of this institution should do such a thing, one must recall that, in an earlier period, colleagues of his sitting with him at the time and still sitting in another place, were vociferously critiquing the institution—that is Elections and Boundaries Commission—when they were then in Opposition—that is the PNM—fearing the role of the EBC at that time and were questioning its independence and identifying a clear lack of confidence in that institution.

Mr. President, this is a clear attempt at what I called “PNM revisionism”, that has to be rebutted constantly, and the historical record has to be set straight time and time again. [*Desk thumping*] There is absolutely no doubt that insofar as the attacks at various points in time on the constitutional rights of citizens, that those attacks have historically come when the PNM had been in government and one could cite many examples of that through the years.

There has been another clear attempt this afternoon by Sen. Hinds to create in the minds of citizens of this country that somehow or the other those on this side have different ethics and a different ethos. He suggested that members of one party had a particular ethos, members of another party had another, and I want to say for the record—and he also identified it when he referred to the UNC manifesto. Of course, there is no UNC manifesto. It is the manifesto of the People's Partnership.

This Government is the Government of the People's Partnership and all of these are not subtle attempts. There are deliberate attempts to create a division in the society; divisions which really will do the country no good, which will do the citizens no good, and even the supporters of his own party no good, ultimately, because a nation that is divided in ways that members of the PNM are constantly seeking to divide this country, can never come together for the common good and can never therefore address the myriad problems and the very difficult problems including the mess of HCU and Clico which his government left behind, and which now this Government has to address all of these problems. It has become very difficult to do so, when the country is divided as they seek to divide it constantly. Therefore, I wish to state that we on this side will certainly not be distracted by any attempt to create confusion in the minds of citizens of this country in the way that the PNM is seeking to do.

**4.00 p.m.**

They repeat things that are just not true. Sen. Cudjoe, for example, again repeated the myth of a promise of a \$20 minimum wage. Once again, that is not so. I could have gotten up under Standing Orders to correct that. It is just not so. They keep repeating these myths and I am putting it politely because I am in a polite place. If I were speaking in a trade union, I would say it quite differently. They keep repeating these myths in an attempt to create a certain level of expectation in the minds of citizens, in order to mobilize discontent because they figure that is the only way they will get back into government. That and God's face, Mr. President, they are unlikely to see.

When Sen. Hinds talked about a rumour he was hearing and members of the Government together with members of the Tobago Organization of the People may be concocting; all of these very evocative and emotional terms which are being used essentially to create fear in the minds of citizens, I repudiate that approach and all right-thinking citizens should repudiate that approach of certain politicians that are basing their political actions on fear.



They also seem to suggest that because they have had some time in government and they know about elections and contested every seat in every election from 1956 to now—of course, they did not say that in 1956 they did not win the election; that the then leader of the PNM had to engage in an arrangement with the Colonial Government in order to have nominated members of the Legislative Council at the time support the People's National Movement because it did not win a majority—

**Sen. Hinds:** Thirteen out of 24?

**Sen. D. Abdulah:** That is right and if you do your math right, 13 out of 24 is a minority. I do not know if you need a laptop to work out that calculation. Perhaps, Mr. President, this People's Partnership—13 x 2 is 26; 13 of 24 is a minority.

The historical record is very clear. You did not say that in 1956 the PNM had a minority of the seats in the Legislative Council that required the support of the nominated elements to form the government. That is the historical record.

Mr. President, what they do not understand is that, in 1956, there were nominated Members in the House and they could not have formed the government without the support of the nominated elements of the Colonial Government; and rather—they do not know their own history, that is why I talk constantly about the PNM revisionism; which is why, instead of Dr. Williams forming an alliance with Tubal Uriah "Buzz" Butler and the workers of this country, which would have been a nationalist alliance, Dr. Williams formed an alliance with the Colonial Government, which he was claiming to rage against. So, from day one, the PNM was on the side of the owners and managers of big capital in the society.

That is the historical truth of the matter; contrary to what the PNM has attempted to do to portray itself as the defenders of the poor person in the country. I was provoked into history and I think I know some history. In fact, Dr. Williams, in a famous speech, referred to no longer do workers need to follow people like Butler because we were then in the era of the jet plane, suggesting that Butler and the ordinary workers of this country were backward. That is the mentality that they have.

They tried to suggest that they are the natural party of government which is absolutely not so, and, therefore, I want to say that Sen. Hinds' contribution, in an attempt to talk about UNC-led coalition; the ethos of one against the other; or the UNC with a bit of this and that, are futile attempts to create in the minds of the public that the People's Partnership is somehow not a strong and united force for progressive change in Trinidad and Tobago. The ordinary citizens are well aware of that, which is why they voted for us overwhelmingly on May 24 and again on July 26, 2010.

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So we are very clear about what we have to do, and, as I stand here to support this very simple Bill to validate the Ninth Report of the Elections and Boundaries Commission, I want it to be recorded that we will ensure that the record is correct and historically accurate and that attempts at revisionism do not go unnoticed and that the climate of fear and division, which the other side seems hell-bent on creating, will not succeed this time around.

Thank you very much, Mr. President.

**Sen. Corinne Baptiste-Mc Knight:** I thank you, Mr. President, and I welcome you back warmly, even though the room does not quite say the same thing.

I had hoped that this debate would never have happened. In truth and fact, there is no need to debate this Motion. The facts are simple and they were laid out, I think, very clearly by the Leader of Government Business when he introduced the Bill. As such, I did not think that it would be necessary for me to warm myself up to intervene, but it has become necessary in light, particularly, of two statements that I heard in this Senate this afternoon. I declare that I must correct them, if only in my capacity as a former member of the Elections and Boundaries Commission.

While I sat on the EBC, I became very sensitive to the fact that, particularly emanating from this place, the Parliament, both Houses, there were always accusations, innuendos, about the deception, the corruption that emanated from that place. I think it would be wrong of me not to correct these two statements that were made here this afternoon.

One was that boundaries were changed for the 2009 election of the Tobago House of Assembly. The report, which did not come to Parliament, “that should have come before the election of the 2009 Tobago House of Assembly, is this report. It is very clear, from the explanation given, why this report did not come; therefore, the report under which that election was held was the 2004 report, so there were no changes. I repeat: N-O, no changes for the 2009 election.

This particular report, if one reads it, one sees that the changes suggested are changes in the names of two existing districts, but this change will not happen unless and until the report is accepted. I would like the record to show that, contrary to what has been stated, the THA 2009 election took place with no changes in the boundaries.

Secondly, a lot of heavy weather was made about certain communities not liking where they were placed in the different districts. I want to make it very clear that changes in boundaries of districts made by the Elections and Boundaries Commission are made not of their own choosing, but in accordance with the rules laid down in the Second Schedule of Act No. 25:50. So that, whether the communities like where they are or not, they must blame the rules adopted in this Parliament in the appropriate legislation. The Elections and Boundaries Commission can only change boundaries in accordance with those rules.

Mr. President, I make these two statements simply in order to ensure that in this Senate, we and people listening to what goes on in this Senate, are aware that the Elections and Boundaries Commission acts in accordance with rules that are passed by Parliament and no other arrangements.

I thank you.

**The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Thank you very much, Mr. President. I congratulate all the persons who have spoken on this short Bill. As Sen. Baptiste-Mc Knight stated, we had indicated what the full purport of the Bill was. I am to agree with her that the Elections and Boundaries Commission can only demarcate the boundaries after an Act has been passed, unlike the national elections where the Elections and Boundaries Commission can use the national formula and shift the boundaries. In any event, in Tobago, the number of electoral districts has remained the same.

I want to inform the people of Tobago that the People's Partnership has shown the respect due to the people of Tobago and, as such, we brought two persons from the other place to ensure that the voice of Tobago, the wishes, hopes and aspirations of the people of Tobago, are heard.

**4.15 p.m.**

We then had Sen. Embau Moheni, who also pleaded the case for Tobago. On the other side, we had Sen. Shamfa Cudjoe in her usual bubbly manner. She did justice to Tobago. However, when one looks at the PNM, I want to ask the people of Tobago if they really care about you. With little or no disrespect to Sen. Deyalsingh, today we have a Bill before this Senate which pertains only to Tobago, particularly to Tobago. The PNM had an opportunity to bring somebody from Tobago to add to the voice of Sen. Shamfa Cudjoe. [*Interruption*]

**Hon. Senator:** A simple Bill.

**Sen. The Hon. S. Panday:** A simple Bill. They never even thought about giving the people of Tobago that extra seat in the Senate to put forward their case; then you, Sen. Hinds talking about love for Tobago? I humbly ask—the Member for Diego Martin West went to Tobago last week and spoke about a lot of things. “Yuh mean tuh say you” could not find a single person from Tobago to come and talk on behalf of Tobago in the highest forum in the land? I ask the Secretary of the Tobago House of Assembly, do whatever you want, I am not interfering in that. You, Sir, even you who lived in Tobago, could not find somebody in Tobago to come and speak on behalf of Tobago today?

In the People’s Partnership, on the other hand, you see where we stood and how we treat Tobago. The Member for Tobago West made the point. *[Interruption]* He indicated that he was ill and that is why he is not here. The People’s Partnership has indicated, shown clearly to the people of Tobago, the concern, the care and respect we have for Tobago. The Member for Tobago East is here. *[Interruption]*

**Sen. Hinds:** She spoke for five minutes.

**Sen. The Hon. S. Panday:** We are certain that the people of Tobago will observe and the people of Tobago will make the right decision. *[Interruption]*

**Sen. Cudjoe:** When you apologize correctly to Chief Justice Archie.

**Sen. The Hon. S. Panday:** Okay. Mr. President, as Sen. Baptiste-Mc Knight has indicated—*[Interruption]*

**Sen. Hinds:** I thank my friend for giving way. A simple question I must ask. Since you love Tobago so much, the Member for Tobago East, in this debate, could have spoken for 45 minutes. She spoke for five. How do you explain that?

**Sen. The Hon. S. Panday:** I would explain that by saying that the PNM had an opportunity to bring somebody who could have spoken for the whole 45 minutes and they neglected and refused so to do. The PNM’s neglect of Tobago has been manifested here today. PNM’s neglect for Tobago has manifested itself here today.

Sen. Baptiste-Mc Knight was right when she said that election was held based upon a 2004 report. You had the 2009 election being fought on a 2004 report. *[Interruption]*

**Sen. Hinds:** No report, boundaries.

**Sen. The Hon. S. Panday:** What one would have thought is when the PNM was in government—*[Interruption]*—by Act No. 27 of 2008—did the PNM find

out whether, in 2008, another report had been prepared in the four-year period or whether another report was due? Hear what the PNM did. You really do not understand it. Do you know what the PNM did in Act No. 27? They legislated in that Act, by section 10 when they said:

“Notwithstanding sections 4(2)(c) and 4(6) of the Act and any other written law...”

Hear what you did when you validated:

“for the purposes only of the Tobago House of Assembly elections in 2009, the report of the Elections and Boundaries Commission (Local Government Tobago House of Assembly Order) 2004 shall subsist and remain valid for that election.”

In 2008, you legislated for the 2004 election to be used in 2009, without endeavouring to find out whether another one would have been due before the election. You are talking about lacuna? We are showing how incompetent the PNM was. Who was in government in 2008? “Yuh forget it was May 24, 2010? Yuh mixing up yuhself?” In 2008, you brought that piece of legislation. The message we are sending—we hope, we cannot send a message—is that we respect the independent institution of the Elections and Boundaries Commission. It is now 2010 and we envisage that, as you said, the next election is expected to be held in 2013. It is hoped that, between now and then, a new report will be in place by that time. We assure you that. We shall ensure that. The way we shall ensure that is not like the PNM’s abusing the Elections and Boundaries Commission. I would come to that in a minute.

If you look at the budget, there was an appropriation last year where more funds were allocated to the Elections and Boundaries Commission so they could effectively do their work. The PNM did not do that in 2008. To make up for that, they passed legislation for the use of old data. That is what the PNM did. We are saying that we hope and it is expected that the election will be held under a new report, because the People’s Partnership Government has put everything in place, so that the Elections and Boundaries Commission can operate as a purely independent body.

That out of the way, I want to deal with another issue of the hon. Sen. Fitzgerald Hinds. He has a plan; whether he is in government or in Opposition, whether he is in government and being thrown out of the House, or whether he is in Opposition and comes back inside. He has a plan and he has been operating like that since 1991. *[Interruption]* Two of us. He has been operating like that

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since 1991, driving a wedge. That has been the modus operandi, since 1991, of Sen. Fitzgerald Hinds; he and the Member for Diego Martin West. Do you know what they usually say? “Drive the wedge. If we drive the wedge and we separate them, we will win elections.” You have boasted and said: “Any time they divide, we will win.” We are telling you, we are going to stay together to ensure that you will remain in Opposition.

The next habit or plan they have is the old-time plan where they say: “Cut out de head and de body will fall.” [*Interruption*]

**Sen. Hinds:** Who?

**Sen. The Hon. S. Panday:** You and your leader. That is the plan. That is why they have come to this honourable Senate and tried to attack the hon. Prime Minister. That is why, on every occasion—I know the scheme. We know your plan. Therefore, every time you try to do that, you would notice that we use Standing Order 35(5). “So ah putting yuh on warning, clean yuh tricks. We know all de tricks.” Try something new.

My friend, Sen. Hinds, is indeed a good debater, but I had hoped I could have said an honest one. He came here today and he pontificated about his respect for that independent institution, the Elections and Boundaries Commission. But he belongs to a party. [*Interruption*]

**Sen. Hinds:** “Doh go an’ talk about voter padding now, eh, right!”

**Sen. The Hon. S. Panday:** I am coming there.

**Sen. Hinds:** And why we became skeptical.

**Sen. The Hon. S. Panday:** And why they became skeptical. Of whom? Of the EBC. Did you forget that the Leader of the House at that time, the Member for Diego Martin North/East, went to the Elections and Boundaries Commission as a representative of your party, the PNM? Do you remember he went there and made the wildest allegations against the EBC? He made those allegations against the EBC. Do you remember that he said persons who had died; their names were on the list? Do you remember that? Do you remember the Commission of Enquiry into the EBC? “Yuh forget it?” I am responding to you, when you spoke about your respect for the independence of the Elections and Boundaries Commission. I am merely responding, Sir.

Do you remember he said that persons who have died, their names were on the EBC report and they voted? Do you remember in the Commission of Enquiry into the EBC, the man turned up, and the headline in the newspapers was “Dead

man walking”? Do you remember that? That was the headline. *[Interruption]* No problem, I would take it. You are my friend and you could give me what you want. That was the PNM who was attacking the integrity of the independent body.

You have come to the Parliament today professing respect. You do it when it pleases you. Your party has been—*[Interruption]*

**Sen. Beckles-Robinson:** You are not in Opposition.

**Sen. The Hon. S. Panday:** If you are saying that you make those arguments when you are in Opposition, okay. Have your say and I will have my way, okay. I cannot allow you to make those statements and allow them to go into the public domain without responding.

He talks about ethos. When you talk about the UNC-led, you are really trying, according to Sen. Adluah, to drive a wedge. “But we are stick with Evo-Stick”. We are stuck with Evo-Stick; nothing like you and nothing like the PNM can separate us. *[Interruption]*

**Sen. Hinds:** Flour and water.

**Sen. The Hon. S. Panday:** No, not flour and water at all. When he speaks, he tries—they tried to create among us a sense of difference; this one is different from the other and that one is different from the other, trying to drive that wedge. The next statement he would be making sooner or later is: “You all have pole-vaulted your principles.” Do you remember that phrase you like to use? You will be coming with that soon. Sorry about letting you know what you are coming with.

When you speak about people being corrupted, you must not forget—*[Interruption]* that is what you were trying to say here. *[Interruption]*

**Sen. Hinds:** When things are obvious, words are not necessary.

**Sen. The Hon. S. Panday:** Okay, when things are obvious, words are not necessary. That is why the Member for Diego Martin—*[Interruption]*

**Mr. President:** It is now 4.30 p.m. This Senate will be suspended until 5.00 p.m. and we will take a break. Thank you.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. The Hon. S. Panday:** Mr. President, thank you very much. As I indicated, this is a simple Bill. I want to reiterate my gratitude to all the Senators who have spoken on this Bill and, in particular, the Member for Tobago West and

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the Member for Tobago East who came here today especially for this debate. This is really an indication of their commitment to the people of Tobago. [*Desk thumping*]

Mr. President, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

*Clauses 1 to 3 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.*

#### **EVIDENCE (AMDT.) (NO. 2) BILL**

*Order for second reading read.*

**The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Mr. President, thank you very much. I beg to move,

That a Bill to amend the Evidence Act, Chap. 7:02; be now read a second time.

Mr. President, before I embark upon my presentation, I had indicated to my colleagues on the other side that we probably would not have started this Bill today. In the circumstances, I know that my colleagues are not fully prepared for this Bill, due to no fault of theirs. Mr. President, I will merely open the debate, and shortly thereafter, humbly seek the adjournment of the Senate.

Mr. President, what is before this honourable Senate today is the Evidence (Amdt.) (No. 2) Bill. This Bill came before this honourable Senate sometime earlier this year. It was passed in both Houses and there was a proclamation date on the Bill. However, before it was assented to, the Parliament was dissolved and the Bill lapsed. I know my friend, Sen. Fitzgerald Hinds, will be telling the nation very soon: "Oh, it is a PNM Bill that they bring back again."

**Sen. Hinds:** The nation knows that, so you should tell them.



**Sen. The Hon. S. Panday:** Oh yes, I will. He will also say—I know he reads the *Hansard*—that when that Bill came before this honourable Senate, you know, the Opposition voted against it, and now they are bringing the same Bill before the Senate.

**Sen. Hinds:** We will accept your apology.

**Sen. The Hon. S. Panday:** I want to put the record straight immediately. The reason the Opposition did not support the Bill on that occasion was that, when the Bill came before this honourable Senate, it was a two-clause Bill, and in the middle of the proceedings the then Attorney General amended the Bill to make it a six-clause Bill, and the amended clauses in the Bill bore no relationship whatsoever with the first two clauses in the Bill. They tried to run that Bill down the throat of the Senate in one sitting.

I remember Sen. Wade Mark argued vehemently that was not the way to go. He also called it ambush legislation and, as such, he said that there was little or no discussion with the various NGOs and stakeholders in this matter and that the Bill affected fundamental human rights under sections 4 and 5 of the Constitution and that discussion should have taken place.

**Sen. Hinds:** Alarmist!

**Sen. The Hon. S. Panday:** So that was one of the reasons we had taken that position. We thought that there should have been discussions on such an important Bill. What is the difference between then and now? The difference between then and now is that we have consulted with the stakeholders and, in particular, the organization of which my friend, Sen. Fitzgerald Hinds, is a member, the Criminal Bar Association, and we took advice from them.

**Sen. Hinds:** So what do we have; the two-clause or the six-clause Bill?

**Sen. The Hon. S. Panday:** The six-clause Bill. [*Interruption*] What we did, as a result of that, we made certain amendments to the Bill to make it more relevant and less draconian and brought it back before this honourable Senate. So you cannot go on to say—

**Sen. Beckles-Robinson:** Very skilful!

**5.15 p.m.**

**Sen. The Hon. S. Panday:** Mr. President, this Bill deals with two areas of law, which is really law in the courtroom. The first two clauses deal with the issue of recent complaint and the second part of the legislation deals with the issue of video recording of testimony. That was to ensure that witnesses' statements were introduced into

evidence.

There was a time when witnesses would give a statement and they were murdered or threatened and did not turn up; as such, there was no evidence before the court, so guilty persons walked free. On many occasions after, or subsequently, they would give the statement and then come before the court and say, "I cannot remember; I forgot"; so the videotaping of the evidence followed Act No. 5 of 2007 and the 2009 Act; evidence was obtained and could be introduced, at least, as evidence-in-chief.

Mr. President, at this time, before we go into the meat of the debate, I will move the adjournment.

#### ADJOURNMENT

**The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday):** I humbly beg that this honourable Senate be adjourned to Tuesday, October 12. We had agreed on the last occasion for the last Tuesday in September to be Private Members' Day, but the Parliament was adjourned so Private Members' Day was lost. I have spoken with the Leader of the Independent Bench and my friend and we have agreed that Tuesday, October 12, would be Private Members' Day and the following Tuesday we shall commence this Bill in full flight.

*Question put and agreed to.*

*Senate adjourned accordingly,*

*Adjourned at 5.17 p.m.*