

SENATE*Tuesday, May 28, 2019*

The Senate met at 1.30 p.m.

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

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Franklin Khan, Sen. The Hon. Allyson West and Sen. The Hon. Dennis Moses, all of whom are out of the country.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from Her Excellency the President, Paula-Mae Weekes, ORTT:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,
O.R.T.T., President of the Republic of Trinidad
and Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. NDALE YOUNG

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

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint

UNREVISED

you, NDALE YOUNG, to be temporarily a member of the Senate, with effect from the 28th May, 2019 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Franklin Khan.

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 24th day of May, 2019"

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,
O.R.T.T., President of the Republic of Trinidad
and Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. AUGUSTUS THOMAS

WHEREAS Senator the Honourable Allyson West is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, AUGUSTUS THOMAS, to be temporarily a member of the Senate, with effect from 28th May, 2019 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Allyson West.

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 24th day of May, 2019"

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. HARVEY BORRIS

WHEREAS Senator the Honourable Dennis Moses is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, HARVEY BORRIS, to be temporarily a member of the Senate, with effect from 28th May, 2019 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Dennis Moses.

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 27th day of May, 2019"

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OATH OF ALLEGIANCE

Senators Augustus Thomas and Harvey Borris took and subscribed the Oath of Allegiance as required by law.

AFFIRMATION OF ALLEGIANCE

Senator Ndale Young took and subscribed the Affirmation of Allegiance as required by law.

PAPERS LAID

1. Ministerial Response of the Ministry of Social Development and Family Services to the Seventh Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the Management of the Targeted Conditional Cash Transfer Programme. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat)*]
2. Ministerial Response of the Ministry of Health to the Sixth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Establishment of Systems for the Maintenance of Drainage and Roadways. [*Sen. The Hon. C. Rambharat*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2018. [*Sen. The Hon. C. Rambharat*]
4. Ministerial Report of the Ministry of Agriculture, Land and Fisheries to the Twenty-Third Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the National Agricultural Marketing and Development Corporation (NAMDEVCO) for the financial years 2008 to 2011. [*Sen. The Hon. C. Rambharat*]

JOINT SELECT COMMITTEE REPORTS**(Presentation)****UNREVISED**

Cybercrime Bill, 2017

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I have the honour to present the following report as listed on the Supplemental Order Paper in my name:

Second Interim Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017 in the Fourth Session, Eleventh Parliament.

Constitution (Amdt.) (Tobago Self-Government) Bill, 2018

Sen. Nigel De Freitas: Madam President, I have the honour to present the following report as listed on the Supplemental Order Paper in my name:

Second Interim Report of the Joint Select Committee appointed to consider and report on the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018 in the Fourth Session, Eleventh Parliament.

Land and Physical Infrastructure**Public Transport Service Corporation**

Sen. Deeroop Teemal: Madam President, I have the honour to present the following report as listed on the Supplemental Order Paper in my name:

Seventh Report of the Joint Select Committee on Land and Physical Infrastructure on an inquiry into the Public Transport Service Corporation (PTSC) with specific focus on the Public Bus Service and Maintenance of Buses.

URGENT QUESTIONS**Siparia West Secondary School****(Measures to Address Violence)**

Sen. Paul Richards: Thank you, Madam President. Good afternoon, everyone. To the Minister of Education: Based on reports about the daily operations at the

Siparia West Secondary School, what immediate measures are being taken to address the violence between students and the consequent fear of the teachers in dealing with the students?

Madam President: Acting Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, both Ministers—Garcia and Minister in the Ministry of Education, Dr. Lovell Francis—are at present at the Siparia West Secondary School meeting with school officials and other stakeholders. The purpose of the visit is to get first-hand information regarding the allegations that have been appearing in the media. The next step will be determined after the Ministers and Ministry have compiled all the information received and they have the facts before them. I thank you.

Madam President: Sen. Richards.

Sen. Richards: Thank you, Madam President. In light of your answer, Minister—thank you for the answer—and even while the investigation by the Ministers is being conducted, can the Ministry indicate whether pre-emptive security measures have been increased at the institution, just to give a sense of ease to the teachers who have expressed fear in dealing with the situation?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, the presence of both Ministers today at the school indicates the urgency with which the Government is dealing with the matter, and if the issue of security at the school arises from the visit, I am confident that the Government will take the appropriate measures. Thank you.

Siparia West Secondary School

(Allegations of Sexual Abuse)

Sen. Paul Richards: Thank you, Madam President. To the Minister of

Education: What immediate measures are being used to address the allegations of sexual abuse by a male teacher at the Siparia West Secondary School?

Madam President: Acting Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, as serious as the allegations sound, I am happy to say that the investigations have revealed that the allegations are false. It is a fact, Madam President, that a female student of the Siparia West Secondary School is pregnant. However, having been interviewed by the police on several occasions, there is nothing to suggest that a teacher or anyone else at the school is responsible for the pregnancy of the student.

Madam President: Sen. Richards.

Sen. Richards: Thank you, Madam President. Finally, Minister, can the Ministry indicate whether any counselling would be meted out to the student while undergoing this sensitive situation in her life?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, I must confess that I am not aware, but I would in fact bring the question to the attention of the Minister, and at the appropriate time, once I have the information, I will share it with the Senate. Thank you.

Sen. Richards: Thank you.

Fire at Labidco Estate, La Brea

(Cause of)

Sen. Saddam Hosein: Thank you very much, Madam President. To the Acting Minister of Energy and Energy Industries: In light of the fire at Labidco Estate, La Brea over the weekend which negatively affected the nearby residents, can the Minister advise as to the cause of the fire?

Madam President: Acting Prime Minister. [*Desk thumping*]

The Acting Prime Minister, Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Thank you, Madam President. I am advised that on Sunday the 26th of May, 2019, an area where chemicals are located on the compound of the Labidco Estate in Point Fortin caught fire. The Trinidad and Tobago Fire Service and the Disaster Management Unit of the Point Fortin Regional Corporation responded among others. Although media reports indicate that it could be as a result of a bush fire, no official cause has been determined to date. The fire service and the Point Fortin Regional Corporation continue to investigate to determine the cause.

Madam President: Sen. Hosein.

Sen. S. Hosein: Thank you very much, Madam President. To the Acting Prime Minister: Can the Acting Prime Minister indicate whether or not the Environmental Management Authority is also involved in the investigation of the cause of the fire having regard to the company having been issued a Certificate of Environmental Clearance?

Madam President: Acting Prime Minister.

Hon. C. Imbert: Madam President, the information I have at this point in time that the agencies that responded that have been named are the fire service and the Disaster Management Unit of the Point Fortin Corporation. I am not aware whether the EMA is involved, but I can certainly determine that and provide that information in due course.

Children in Police Custody

(Accommodation of)

Sen. Wade Mark: Thank you, Madam President. To the Prime Minister: Given recent reports that four children found by the police in a house harbouring escaped

prisoners, remain in police custody due to the Children's Authority's inability to find accommodation for them, can the Minister advise how soon this situation will be remedied?

Madam President: Acting Prime Minister.

The Acting Prime Minister, Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Thank you, Madam President. The statement in the question is incorrect. The Children's Authority has confirmed the placement of the children with family members on Sunday. Two children were placed with their maternal aunt. The other two children were placed with a maternal cousin. This is based on a preliminary assessment of the family's ability to provide care and protection for the children. I am advised that this decision is consistent with the Convention on the Rights of the Child and national standards to have children remain with families as much as possible. The children will remain in this placement until a decision is made with the mother and the Children's Authority with respect to any further action. The Children's Authority will continue to monitor the situation.

Shortage of Fire Service Vehicles

(Measures to Address)

Sen. Wade Mark: To the Minister of National Security: Given recent reports that there is a severe shortage of fire service vehicles to assist residents in the Northern, Central and Southern Divisions, can the Minister state what urgent measures are being taken to address said shortage?

Madam President: Acting Minister of National Security. [*Desk thumping*]

The Acting Minister of National Security, Acting Minister of Communications and Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Madam President. I am not so sure

which source or sources the Senator got the reports from, but the most official source, the Chief Fire Officer and his division, has advised that there is absolutely no shortage of fire service vehicles. All stations are manned, with the exception of Santa Cruz, Woodbrook, Morvant and Rio Claro, and for these adequate coverage plans are in place. In respect of the repairs, there are some delays on account of the long lead times that are required in order to procure spare parts. This work is ongoing but there is absolutely no shortage in the context of the reports as reported to us by the hon. Senator.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can I ask the hon. Minister whether he can share with this Senate how many vehicles, fire vehicles, are there in the Northern Division of the fire service.

Madam President: No, Sen. Mark, I will not allow that question. Next question, Sen. Mark.

Sen. Mark: Can I ask the hon. Minister how soon will spare parts be secured to deal with urgent repairs of vehicles that are currently down?

Madam President: Minister.

Hon. F. Hinds: As soon as practicable. Urgent attempts are being made to secure them.

ANSWERS TO QUESTIONS

Madam President: Acting Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, there are four questions on notice and no written questions due today and the Government is going to respond to all four questions on notice. [*Desk thumping*]

ORAL ANSWERS TO QUESTIONS

**Grounding of Aircraft
(Measures to Address)**

148. Sen. Wade Mark asked the hon. Minister of National Security:

Having regard to reports that the prolonged grounding of four AW139 helicopters and two C-26 fixed wing aircraft has severely affected the ability of national security agencies to conduct air surveillance and a rapid response to reports of crime, can the Minister indicate what measures have been implemented to ensure that this issue is addressed?

The Acting Minister of National Security, Acting Minister of Communications and Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very warmly, Madam President. In response to Question No. 148, it must be noted that two C-26 fixed wing aircraft have not been grounded as incorrectly stated in the question by the hon. Senator. These aircraft continue to be utilized for the following activities:

- search and rescue;
- intelligence surveillance;
- general support to law enforcement;
- reconnaissance; and
- troop transport.

Furthermore, given the extremely high cost of maintaining the AW139 helicopters as military headquarters at over \$150 million per year, these helicopters were grounded in June of 2017 and transferred to the approved maintenance organization purposes, to the National Helicopter Services Limited. This transfer allowed for the conduct of flyable preservation maintenance for three of the aircraft and the fourth is in long-term preservation.

It should be noted that none of the four helicopters were operational at the

time of this transfer and, thus, could not have been flown. Based on the work done by the National Helicopter Services Limited it is now expected that the first helicopter would be made serviceable within the next month and with two more helicopters following shortly thereafter. It should also be taken into account that the fourth helicopter requires the most maintenance as this aircraft was grounded in October 2016 for major repairs to its tail boom due to corrosion. To this end, the Trinidad and Tobago Defence Force, more specifically the Air Guard, continues to work assiduously with the officials of the NHSL towards returning the four helicopters to full operational capability in the shortest possible time frame, Madam President.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate how the grounding of these important air assets have impacted on the ability of the security services to fight crime in this country?

Madam President: Minister.

Hon. F. Hinds: It is axiomatic, Madam President, to the extent that they were used in the fight against crime and for the other purposes for which they were used. Their absence must have some impact, and therefore it is for that reason and more that hasty and costly efforts are being exerted to get them airworthy again for the purposes that they originally served.

Madam President: Sen. Mark.

Sen. Mark: Can the hon. Minister indicate how soon, given his statement, will these air assets be brought back into full service?

Madam President: I will not allow that. Next question, Sen. Mark.

Sen. Mark: Can I ask the hon. Minister, therefore, when he spoke about long-term preservation of one of these helicopters, can he further elaborate?

Madam President: No, Sen. Mark, that question, I would not allow it. Next question, Sen. Mark.

Sen. Mark: Can I ask the hon. Minister, therefore, Madam President—

Madam President: No, next question is the next question. I think you have asked your questions. Oh, I am being told you have one more, I apologize.

Sen. Mark: Yeah, well, I humbly accept your apology.

Madam President: I am glad. Yes.

Sen. Mark: Humbly accept your apology. So, Madam President, can the hon. Minister indicate what will it cost the taxpayers to have these helicopters repaired?

Madam President: Minister.

Hon. F. Hinds: I suggested to the hon. Senator that he did not waste his last question. In fact, he wasted it; it is difficult, impossible for me to give that figure at this time in all the circumstances. What a waste.

Cape Class Vessels

(Details of)

149. Sen. Wade Mark asked the hon. Minister of National Security:

In light of reports that the two Cape class vessels on order from Austria, and intended for use by the coast guard, are incompatible with the existing fleet of Coast Guard vessels, can the Minister indicate the following:

- (i) whether the Cape class vessels are compatible with the existing fleet of Coast Guard vessels; and
- (ii) what technical advice, if any, did the Government receive prior to ordering these vessels?

The Acting Minister of National Security, Acting Minister of Communications and Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you yet again, Madam President. The Trinidad and

Tobago Defence Force, more specifically the coast guard, and the Ministry of National Security are not aware of any vessels being brought from Austria for intended use by the Trinidad and Tobago Coast Guard as expressed in the question. However, the Government of the Republic of Trinidad and Tobago has taken steps to produce or to procure two Austal Cape class vessels from Austal shipbuilding, the leading international shipbuilding firm in Australia.

With respect to the first part of the question at (i), the Cape class vessels, Madam President, are well suited to handle the waters of Trinidad and Tobago and can easily be integrated for the use within the Trinidad and Tobago Coast Guard for the following reasons:

- (a) Due to the material used in the construction and design the vessels' power to weight ratio is very impressive. The vessels can travel at a greater speed and endurance for similar sized steel vessels for given fuel consumption. Additionally, the vessels can operate effectively with two instead of four engines thereby leading to less equipment to be maintained as compared to the equivalent vessels within the current fleet, thus translating into significantly lower cost of operating the system or the platform.
- (b) MARINELINK is an integrated monitoring, alarm and control system that provides real-time on-board and remote location systems control and monitoring functionality for a variety of vessel systems. This system reduces the time required by the operator to conduct the same monitoring and recording.
- (c) The vessels can easily be integrated into the computerized maintenance management software currently used for all other vessels within the Trinidad and Tobago Coast Guard's fleet.

Thank you very warmly, Madam President.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate whether the Government is aware that these Cape class vessels suffer from stern tube deficiencies and they have posed serious problems for the Australian royal border control agency?

Madam President: Minister.

Hon. F. Hinds: Not at all aware of those suggestions made by hon. Senator, but I am happy to let him know that the aluminium hull construction significantly reduces the maintenance cost and time associated with the steel hull vessels. Almost all the piping of the stainless steel or copper-nickel alloys, which again significantly reduces the maintenance cost associated with the corroded and ruptured piping; most of the bridge equipment is commercial over-the-counter supplied, or COTS, as we call it. This reduces the logistic complications since many of the components already have a developed supply chain in Trinidad and Tobago. The main engine, the gearboxes and generators are types that are already common among the current fleet of vessels that we have. This reduces the inventory store and logistics associated with the equipment of multiple types.

There is also a good alignment of other major equipment used by this vessel. Some of these include the fuel purifier system, the bilge separator system, bow thruster system, heating, ventilation and air-conditioning system, reverse osmosis system and the deck crane. There is also a good local original equipment manufacturer presence for most of the main equipment present on these vessels. The weight of these vessels makes them light enough to be easily lifted out of the water using a Travelift, Madam President. The current Travelift will require an upgrade to handle the weight of the vessels.

Once this upgrade is done it would significantly reduce dry-docking costs

making it far more efficient than that which we experienced in the past. And of course, Madam President, these vessels are capable of operating to the full extent of the Trinidad and Tobago Exclusive Economic Zone and has the capacity to conduct operations in all environments in which the Trinidad and Tobago Coast Guard now operates, and is expected to operate into the future. They can easily be integrated with the six Austal vessels and the Damen vessels currently in use by the Trinidad and Tobago Coast Guard. For all those reasons and more, Madam President, we are satisfied that, on the best technical advice available to the Government, we have been providing the coast guard with that which they need to carry out the business and the security of the people of Trinidad and Tobago for the foreseeable future.

2.00 p.m.

Sen. Mark: Madam President, can the Minister indicate to this Senate how many patrol days these vessels are expected to supply to this nation when they have been formally acquired?

Madam President: No, Sen. Mark, that question does not arise. Next question.

Sen. Mark: Can I ask the hon Minister, given the glowing—can I ask the hon. Minister in light of his statement, when can the country expect the arrival of these two Cape Class vessels, Madam President?

Madam President: Minister.

Hon. F. Hinds: Towards the end of 2019—towards the end of 2020, I am sorry, Madam President. These are not vessels that you can buy over the counter like Panadol tablets, they are specially built for our needs and circumstances. They have been ordered, largely paid for and we are looking forward to their arrival in the service of people of Trinidad and Tobago.

Madam President: Sen. Mark.

Sen. Mark: Can I ask my hon. colleague whether a formal contract for these vessels has been entered into between the Government of Trinidad and Tobago and Austal? Seeing that they are expected by 2020 or mid-2020, can you share with this honourable Senate whether there is a formal contract?

Madam President: Sen. Mark, that question does not arise. Next question, Sen. Mark. [*Desk thumping*]

**Retired Public Officers
(Pension Payments)**

150. Sen. Wade Mark asked the hon. Minister of Finance:

Can the Minister indicate the number of retired public officers who have received the \$3,500 pension payments as at January 31, 2019?

The Acting Prime Minister, Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Madam President, as at 31 January, 2019, a total of 117 persons fulfilled the criteria and were paid the interim minimum pension of \$3,500 per month. These 117 retired public officers received the minimum pension payable from the date of their retirement up to January 31, 2019, bringing much needed financial relief to them. The initiative has been welcomed by retirees who have been awaiting their retirement benefits for some time. As at February 11, 2019, there were 38 new persons who fulfilled the requirements and were coded into the IGP IhRIS system to receive the interim minimum pension at the end of February. [*Desk thumping*]

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate whether the Government number or the number of retirees who were expected to access this minimum pension as announced by the Government, would that number in any way reflect what actually materialized at the end of January and at the beginning of February?

Can I ask the hon. Minister?

Madam President: Acting Prime Minister.

Hon. C. Imbert: Prime Minister, I was very—I mean, sorry, Madam President, I was very clear, I said as of January 31, 2019, a total of 117 persons fulfilled the criteria and were paid the minimum pension. What else can I say, it seems to be very straightforward to me.

Madam President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister how many public officers, retired public officers who did not, Madam President, fulfill the requirements needed in order access the minimum pension?

Madam President: Acting Prime Minister.

Hon. C. Imbert: I really do not understand the question. Whoever fulfilled the criteria was paid the minimum pension.

Madam President: Sen. Mark.

Sen. Mark: Madam President, you will have to guide me on this one that I am going to ask the hon Minister. Hon. Minister, can you indicate whether the Government is considering examining the indexation—now, I am asking, the hon. President will advise, whether the Government is contemplating indexing pensions to the rising cost of living for retired public officers in Trinidad and Tobago.

Madam President: Sen. Mark, that question does not arise. You have one more, do you wish to ask?

Sen. Mark: It is okay, I am fine.

Madam President: Next question, Sen. Deonarine.

Government's Current Account

(Dollar Value of Overdraft)

226. Sen. Amrita Deonarine asked the hon. Minister of Finance:

In light of the response given to Senate Question No. 134, can the Minister provide the dollar value of the overdraft on the Government's current account at the Central Bank of Trinidad and Tobago in each month of fiscal year 2018 and the total to date?

The Acting Prime Minister, Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Thank you, Madam President. For fiscal 2018, the Government net overdraft position was as follows: In October 2017 the net overdraft, \$6,615,294,156; November 2017, \$8,027,673,583; December 2017, \$7,550,726,693; January 2018, \$6,662,690,217; February 2018, \$8,696,268,018; March 2018, \$9,593,388,563; April 2018, \$9,094,165,438; May 2018, \$10,891,816,336; June 2018, \$10,951,697,306; July 2018, \$10,527,660,752; August 2018, \$8,548,150,986; September 2018, \$9,869,197,516; and as of May 24, 2019, last Friday, the overdraft stood at \$10,382,987,786.

Madam President: Sen. Deonarine.

Sen. Deonarine: Thank you, hon. Minister of Finance. Can you indicate what were the contributory factors for increases in the overdraft during May 2018 and June 2018?

Madam President: Minister.

Hon. C. Imbert: If you may recall Senator, we were in the process of issuing the NIF bonds at that point in time. We eventually received \$4 billion towards the end of the fiscal year, so that is the reason for the overdraft diminishing to \$8.5 billion in August of 2018, as compared to \$10.95 billion in June 2018. So it is just a question of cash flow. So we had expected the NIF bonds to come in a little earlier. If they had, the overdraft would have been a little lower in those months. As you could see, it dropped down to eight and a half billion in August, so that is the

reason. It is just cash flow.

Madam President: Sen. Deonarine.

Sen. Deonarine: Thank you, hon. Minister of Finance. Can you indicate how the repayment of the overdraft is being financed?

Madam President: No, Sen. Deonarine, that question does not arise. You want to ask another one?

Sen. Deonarine: Yes.

Madam President: Yes.

Sen. Deonarine: The current overdraft to date, it stands at what percentage of the total overall available balance at the Central Bank?

Madam President: Acting Prime Minister.

Hon. C. Imbert: If I had known that the Senator would have asked that question, I would have walked with the answer. I am sorry I do not have it but I can provide it to you, off camera, when I go back to the office.

Madam President: Sen. Hosein.

Sen. S. Hosein: Thank you very much, Madam President. Can the Acting Prime Minister indicate, Madam President, whether or not any of these months listed that he would have given to this honourable Senate, did it cross or reach close to the maximum overdraft available to the Government?

Madam President: Minister.

Hon. C. Imbert: The overdraft is managed by the Central Bank, so that situation cannot arise.

DEFINITE URGENT MATTER

(LEAVE)

Humanitarian and Refugee Crisis

(Government's Failure to Address)

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Sen. Anita Haynes: I hereby seek your leave to move the adjournment of the Senate today under Standing Order 16, to discuss a definite matter of urgent public importance, namely the failure of the Government to address the humanitarian and refugee crisis currently facing Trinidad and Tobago. The matter is definite because it deals specifically with the thousands of Venezuelans already residing in and still arriving unchecked into Trinidad and Tobago.

Additionally, the Government has failed to recognize the massive influx of persons as a humanitarian crisis and therefore has not triggered the process for international donor agencies to assist with provision of basic services.

The matter is urgent because despite the Government's assertion of increased border security, Trinidad and Tobago's borders remain more porous than ever. This has resulted in thousands of persons entering undocumented while various state agencies are inadequately prepared for this influx.

The matter is of public importance because the unregulated arrival of Venezuelans coupled with the Government's failure to implement a proper refugee policy, has placed the population in a state of confusion and concern, given the issues such as increased criminal activity, health related issues and resource allocation constraints.

Madam President: Hon. Senators, I have considered the Motion and I am not satisfied that this matter as presented qualifies under the Standing Order.

JOINT SELECT COMMITTEES

(Extension of Time)

Cybercrime Bill, 2017

The Minister of Agriculture, Land and Fisheries: (Sen. The Hon. Clarence Rambharat): Madam President, having regard to the Second Interim Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill,

2017, in the Fourth Session, Eleventh Parliament, I beg to move that the committee be granted an extension to June 28, 2019, to complete its work and submit a final report. Thank you.

Question put and agreed to.

Constitution (Amdt.) (Tobago Self-Government) Bill, 2018

The Minister of Agriculture, Land and Fisheries: (Sen. The Hon. Clarence Rambharat): Madam President, having regard to the Second Report of the Joint Select Committee appointed to consider and report on the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018, I beg to move that the committee be granted an extension to September 27, 2019, to complete its work and submit a final report.

Question put and agreed to.

ELECTIONS AND BOUNDARIES COMMISSION

(PARLIAMENTARY SCRUTINY OF)

[Second Day]

Order read for resuming adjourned debate on question [April 30, 2019]:

Be it resolved that the Senate take note that the Elections and Boundaries Commission is not subject to any parliamentary scrutiny or accountability in respect of its activities and operations unlike other similar independent bodies such as Service Commissions;

And be it further resolved that the Senate call on the Government to take urgent steps to introduce legislation that would make the Elections and Boundaries Commission accountable to the citizenry of Trinidad and Tobago by allowing parliamentary scrutiny of its administration, the manner of the exercise of its powers, methods of functioning and any criteria adopted by the Commission in the exercise of its powers and functions. [*Sen. W. Mark*]

Question again proposed.

2.15 p.m.

Madam President: Those who have spoken on this Motion are Sen. Wade Mark who moved the Motion; Sen. The Hon. Franklin Khan, Minister of Energy and Energy Industries; Sen. Paul Richards; Sen. Khadijah Ameen; and Sen. Foster Cummings was making his contribution. Sen. Cummings, you have 22 minutes of speaking time remaining. [*Desk thumping*]

Sen. F. Cummings: Thank you, Madam President, as I continue my contribution on this Motion moved by Sen. Mark. Madam President, we know there is an old saying, “If it is not broken, do not fix it”, and therefore, I perused the contribution of my colleague Sen. Mark in relation to this Motion and I could not find in that contribution what was the—any evidence of the mischief that he was trying to cure. I am certain that those who listen to the contribution as well, patriotic citizens of Trinidad and Tobago, are of a similar view. Because, Madam President, what is the Motion attempting to achieve? Sen. Mark suggests to us that we should introduce legislation to make the EBC accountable to the citizenry of Trinidad and Tobago. This of course, I suggest, has been in existence throughout the life of the Elections and Boundaries Commission.

Madam President, the EBC is required to submit reports on boundary changes to, in the case of the parliamentary elections to the Prime Minister, in the case of the local elections to the Minister, who then lays that report in the Parliament, and the Parliament must approve this report, and then it goes on to an onward transmission to the President. The EBC, as I indicated on the last occasion in relation to this debate, has also appeared on more than one occasion before the Public Administration and Appropriations Committee, of which Sen. Mark is a member. And so Sen. Mark should know that the Parliament, through one of its

Arms, through the committee called the Public Administration and Appropriations Committee, of which he is a member, has on more than one occasion had the opportunity to call before it the Elections and Boundaries Commission, to provide information related to the administrative, financial, internal auditing, and several other aspects of the activities of the Elections and Boundaries Commission. This is public knowledge. But when I speak to what mischief is Sen. Mark, in his Motion, is trying to cure, we have not been told for instance, what is the shortcoming that we need to address in relation to the EBC.

The Commission is mandated by law, as I said earlier, to submit reports. The Parliament, to which Sen. Mark is suggesting should have additional oversight, has the opportunity to look at the core function of the Elections and Boundaries Commission, and let us interrogate that for a moment. The EBC is responsible for the registration of voters and the maintenance of the electoral list. The EBC is responsible for boundary changes. The EBC is responsible for the conduct of elections: parliamentary, local and THA elections, and is also responsible for issuance of national ID cards. What in these four areas has not been performed in a satisfactory manner that requires us to take heed of the Motion before the House today? And I suggest that the EBC has performed as one of the most efficient institutions in this country, from Independence to now, even prior to Independence.

Madam President, we have had from 1956 to present, 15 general elections in this country, all managed by the very Elections and Boundaries Commission. We know of those 15 elections, PNM has won 11. [*Desk thumping*] The UNC only managed to win two, and the others some accommodation facilitated their entry into government. But let me just say, that on no occasion during these 15 general elections have I been able to find any credible information coming from the United

National Congress party as it relates to the EBC and their function in terms of administrating the election process in Trinidad and Tobago. And, Madam President, it does not only—that confidence does not only reside, the confidence placed in the UNC, does not only reside on this side, it resides among the citizenry because we have had peaceful—

Sen. Obika: I agree, say that again.

Sen. F. Cummings:—we have had peaceful change of government on several occasions in this country because citizens are confident that the process has withstood the test of time. [*Desk thumping*]

In 2015, we had the Commonwealth Observer Group led by Sir Paul Tovua, who is a former speaker of the National Assembly, Solomon Islands. He served as chairman of this group, and this group spoke at length in their report on the conduct of the elections, and the role of the Elections and Boundaries Commission. And, Madam President, I think that the mover of the Motion should take a copy of this report, and it would make good reading for him and those on that side, for the Senator. What did this Committee have to say about Trinidad and Tobago and the EBC?

This report is dated 2015, addressed to the Secretary-General of the Commonwealth. And what does the Committee have to say:

“These elections affirmed Trinidad and Tobago’s record of conducting credible and transparent elections, and are a testament to the people’s commitment to democracy.

Whether they served as polling officials...”—et cetera.

The report goes on to say:

“We were pleased to know that the EBC...”

Madam President, I do not want to quote incorrectly. But the report by Chairman Tovua gives the EBC top marks for the conduct of the elections held in 2015, and I would have thought that if there was a concern by those on the other side about the way that the elections are conducted in this country, we would have heard about this constantly from 2015 to now. I found it here now.

“We”—wish to—“highlight”—and this is the committee speaking—“the exemplary role played by the EBC, an institution that enjoys a high degree of confidence amongst the electorate and all the stakeholders that we met.”

And therefore, I will certainly make a copy of that report available to all the Members on the Opposition bench for good reading. I will certainly make a copy available, I will certainly make a copy available, Madam President, to all the Members on that side. Because it seems as though there is some desire to attack the things that work well in this country. It seems as though the future, the fortune of the UNC is somehow pegged against failure and demise. The politics seems to look, and hope that things fail so that they can ride in as the knight in shining armour instead of supporting success. The EBC is a success story in Trinidad and Tobago. [*Desk thumping*] Just face it and accept it. I know that you might be struggling to find an excuse for your possible—not possible—your certain defeat at the next election.

The history shows that you have won only two. In 1986, based on an accommodation with the NAR, the ULF at the time, the UNC did not exist then, formed the government, and very swiftly in 1991 the people returned in the comfortable safe arms of the People’s National Movement. And time after time, in spite of the result, in spite of the fact that you have not gotten it right, the EBC has been able to manage its affair in such a way to guarantee fair, free elections in

Trinidad and Tobago. What are we fussing about? What is all this fuss about? If you had come to us and you were able to demonstrate that there was some issue that required the attention of the Parliament, then we on this side will be the first to agree with you. We have been at the forefront of the development of Trinidad and Tobago. But nowhere in the contribution of the mover of the Motion, or from my goodly colleague Sen. Ameen, were we able to get what we shall we cure.

Madam President, before us soon will be another report on boundary changes, and Sen. Ameen spoke at length on what some of the implications of those changes would be. To suggest that somehow in certain constituencies or electoral districts held by the Opposition party that there were some disadvantage based on the shift. But, you know, as I alluded to on the previous day of the debate, Madam President, it is always a one sided argument coming from my friends on the other side.

So, the EBC in recommending these changes where the UNC feels that it is not going to work in their favour, the EBC needs to be spanked, and in another case where those changes might affect the governing party in a negative way as put forward by Sen. Ameen, then there are questions to answer. I am confident, Madam President, and we are confident on this side, that the Elections and Boundaries Commission should be commended for the role it has played in maintaining the democracy in Trinidad and Tobago over several decades.

We are confident that the commissioners and staff of the Elections and Boundaries Commission have performed well; we are confident in its ability to conduct elections in a free and fair manner and we are in full support of this institution that has performed well over the years.

2.30 p.m.

And so, it is not possible for us—we would not consider supporting this Motion because we do not feel that the mover of the Motion has been able to demonstrate that there is an issue here to be dealt with, has not been able to show that the EBC has not functioned and functioned effectively and efficiently over the years and, therefore, we would not be supporting this Motion. [*Desk thumping*]

Madam President, I want to, at this point, thank you very much for allowing me to contribute to this Motion and we continue to have full confidence in the Elections and Boundaries Commission. I thank you. [*Desk thumping*]

Sen. Deeroop Teemal: Thank you, Madam President, for the opportunity to contribute to this debate on Private Motion brought by Sen. Mark on the matters regarding the EBC. Madam President, I think over the many years since there have been elections in Trinidad and Tobago, it appears to me that there have been two categories of rumblings, post-election most of the times, and those rumblings deal with, one, voter padding and, two, gerrymandering of constituency boundaries.

What is also noteworthy is that the rumbling or the complaints or the concerns expressed about the EBC are not often done by the party that wins the election, but it is done by the party that forms the Opposition at that point in time. And historically, we see that the incumbent, the party that forms the Government, most of the times, as far I am aware, do not really lodge any complaints about the EBC.

Madam President, in the year 2002, there was a commission of enquiry into the functioning of the Elections and Boundaries Commission of Trinidad and Tobago and the Chairman of that commission of enquiry was Justice Deyalsingh. And that enquiry arose specifically out of a concern of the then People's National

Movement about, the first rumbling I identified, was voter padding. And it is interesting to note from that particular report some of the findings of that report with regard to the enquiry. And you know there were, I think there were almost 23 recommendations in that report, but I would just like to point out two particular recommendations which I think—all of the recommendations I think were important—but which resonate in the context of this particular debate.

On page 87 of the report, item 301, “Review of the Acts and Rules”, the report says and I quote:

“It seems obvious to us that there are many short-comings of the Act...”—and they are referring to the Representation of the People Act, Chap. 2:01—“As a result, we conclude that a review of the Act and the Rules is absolutely necessary at this point. That Act has been in force since 1961, and although there were amendments from time to time, we think that with the changes occurring in Trinidad and Tobago since 1961, both political and cultural, the time has come to revisit the Act and its Rules...What we suggest is that a competent local Attorney, knowledgeable *inter alia* in the Electoral Process be assigned the job of reviewing the Act, after obtaining input from the public and political parties. He/she will, of course, utilize the help and expertise of other persons and organizations, both local and foreign.”

So this was a specific recommendation of that commission of enquiry in which they were recommending revisions of the Representation of the People Act.

Madam President, suffice it to say, and unfortunately, you know, there seems to be a culture with regard to implementation of recommendations coming out of commissions of enquiry and over the many years that most—if not, a significant amount—most of the recommendations, if any at all, are implemented.

And, of course, this particular recommendation of the commission of enquiry of May 2002 was not implemented.

Another recommendation that I would like to refer to, it is on page 60 of the report, item 200, where it states specifically and I quote, that:

“The Registration Officer and the Assistant Registration Officer are empowered by the Act and Rules to decide upon and effect the various registration transactions. The most important of these are (1) registration of an Elector (2) transfer of an Elector from one Constituency to another and (3) deletion of a registered Elector’s name from the Electoral List and (4) deciding on appeals and objections to registration. The Act does not provide for an independent review of the Electoral List hence these are obviously significant powers, of crucial importance to a civic-minded citizen and of some consequence to the accuracy of the Electoral List.

201. We are of the view that the present system, being internal to the EBC, lacks transparency and is subject to errors. It can also be subject to manipulation.”

And the recommendation goes on to say that when an objection—if someone makes an objection—when an objection is lodged, the matter be referred within specific time to a revising tribunal.

So within this specific recommendation, from that commission of enquiry, the concept of a revising tribunal was recommended and they further went on to say that that revising tribunal could be a retired judge of the Supreme Court and this is particular with respect to the electoral list established by the Elections and Boundaries Commission. Again, Madam President, this recommendation was not put into effect.

Madam President, I would like to go to the Elections and Boundaries Commission itself and one of the particular responsibilities is that of establishing the boundaries of constituencies. In some jurisdictions around the world, the boundaries commission is distinct and separate from the election commission. So like in the UK, Australia, Canada, you would have a boundaries commission and an election commission separate, and each one has its distinct duties and powers and responsibilities.

In Trinidad it is combined and within—particularly with regard to elections, we have the Representation of the People Act that elaborates legislation and procedures for the conduct of elections. And I must say, I agree with Sen. Cummings—is that all reports coming from foreign observers of all elections in Trinidad and Tobago are yet to identify, you know, any grave errors in the conduct of elections themselves in Trinidad and Tobago. And that particular commission of enquiry I referred to—that the concern was not much just solely about the conduct. I think we score very well when it comes to the actual conduct of the elections. But the pre-election procedures and the post-election procedures, Madam President, are probably areas where we can reflect on and we can consider for probably legislative revision or additional legislation.

For the Representation of the People Act, going through the entire Act itself, it is fairly lengthy, 274 pages. There is no reference at all to the boundaries of constituencies. And as such, the procedures and the rules regarding boundaries of constituencies we have, within the Constitution itself, within section 72, in particular, of the Constitution and per se, there is no Act outside of the Constitution that specifically deals with boundaries of constituencies. There is the review of constituency boundary reports that is submitted to the Prime Minister and the

Speaker of the House of Representatives, and it is debated in Parliament, as pointed out by Sen. Cummings.

But when we look at the organization structure of the Elections and Boundaries Commission, which I downloaded from their website, Madam President, under the commissioners, everything, all responsibility lies with the Chief Elections Officer. So, de facto, it is like the Chief Executive Officer of the Elections and Boundaries Commission is the Chief Elections Officer. And underneath that person we have seven departments, of which one of the departments is the department of the Deputy Chief Election Officer. And under the Deputy Chief Election Officer comes the Boundaries Delimitation Unit.

So you see how far down the Boundaries Delimitation Unit or the body within the EBC for boundaries delimitation falls. And I am submitting for consideration, seeing the importance of boundaries as well—along with the conduct of the elections, the importance of the boundaries is whether within the structure of the EBC itself, that, just as how we have the Chief Elections Officer, primarily for the establishment of the electoral list and the conduct of elections, under the Representation of the People Act, is whether we should have a Boundaries Delimitation Officer that reports and functions directly under the commissioners of the EBC, of course, allowing for cross-flow of information and coordination between the Chief Elections Officer and this Boundaries Delimitation Officer.

So it elevates the role and it elevates the procedure for the accountability of boundaries delimitation to a point where it is reported directly and it is supervised and monitored directly under the commissioners of the EBC, and may be necessary legislation to enact such a consideration.

Madam President, I support the idea of a revising tribunal within the EBC. For a self-regulating agency in itself, there have to be checks and balances and mechanisms for review, second review, third review, because of the importance of this institution in maintaining the democracy of our nation; checks and balances and first tier, second tier and third tier should not be considered to be excessive. And a revising tribunal that looks at all the adjustments in the establishment of the electoral list that is done annually I think would serve a significant check and balance role in terms of the accuracy of the electoral list.

One other thing I would like to suggest is public consultations. And two public consultations: one, when the electoral list is established by the EBC I am proposing that there should be a public consultation in which members of the public, the stakeholders, the political parties, interest groups, NGOs, CBOs, faith-based organizations, community activists, community groups, all of these stakeholders would have the opportunity to interact with the EBC through a public consultation before that electoral list is issued in its final format.

The second aspect of the public consultation I would like to propose is that of the—prior to the review of the Constituency Boundaries Report, prior to it being submitted to the Prime Minister and the Speaker of the House, that it be put out for a public consultation. [*Desk thumping*] Again, so that members of the public, political parties and interest groups would have that opportunity to have their say, to have their inputs into the report before it goes to the Prime Minister and the Speaker and arrangements are made for it to be tabled and debated in the House.

Madam President, based on what I have contributed in my debate, based on the points that I have raised, in terms of the Motion that the EBC be brought under the scrutiny of Parliament, I think, based on—going back historically to that

commission of enquiry and coming forward, and what I have put forward, I would suggest that before taking that step of looking at putting the EBC under the scrutiny of the Parliament, that there is sufficient room, there are sufficient avenues for certain measures to be put in regarding the establishment of the electoral list and the boundaries of constituencies, that there are sufficient means, other means to look at to reassure and to help improve the overall efficiency of the EBC. As I said, it is a vital institution in our democracy and I would recommend that we explore those, prior to going to the stage of bringing it under the scrutiny of the Parliament. [*Desk thumping*]

Sen. Saddam Hosein: Thank you very much, Madam President, for recognizing me to join this debate on a Motion, a Private Members' Motion by Sen. Wade Mark, and firstly before I begin, I would just like to congratulate Sen. Wade Mark on a laudable, [*Desk thumping*] very critical, a very important Motion for debate in this Senate.

And, Madam President, the essence of this Motion, when you look at the last recital of the Motion, it talks about the introduction of legislation to make the EBC accountable to the citizenry of Trinidad and Tobago by allowing parliamentary scrutiny of its administration, the manner of the exercise of its powers, methods of functioning, any criteria adopted by the Commission in the exercise of its powers and functions. So by just reading that part of the Motion alone, the essence of the Motion is to encourage accountability and transparency with one of the most important institutions in this country that facilitates an election where the mandate of the people is given to a government. [*Desk thumping*]

Madam President, this institution must be without beyond reproach. It must be one that the independence should never be questioned, the functionality of the

EBC should be one that is efficient and fair and always just. But, when I listened to Sen. Cummings, his contribution was very shortcoming, and, Madam President, he asked us to identify mischiefs of how, what the Motion is trying to address and various other issues. But when I listened to Sen. Cummings I was not surprised that they would have rejected a Motion that increased accountability and [*Desk thumping*] transparency to the people of the Republic of Trinidad and Tobago. I was not surprised.

And, Madam President, he spoke of the EBC being subject to some limited parliamentary scrutiny. And he quoted the Public Accounts (Enterprises) Committee—sorry—Sen. Cummings. And, Madam President, I humbly submit to you and this honourable Senate that the PA(E)C is one of limited jurisdiction. Because if Sen. Cummings would have used his time to read the Standing Orders of the Senate, in particular Standing Order 90, he would have understood that the PA(E)C can only have oversight for the accounts, balance sheets and other financial statements of state enterprises and also the Auditor General's Report on those accounts.

Madam President, it seems as though Sen. Cummings who holds very high position in the People's National Movement—

Sen. Obika: Building plenty houses.

Sen. S. Hosein:—he is not aware that the Elections and Boundaries Commission perform a very significant and critical role. It is not just for the conduct of elections, but it is also for the conduct of demarking boundaries for general elections, for local government elections, and also elections for the Tobago House of Assembly.

The Elections and Boundaries Commission, as Sen. Teemal indicated,

maintains the electoral list, which is one of the most critical documents in the election because it determines the persons who are eligible to vote. [*Desk thumping*] And, Madam President, that list is disaggregated several times because when an election date is announced you would realize that there are several lists. You would have the revised list, you would have the supplementary list and you would have a list of special electors. And those special electors would be voting at a different time as compared to the regular voters.

And also, the EBC has another very critical function which is the registration of political parties. Because political parties, Madam President, will have to submit a list of candidates for any electoral district, and when I say electoral district, I mean either constituency or an electoral district for a local government election or the THA elections. And I had the opportunity and the privilege to meet with the Elections and Boundaries Commission and they have indicated that—I believe Sen. Ameen might correct me—that I believe that there are almost close to 100 political parties registered in Trinidad and Tobago, 100.

Sen. Ameen: One hundred and one now.

Sen. S. Hosein: And we see, Madam President, as the day goes by we see more and more and more political parties coming up and they are trying to come up—you know what?—to say that they are fed up with this Government. It is an indictment on the Government because clearly, [*Desk thumping*] clearly, there is a lack of representation to the people of Trinidad and Tobago by the People's National Movement.

Sen. Sinanan: “Mickela say she fed up with UNC.”

Sen. Ameen: They say “you financing she”.

Sen. S. Hosein: And we would not be surprised, Madam President, that certain

political parties, I am not pointing any fingers [*Crosstalk*] but they may be the ones who may be encouraging these smaller parties to come to split the votes in any particular election. [*Crosstalk*] I am not casting any aspersions on any political party whatsoever. [*Continuous crosstalk*]

But, Madam President, you would hear that Senator—

Madam President: Sen. Hosein—

Sen. S. Hosein: Yes.

Madam President: If Sen. Ameen and the Minister of Works and Transport want to have a more prolonged discussion they can do it outside because I want to listen to Sen. Hosein. Please continue.

Sen. S. Hosein: I am grateful for your ear, Madam President, I am grateful for your ear. And you would hear Sen. Cummings boast, he boasts that the PNM won 11 elections in Trinidad and Tobago. Well, congratulations to you all, congratulations.

Sen. Ameen: And what did they do after that?

Madam President: Sen. Ameen.

Sen. S. Hosein: But, Madam President, we are in 2019, after those 11 elections and what do we have? Massive wastage of taxpayers' money; we have rampant corruption; we have a failing economy; a failing health care system; we have an education system that every day there is some new issue. And that is the legacy of the 11 elections that you have won. Take it! That is what you have won? Take credit for those elections. But you have not represented the people of Trinidad and Tobago to the best of your ability. There may be inclinations where the friends, financiers and families of the Government—

Madam President: Sen. Hosein—

Sen. S. Hosein: Yes, Madam President.

Madam President: It is Private Members' Day but I really feel that you should be, try to be as relevant as possible to the Motion at hand—okay?—and you are straying now.

Sen. S. Hosein: Thank you, Madam President. And I just wanted to respond to Sen. Cummings. And the last point that I want to address that Sen. Cummings would have raised is that he said Sen. Mark did not identify the issue. What is the mischief? What is the issue that brought this Motion before the Senate? But you would understand, Madam President, that the modus operandi of any PNM Government is one of reactivity instead of proactive governance. They always wait for a crisis; they always wait for something to fall apart; they always wait, Madam President, until it is so bad, then to come and address it. Why can we not be proactive for once in order to allow for the scrutiny of the Elections and Boundaries Commission, [*Desk thumping*] having understood the importance of the mandate and the functions that it performs? We must have proactive governance in Trinidad and Tobago.

And you would hear Sen. Teemal when he made his contribution that the Elections and Boundaries Commission performs two functions, which are basically the conducting of the elections and also the demarcation of the boundaries for the particular elections.

But, Madam President, since independence you would have realized that the EBC, what we know—what the EBC is now—would have functioned in two different capacities, in two different bodies. One was dealing with the boundaries and one was dealing with the elections. But after the 1976 Constitution, the both functions were amalgamated under a single commission known as the Elections

and Boundaries Commission. And over the course of history, Madam President, you would have heard that persons would have accused the Elections and Boundaries Commission of collusion with the Government of the day. It is no secret but that is the fact of the matter in terms of a historical outlook of the Elections and Boundaries Commission.

But I want to go into an area whereby we must understand the amount of moneys that is allocated to the Elections and Boundaries Commission, because the EBC collects hundreds of millions of dollars, Madam President, over time, in order to perform its function, and I did some research. I went and I looked at what is the budget that is being given to the Elections and Boundaries Commission. So I started in 2010, because in 2010 we had a general election. And the actual expenditure—sorry, in 2010 we had two elections: we had a general election and right after we had a local government election that was postponed several years by the PNM Government.

3.00 p.m.

And the actual expenditure for the year 2010 for both elections and the running of the EBC, amounted to \$94,132,539. That is two elections, \$94 million. Then 2013, we had a local government election. The actual expenditure that year was \$60 million, average. 2015, we had a general election. The expenditure went up, Madam President, to \$100 million. 2016 we had a local government election. The expenditure that year for the EBC, revised estimate was \$74 million. And the figures I quote would have been the actual expenditure that I got from the *Estimates of Recurrent Expenditure*. 2017, \$91 million; 2018, \$64 million; 2019, \$75 million.

So, Madam President, we understand the amount of moneys that have been

allocated to the Elections and Boundaries Commission, but how many of us know what is the cost to run an election? Because there is clearly a large fluctuation with respect to the running of an election. How can it be, in 2010, for two elections—a general election and a local government election—it cost the taxpayers \$94 million, but fast forward to 2015 when there was one general election alone, it cost the taxpayers \$100 million? There must be some reason for such a high expenditure for one election in one year as compared to 2010 when there were two elections. So how much money does it cost the taxpayers of this country to run an election?

And I saw an article from the *Guardian*. It is an article in 2010 done by Shaliza Hassanali. And it says that:

“EBC to spend \$23m for election.”

The date of the article is the 17th of April, 2010, and \$23 million in preparation for the May 24th general election. That is an election that the PNM will never forget. And it dealt with the largest slice of the money going towards the training of 12,000 election officers, hiring of 41 returning officers, purchasing 50 kegs of electoral ink and for the relevant advertisement for the election period. So we understand that a lot of public moneys are being allocated and spent but there is a particular piece of legislation—and the country must know—it is the Public Procurement Act, because the EBC will also tender for certain goods and services. But under the Procurement Act, every state enterprise must establish a procurement unit. If Sen. Cummings, or any person from the Government could tell me whether or not the EBC is ready for this—because, again, this is one of the reasons why Sen. Mark called for the oversight of the EBC, to understand whether or not the EBC is a body which is ready, or on par, or up to date with respect to the

regulations of the country.

And I call upon the Government, let us—if the Procurement Regulator needs the resources, give it to him because we need immediate implementation and full proclamation of the procurement legislation to ensure accountability [*Desk thumping*] and transparency when it comes to the spending of taxpayers' money. And we must also understand, is it that the EBC is under-resourced? And I will go on to talk about several issues with regard to a resourcing issue of the Elections and Boundaries Commission. Because in my meetings, they would have given us certain indications and certain deadlines, and timelines of certain activities that they would have anticipated would have been conducted, but they were not able to do so. But I will do so a little later in my contribution.

But there is an important point, and I have in my hand a document called “Elections and Boundaries Commission: Commission’s Statement on Constitutional Reform”, dated the 27th of February, 2013, by NJ Masson, then chairman of the EBC. And what Mr. Masson, the chairman then, was saying, was that the Elections and Boundaries Commission conducts such a critical role. A general election is due every five years. It can be called at any point in time. A local government election is prescribed by the legislation that it must be after every three years. But what Mr. Masson was saying was that why the EBC is given such an important task but the chairman is a part-time chairman. Why has the Chairman of the EBC not been given a full-time employment? Because this is such a critical role that the EBC performs, that you cannot have part-time workers in there; that the EBC Chairman must be a full-time employee of the commission so that he can have general policy direction and oversight of the commission’s work. Is it that every time an election comes up, then the EBC has to scramble to get things in

order? Or that when they want to make certain changes that they will have to do it overnight? Or is it that the reason why since 2002, the Deyalsingh Commission called for a reform of the Representation of the People Act—is it these are the reasons why the legislation has not been revised? The time given to the chairman is not enough for him to dedicate himself towards the working of the commission.

And these are issues that we must consider. And all of these issues will be brought to light if the EBC is brought to the Parliament and explains to the representatives of the Parliament whether or not these are the issues that it has faced so that the Government can make the proper resource allocation to the Elections and Boundaries Commission.

We hear that the EBC also will be issuing new ID cards with additional security features, something that cannot be done within the next election. Also, what about fixed election dates, Madam President? If fixed election dates are prescribed by legislation, then the EBC will be in a better position to determine and get itself ready for any particular election. Because you will understand, Madam President, if a snap election is called, could you imagine if you work in the EBC, what will be the atmosphere there? They will have to scramble to get everything in order. Because we saw the figures. There will be over 12,000 persons to be trained; 41 returning officers will also have to be appointed. You will have to establish polling stations, polling booths. You will have to get the police trained. You will have to get the returning office staffed. You will have to get the various advertisements out to let people know how to vote. And these are all issues that deal with the functioning, the running of the Elections and Boundaries Commission.

And that is the usefulness of parliamentary oversight. Because in Trinidad

and Tobago in our Parliament, we have, as the Opposition, oversight. We hold the Government to account. We ask questions in Parliament. We raise matters on the adjournment. We have Private Members' Motions, like today. We also have Urgent Questions, and we have the joint select committees. Those joint select committees reveal a lot. It lets the country know what is really happening in the state enterprises, in the Government Ministries. And if you put the EBC to account, to be scrutinized, it might build voter confidence. Because if the EBC can give the population answers with regard to, "why I shifted this particular boundary and I did not shift this particular boundary, and I added extra votes in this PD, and I minused votes from this PD", then maybe the population might be a bit more at ease in terms of determining the legitimacy of the moves made by the EBC in terms of the shifting of boundaries. And as I said, Madam President, that these JSCs unveil corruption, and it encourages transparency. And you will see that these JSCs are so powerful, that you have chairmen of certain state enterprises running away from the auditors when brought before the Parliament. And you will hear about enormous rentals. And we heard a lot about the PNM corruption in the boats with respect to these oversight committees.

But I want to go further to look at how the Elections and Boundaries Commission has been viewed by the Auditor General. In the Auditor General's Report of 2017, they found that there was:

"Ex-Gratia payments totalling"—\$176,000 that was—"paid as 'Payment of Special Project Allowance to Supervisory Officers and Other Staff for Local Government Elections 2016'..."

And the Auditor General found that this ex-gratia payment was actually:

"...contrary to Personnel Department Circular Reference PD(cs) 2/5/21 S1

which states:

‘Where excess hours are worked by senior officers...it is not the practice for such officers to be compensated by way of time off or an overtime allowance. In fixing the remuneration applicable for senior officers consideration is given, inter alia, to the fact that such officers may from time to time be required to sign an attendance register and therefore exercise control over their hours of work.’”

So, Madam President, you see that there is spending in the EBC that is not in line with certain regulations that are given by the Ministry of Finance. Then:

“The Senior Legal Officer (on contract) tendered her resignation with effect from the 17th September, 2017 to take up an appointment as Chief Elections Officer. Neither the one-month’s notice nor the payment of one month’s salary in lieu of notice was paid, contrary to the terms and conditions of the Officer’s contract.”

And then Sen. Cummings is asking us, well, what is the mischief? We are seeing that there are issues with regard to the spending.

Then I looked at the Auditor General’s Report of 2015, and it says that:

“An Inventory Register, as required by Financial Regulation (Stores) 102, was not produced for Minor Equipment.”

The EBC, Madam President.

“A Reconciliation of Monthly Abstract and List of Unpaid Cheques as at 30th September, 2015 were not submitted to the Auditor General as required by financial directives.”

The EBC. When we look at also, “Unoccupied Property”—because this is a concern, a red flag that was raised by the Auditor General. The Auditor General

states that:

“As reported in the prior year, additional premises were rented for one Registration Area office from 10th May, 2013 at cost of \$73,025.00 per month. However, the premises remained”—what?—“unoccupied, reportedly waiting to be outfitted and were used temporarily for election purposes in 2015. A total rental of \$2,096,524.19 has been paid from inception to September, 2015. This contravenes Financial Regulation 34 which places the responsibility on the Accounting Officer to eliminate non-essential services and to use public funds to the best advantage. Rent on the existing occupied premises continued at...”—how much?—“...\$8,500 per month.”

So the unoccupied premises, \$73,000 per month, but the occupied premises—how much?—\$8,500 per month. And then Sen. Cummings will say that there is no mischief. The Auditor General’s Report of 2014:

“Cabinet approvals were not seen for the lease of 7 properties for which total monthly rental of”—how much?—“\$399,645.76 was paid.”

Seven properties rented, no Cabinet approval:

“Lease”—arrangements—“for the 8 properties sampled were not presented.”

No lease for the eight properties:

“As a result, terms and conditions of the leases could not be ascertained. Total related monthly payments were \$531,445.76.”

Madam President, these are the issues which the public must know of. That is the financial running of the Elections and Boundaries Commission. I cast no aspersion on the EBC, but at the end of the day these are public moneys that are being expended, [*Desk thumping*] and we are seeing a level of spending on

non-essential services.

And I want to go back to the point of understaffing of the Elections and Boundaries Commission. Myself and Sen. Khadijah Ameen, together with other persons of the United National Congress, we met with the Elections and Boundaries Commission and they invited us to the meeting to speak about various issues, and one of the issues that they raised with us, Madam President, was that there is a house-to-house verification exercise that must be conducted. And Sen. Teemal would have spoken about the importance of the electoral list, why this list is so important. Would you know, Madam President, that the last house-to-house verification exercise that was done, was done in 2001, 18 years ago? How many elections we had since that house-to-house verification exercise was done? What this exercise does is that field officers go out to the various constituencies and they will have the list of the voter and the address, and they will determine whether or not: one, the persons still resides there; two, if they do not, where did they move to; and three, whether or not they are abroad; or four, whether or not they are dead. So that, therefore, there is a cleaning-up of the electoral list. So 18 years the electoral list has not been cleaned up.

The EBC said that they would have been trying to target the house-to-house verification in time for this general election. Recently, we met with them and they told us that they were not able to do so. So yet, we are going again into another general election, a local government election, with a house-to-house verification exercise that was done—when?—18 years ago. Madam President, would you know that the Deyalsingh Commission, the Commission of Enquiry, had recommended that a house-to-house verification exercise be done and that recommendation was made in 2002? Is it that there is a lack of resources, that the

EBC is not getting money in order to conduct this exercise? Because it is absolutely important in order to maintain the integrity of the voters list. [*Desk thumping*] It is absolutely, absolutely, important. Because you may have an electoral list, Madam President, that is reflecting a certain amount of voters and you will have the EBC shifting boundaries in order to try to—because when they shift boundaries, you would understand that there is a certain permissible limit up and a permissible limit below. So one constituency—one polling division must have a certain number of votes, a permissible number of votes.

If you are going with a list that was done in 2001, is it that the data is accurate for the EBC to rely on that list in order to make a boundary shift? We have to ascertain these—we have to get the answers to these questions. Because how can you shift a boundary whereby you are relying on a list that is a vintage? Because a lot of persons would have moved, a lot of persons will change their residency, a lot of persons may have died. How do you filter this list to determine the accuracy of your boundary shift, to determine whether or not these persons actually reside in this particular constituency?

And then we see a massive influx of immigrants are coming in also, but that is another issue that I will deal with. And that issue—I could raise it shortly—is that I remember raising a matter on the adjournment in this Senate, speaking of the eligibility of voters in a municipal election, and non-Commonwealth citizens who have residency status can vote in a municipal corporation election, but not a general election. I raised the issue at the same time the Government came up with the policy for the registration of Venezuelans, and the Minister of Foreign and Caricom Affairs would have indicated to this Senate—it is on *Hansard*, Madam President—that the EBC would have been involved in this exercise to register

Venezuelans. So immediately it became a concern for us. We met the EBC and they then informed us that, “Well, look, we are unaware of that entire thing, you know”. “We doh know what the Minister is talking about. Can you please submit the *Hansard* to us so that we can verify?”

And the Government cannot be making these bold statements, because you know what it does? It erodes the confidence in the institution you call the Elections and Boundaries Commission. [*Desk thumping*] It erodes it.

And there is an issue—if you were listening last night to the Leader of the Opposition, she raised an issue of whether or not the local government election would be postponed again by the People’s National Movement. Madam President, I did some calculation, because there is a law for everything. A law governs when the election is due; a law governs when the election should be called. And November 28th, that was the date in which—2016—was the date of the local government election. It means, Madam President, in order for a local government election to be issued, the Prime Minister advises the President, Her Excellency, of the date and then a writ of election is then transmitted towards the Elections and Boundaries Commission. But in order for this writ to be transmitted, a vacancy must arise. So therefore, the Government cannot call the election any time before the 28th of November, 2019. We have to wait until the vacancy arises because the Municipal Corporations Act is clear on when the terms of councillors are coming to an end. So we checked November 2019.

When you look at section 33(3)(a) of the Representation of the People Act, it states that the date of nomination, the date in which the candidates go to the EBC—

Madam President: Sen. Hosein—

Sen. S. Hosein: Yes, please?

Madam President: We have a Motion before us which is seeking a certain result. You are now raising some issues that—and you are not tying it to the Motion at all. I need you to do that, please.

Sen. S. Hosein: Sure. Madam President, let me tie it to the Motion, in that the EBC must be ready for the local government election. The Government has been making announcements that the election will be this year. So, therefore, the EBC may have been putting things in place for a local government election, but it may not be this year. Because I could just move on from the point. When you look at the law, the Representation of the People Act, you would realize that the earliest date for the local government election will be sometime in January 2020. So they need to come clean with the population; whether or not they are mamaguying the population of an election. [*Desk thumping*] Come clean. Because I understand that they are going to extend the terms of a councillor's term to four years, so maybe—

Madam President: Sen. Hosein, you have not tied it in. You need to be relevant to the Motion that is before us. Okay? And if you are making statements, you need to make the statements in the context of the Motion.

Sen. S. Hosein: Thank you very much, Madam President. So you would see, Madam President, that the EBC would have presented—and it is public knowledge. Most of the Senators would have quoted from the report, that there is the local government boundary report before the other place and also for public consumption. And I looked at an Act called the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, and this Act would have indicated that there are several electoral areas, the 14 municipalities. And when you look at the Act, it specifies for Port of Spain, San

Fernando, Arima, Point Fortin and Chaguanas, that there is a prescribed number of electoral districts for those areas. But when you look at the regional corporations, the EBC can shift boundaries within those regional corporations. And the Elections and Boundaries Report on the Local Government Elections would have shifted several boundaries, namely in the San Juan/Laventille Regional Corporation, and we saw that there was the creation of a new seat in that particular corporation.

You would remember that the United National Congress would have been successful in the Barataria election when the people of Barataria rejected the PNM. [*Desk thumping*] And you would see now, Madam President, that there are certain shifts being made. I am not casting any aspersions whatsoever; I am not. But the facts are the facts—it is that there were some boundary shifts and any political party, any political analyst, they use trends in how persons vote in order to predict an outcome.

Madam President: Sen. Hosein, you have five more minutes.

Sen. S. Hosein: Thank you very much. And when you use these trends to predict an outcome you would realize that the United National Congress may now be at a disadvantage with respect to the Barataria seat. Again, Madam President, I am not casting any aspersions. It is the facts that are presented in the report.

I heard that the PNM went to meet with the EBC and all that they could have discussed is whether or not they should change the name of the Leader of the Opposition's seat from Siparia to Penal/Siparia. We had much more grave issues to discuss with the EBC in terms of these boundary shifts.

Sen. Ameen: Meaningful contributions.

Sen. S. Hosein: And we would have learned, Madam President, that the EBC is guided by what they call, delimitation rules, and these delimitation rules will

determine that the first way in which they cut boundaries is that they use the natural boundaries. So they use rivers, they use roads, streets. But then we also learned, Madam President, that one of the most important criteria they take into consideration is that they use the geographical area.

So I asked about two seats. I can say this, because it is public. I asked about two seats. I asked about San Fernando East and San Fernando West, and there is Oropouche East and Oropouche West. And, Madam President, when you look at the report, the boundary report for the general election, you would realize that votes tend to move from east to west. There is a shift from the eastern direction to the western direction. So I asked. I said, “Well, why you all move this way?” Because in San Fernando West, two polling divisions moved from San Fernando East into San Fernando West.

So I asked. I said, “Why these two particular PDs”? And the answer that was given to me was that, “These two particular PDs represent San Fernando”. So I said, “But look, the seat, San Fernando West, it goes all the way down to Otaheite side there”. “Why two PDs could not move from Otaheite into San Fernando West?” The answer given to me was that, “Well, it doh really reflect San Fernando on that side”. “But San Fernando West is properly reflected by those two PD shifts from the San Fernando East seat.”

And, Madam President, I was shocked to know that that is the criteria that they take into consideration, because it is very easy to rename a seat, as the PNM is trying to do. And we saw that in both reports several seats have been renamed with respect to the creation of new seats to reflect the area. So I cannot see San Fernando West could have been renamed “San Fernando West and Otaheite”. So it shows, Madam President, that we must know who advises the EBC with respect

to these boundary shifts, because there must be some technical reports presented to the Commission. There must be some level of analysis. It cannot be something just wishy-washy, off the cuff. It must be something solid in order for them to shift these particular boundaries. And I think the people of Trinidad and Tobago deserve the right to know how these boundaries are being shifted. [*Desk thumping*] And the only way that the people of Trinidad and Tobago will know this is if the Government supports this Motion and allows the Parliament to scrutinize the work of the Elections and Boundaries Commission. [*Desk thumping*]

Because, Madam President, Sen. Cummings—I know I am dwelling on Sen. Cummings, but he said that we must understand the mischief. Madam President, there are several instances in which there are issues with respect to the EBC. The most recent would have been the one-hour addition to the voting time in the 2015 general election, which the court deemed to be illegal. I looked at the Local Government Election Report of 2013, and you know what they said, Madam President? In that election there were two polling stations in Guapo—the electoral district of Guapo: 4696 and 4730. Do you know what happened there? A suspension was ordered as soon as it was discovered that the assigned returning officer had issued—what?—the wrong ballot papers for use at these two polling stations. Several electors had voted using the wrong ballot paper in the two polling stations before the mistake came to light. So you had persons voting with the wrong ballot paper. They had to suspend voting and resume another day.

Those are some of the issues. There were allegations of voter-padding in Trinidad and Tobago—

Madam President: Sen. Hosein, your time has expired. [*Desk thumping*]

3.30 p.m.

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you very much, Madam President, for affording me the opportunity to participate in this debate on a so-called Motion. I rise to speak against this Motion and in doing so, I sat here and I listened to certain “nancy stories” being told in this hallowed Chamber primarily caused by what I would call the FF, the fear factor—fear of a resounding defeat at the upcoming local government election and fear for the 2020 general election.

But, Madam President, we have come here once again in this august Chamber to indulge in debating a Private Members’ Motion which, to say the least, bears very little, offers very little to us seated in this House. When a Motion is filed for constructive debate, it is in my view, and this view is shared by many reasonable thinking persons, that certain bases must be presented. When one reads this Motion as presented by my good friend, Sen. Wade Mark, what does it tell this august Chamber? One “whereas” reminds us that the Elections and Boundaries Commission is responsible for holding free and fair elections throughout Trinidad and Tobago.

Madam President, the Motion does not proceed to present any evidence before this House that elections in Trinidad and Tobago have not been free and fair. So it makes me wonder that perhaps this is part of some plan that has been hatched somewhere by disingenuous minds, in what we on this side have certainly recognized that it is now a traditional pre-election trademark where our good friends on the Front Bench here of the United National Congress facing defeat, even before they reach the starting gates, they aim their guns at one of the most independent and internationally respected bastions of democracy in Trinidad and Tobago.

Sen. Obika: 46(6). I rise on Standing Order 46(6).

Madam President: Continue, Minister.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. The EBC, our loftily acclaimed Elections and Boundaries Commission, my colleague Sen. Cummings reminded that 15 general elections were held in this country, 15. Sen. Wade Mark and the party to which he belongs participated in several of those elections and won two of those elections under this very Elections and Boundaries Commission. So that, Madam President, it makes me wonder and I wonder—I visualize certain persons huddled together in infamous mansions interrogating themselves in frantic search for answers and to misleading questions. For example, I wonder if the thinking was: How can we subliminally compromise the independence of the Elections and Boundaries Commission.

Sen. Obika: I rise on Standing Order 46(6). The Member is imputing improper motives on persons on this side.

Madam President: Minister, in making your contribution, I would ask you to manage how you are presenting your information. Okay?

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. It is my view that perhaps the intention is to remove the focus of the population from what is taking place in Trinidad and Tobago. Perhaps this Motion's intention may be to steer the electorate's attention away from the fact that many several persons belonging to the United National Congress are presently before the courts of this land.

Sen. Obika: I rise on Standing Order 46(6). [*Crosstalk*] Again, the Member is imputing improper motives based on the bringing of the Motion. [*Crosstalk*] You know that. "You all on shaky ground."

Madam President: Sen. Obika, please. Minister, you can continue but I would prefer if we steer clear of any matters that are before the court. Okay.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. It was not my intention to go any further but to point out that several UNC personnel—

Sen. Obika: Standing Order 46(6), again, please.

Sen. The Hon. J. Baptiste-Primus: I have not even finished what I was about to say.

Madam President: Minister, please continue.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. I understand. I understand the intention because you see, we have been down this way before. It is a public fact in the records of this country that several UNC persons are before the courts of this land. That is a fact. That is not fiction, fact. But we have been down this road before with regard to the antics and machination of persons.

Madam President, I want to remind, on the last occasion leading up to the 2015 elections, the antics began when, facing defeat in the Tobago House of Assembly elections, the UNC hustled a Motion similar to this Motion. Hustled a Motion in the other place to impose a wishy-washy form of self-government upon the citizens and our brothers and sisters in Tobago only to see it crumble and disintegrate and return to the heap of nothingness from which it was hurriedly and frantically extracted.

Hardly had that travesty perpetrated on the people of Tobago faded away, that up comes the UNC again. This time, another one through local government elections, rushing through a Bill. Guess what? A Bill to sheepishly slip in proportional representation into the election process in Trinidad and Tobago. Just so, out of the blue. Do you remember that, Sen. Mark? It was under your eager

eyes. [*Crosstalk*] It was under your eager eyes, a ploy to manipulate the playing field, to create an irresponsible divide, an intractable wedge of divisiveness and discord within the borders of our beloved nation.

Sen. Obika: Standing Order 46(6). The hon. Member is infatuated with making accusations against the character of persons on this side. Come on, man, respect yourself.

Madam President: Sen. Obika. Minister, you can continue but I will ask you in making your contribution to desist from some of the language that can be a little inflammatory. Okay?

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President, for your guidance. I know the truth hurts and hurts terribly sometimes.

Sen. Obika: Again, Madam President, Standing Order 46(6).

Madam President: Again, Sen. Obika? Minister, please continue.

Sen. The Hon. J. Baptiste-Primus: I was just to ask you, Madam President, for injury time because the amount of exercise Sen. Obika is giving this afternoon. [*Crosstalk*] Madam President, I would want to proceed in silence. I sat here and I said nothing to the other side. I would like to proceed in silence.

Madam President: And it is every Member's right when they are making their contribution for other Members to listen in silence. Continue, Minister.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. We must also remember our experience of the St. Joseph by-election by passing long established tendering procedures, hustling to award contracts left, right and centre in another attempt to lure the electorate in their favour.

Sen. S. Hosein: Madam President, 46(1) and 46(6). Irrelevance and imputation of improper motives, please.

Madam President: Minister, continue please. Members, I am listening very carefully to what the Minister is saying. Minister, continue please.

Sen. The Hon. J. Baptiste-Primus: Thank you very much, Madam President. The truth hurts. Madam President, this Motion is before us at a time when two elections are facing this country: the local government elections, and I would want to remind that the Prime Minister has repeatedly assured the citizenry of this country that elections will be held when they are constitutionally due. Not before, not after but when it is due. So that all the fear factoring that is going on in this House by my friends on the other side, I ask the citizenry to dismiss it as they have dismissed so many other things that they have done.

Madam President, we remember in 2015, the UNC administration brought out what we term “the heavy roller”, the run-off. All of us remember the run-off. All of us. There was no emergency.

Madam President: Minister, I will ask you, as I have been asking previous speakers, I have tried to give you a little leeway but I will ask you to look at the Motion and be a little more focused on the Motion that is before us, please.

Sen. The Hon. J. Baptiste-Primus: All right. Thank you, Madam President. Where did this urgent necessity to make the EBC accountable to the citizenry of Trinidad and Tobago suddenly come from? Our friends on the other side would want us to believe that it is the people. But, Madam President, where is the outcry from the population at large? Where are the continuous letters to the editors of the newspapers of Trinidad and Tobago? We have the *Express*, we have the *Guardian*, we have the *Newsday* and of course, we have the weekly, the *Sunshine* and the *Bomb* I believe. Madam President, I make it my business to read all newspapers every single day. Where is the outcry? How come the gallery here is

not filled with the people in support of this Motion? Where are they? Because there is no outcry from the population. There are no voices out there of disenchantment and disillusionment with the Elections and Boundaries Commission. Let us be serious. The Elections and Boundaries Commission is an independent entity. It continues to do its work with pride and distinction.

I heard my friend on the other side, I think it was Sen. Hosein who was talking about why the Chairman of the EBC is not full time. Some of the most successful businesses in Trinidad and Tobago and the world, they have a board of directors that lays down policy directions and they invest in their CEOs, top of the line CEOs or general managers to implement procedures. So that the issue about the Chairman being full time does not arise. The point that was made about snap elections and the EBC would be scrambling. Madam President, all those are red herrings; does not bear the brunt of scrutiny.

Madam President, the EBC continues to operate without fear or favour, free and fair and free from fear. They are free of allegiances. They have no allegiance to any political party in Trinidad and Tobago. The EBC's allegiance is to all the people of Trinidad and Tobago. This is nothing new. This country has experienced 15 general elections—nothing new, tried and tested. And I agree with my senatorial colleague. I recall our former President, Sir Ellis Clarke, making that statement again and again: If something is not broken, do not fix it. I do not know what it is they are trying to fix because as much as I have read and reread this Motion, Madam President, there is nothing in this Motion that supports the request or the demand of the Opposition.

Many of them on the opposite side have tried incessantly to cast aspersions and endeavour to blemish the track record of the EBC. Where? Where is the hard

evidence? Fictitious, fertile imaginations. Madam President, not as long as the People's National Movement has a say in presiding over the welfare and well-being of the citizenry of our beloved country will we agree to a Motion that lacks substance and depth. We are of the strong view that nothing can erode the confidence and trust the people, the people of Trinidad and Tobago, have in the Elections and Boundaries Commission.

The EBC must be allowed to do its work unhindered, in peace, unmolested and free from intimidation, free from unnecessary additional impositions, hidden agendas or politically divisive interference, appearing before and accounting readily and openly, proudly and professionally to our constitutionally established bipartisan parliamentary institutions. So, calling on the Government to take urgent steps to introduce legislation that would make the Elections and Boundaries Commission accountable, they already account to the people—15 elections; 15 successful elections in this country.

But, you know, I am reminded, Madam President, of a statement made by my senatorial colleague, Sen. Teemal in his contribution and he spoke about, quite correctly, that incumbents do not lodge complaints, only those who lost, and that is so relevant in this regard. Not only lost but will lose those two elections coming up. So that when one looks at this Motion:

“Be it resolved that the Senate take note that the Elections and Boundaries Commission is not subject to any parliamentary scrutiny or accountability in respect of its activities and operations...”

I have heard some of my senatorial colleagues on the Front Bench attempt to create question marks in the minds of the average listener that so much may be going wrong in the EBC. Operational issues, Madam President. Operational, nothing

really that impacts on the outcome of an election. Many of us who lead Ministries would tell you that the bureaucracy in the public service may be tiresome sometimes, but it works to ensure that checks and balances are in place.

Madam President, Sen. Mark ought not to stand in this highly regarded Chamber, and his colleagues, and insinuate without any hard, irrefutable supporting evidence that the EBC and the PNM are colluding to steal any elections. We would not allow the UNC to do that in this Chamber without placing before this Chamber hard facts. He must know that the outcome of all the false and malicious and misleading wild, reckless utterances inflict intolerable harm upon brand “T&T”. This country belongs to all of us. All of us have to live here. Our children’s children. We have to pass on the baton to the generation that is coming up and we must do so, Madam President, with a high level of responsibility.

I want to register the fact that this party, the PNM party, is a party that believes in democracy. It is this party that created all the independent institutions in Trinidad and Tobago. It is this party that built this country, brought this country from colonialism into independence and from independence into republicanism. This, the People’s National Movement and yes, we are proud of the 11 elections we have won because winning those 11 elections has helped us to build Trinidad and Tobago.

Madam President, the citizenry is wary and fed up of these types of fear factors that are being impinged on their psyche that to my view is nothing more than delusions because there is no basis—I have not read anything in this Motion. So it has to do with, from my point of view, delusions, diversionary tactics to lure the electorate away from the focus being placed on certain indiscretions of certain

people currently languishing in less than environmentally friendly places.

Madam President, it is well known that in true PNM style, if “yuh come good”, we will support you, but if “yuh come otherwise”, we will waste no time in dismissing you and we do the same to this Motion. It is my humble exhortation, Madam President, that this Motion is completely unnecessary, superfluous, without any basis in fact and my only advice to the Mover of this Motion—I find solace in Ephesians, Chapter 3, verse 20 and that is to leave the EBC in peace and allow the institution to continue to do exceedingly, abundantly, above and beyond all that we ask or think according to the power that works in their soul.

Madam President, I thank you for the opportunity to contribute. [*Desk thumping*]

Sen. Hazel Thompson-Ahye: Thank you, Madam President, for allowing me to join this debate. Sometimes when I sit in Parliament and I hear the arguments for or against a Motion being debated, I feel inclined to echo my fellow alumna Denyse Plummer and ask “what is dis”. But then I remember where I am and I must not “take basket”, or as the youths say “chain up” from former Chief Justice Michael de la Bastide who declared some years ago that I could have an alternative career as a calypsonian and, in fact, introduced me to his daughter Juliet as his favourite calypsonian. But I digress and the Parliament’s clock is ticking.

We are debating a Motion which asks the Senate to take note that the Elections and Boundaries Commission is not subject to any parliamentary scrutiny. I do not want to go to the whole Motion, that is time and we all know what it is about. Now, Sen. Mark sees a critical reason for accountability is that the essential safeguard against official corruption, misuse of public funds and the abusive and misuse of power. Strong words indeed. This Motion presupposes, to my mind,

that the EBC is not accountable to anybody, personal or corporate, and that it is desirable that that unhappy state of affairs must end.

When I examine even cursorily the history of complaints about the EBC by whom brought, when brought and for what purpose, I am almost attempted to conclude that the adage: “hell hath no fury as a woman scorned” might be reframed to state: hell had no fury as a political party rejected by the electorate. And before the ruling party feels comfortable, I would like to say to you too: Let him who is without sin cast the first stone. And while I am on a roll with precepts and tenets, let me share yet another: Those who cannot remember the past are condemned to repeat it.

So Sen. Mark, I wish to quote *Hansard* of April 30, 2019, in calling for:

“...an Elections and Boundaries Commission in which the political parties are represented on the Commissions.”

Those are the words. Madam President, this is not a novel idea and I am not saying it is not novel because the debate started last year and those points were made, but it is of some vintage and I draw Members’ attention to Counsel Paper No. 1 of 1961, and I thank the library for their able assistance: the “Report of the Electoral Districts Boundaries Commission to the Legislative Council together with a Minority Report”—by the Legislative Council—written by the hon. Stephen Maharaj. And this was laid before the Legislative Council on the 9th of January, 1961. Now my colleague from the Human Rights Committee, Sen. Saddam Hosein, who I will miss from the Committee, will tell me, as he does when I talk history or produce old document, “Ms. Ahye, I was not even born yet”. In his minority report, Mr. Maharaj stated:

“I have absolutely no doubt that the...”—general—“principles which were

followed by the Government nominees and supported by Justice Clement Phillips were to gerrymander...”—the boundaries—“and juggle with...”—the—“population...as to create according to”—the—“result of recent elections a majority for the Government Party even though it meant a complete disregard of our Terms of Reference.”

So we are hearing that word “gerrymandering” boundaries. It is nothing new; we keep hearing it.

“In conclusion...”

—he said:

“...I finally charge the Commission with being biased and unrealistic and...having violated the Trinidad and Tobago (Electoral Provisions) Order in Council, 1960...”

So, even then members of the Opposition sat on the commission and complained about the commission. Just imagine an upright citizen like Justice Clement Phillips whom everyone else will describe as an honourable gentleman whom I had the honour of interviewing when I was doing a research paper on the history of law reporting in Trinidad and Tobago, imagine he was being called “dishonourable” and accused of wrongdoing and every succeeding chairman, almost, of the EBC has not escaped unscathed. So what else is new?

Now, the forerunner of the present boundaries commission was established in November 1960 by a Colonial Order in Council and in his general elections manifesto, 1966, the Father of this Nation, at page 2 of this now old—yes old, Sen. Hosein, a next old document, much tattered—and Prime Minister Eric Williams stated:

The PNM—“has drastically improved the elections machinery and

procedure by the introduction of the voting machine and permanent personal registration and by the establishment of independent Elections and Boundaries Commissions.”

Now, we know what happened with the voting machines but the system of permanent registration continues and so too the independent Elections and Boundaries Commission.

Now, we have heard that it was established and it is in the Constitution, and I do not want to repeat the relevant section of the Constitution. But I wonder if people really took in the fact that the Chairman and members, according to section 71(3), are appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. Now, who would have guessed that the President appoints? Who would believe that the Leader of the Opposition had a say? When one hears sometimes the Opposition speak, one would be justified in thinking that it is the ruling party who appoints members to this august body. But the goodly Senator who would announce to all and sundry that he was my friend, and when I denounce that myth, told me how I had hurt his feelings for disowning him, but whom I can now call my friend—he is out of the Chamber—can be comforted by the knowledge that he is in distinguished company in making pronouncements about the EBC that may not be based on fact.

4.00 p.m.

And I go back to 1977/78 when I was a first-year student of law in the University of the West Indies and I chose as my elective, “Politics”, and my lecturer was Carl Parris, and he used to bring in these people, renowned people, to lecture to us in their areas of expertise. And he brought Prof. Selwyn Ryan, whom we all know. And, in the course of his lecture to us on the EBC, Prof. Ryan,

Madam President—so that persons would not be appointed to the EBC if he was known to have opposed the PNM. Now, I “cah” stay quiet, so I “jump up and I challenge” that statement, and I said that was inaccurate because I know of such a man. So after the class, he wanted to engage me and I told him: “Yes, the man of whom I spoke was my dad’s first cousin and my godfather, Oswald Wilson.”

I remember as a child, “Uncle Ozzy”, as I used to call him then, before I became a lawyer in his office, being the subject of discussion at my home. He was a candidate, running for election with the Liberal Party, and my mother asked my father: “Well yuh voting for Ozzy?” And my father said: “You en hear wat de doc say? De doc say he is ah good man but he in de wrong party.” Now my father who was the “riding pardner” of Bert Wallace, Robert Wallace, a good friend to his wife Roslyn. In fact, they introduced Aunty Roslyn to Bert. He used to wear a balisier tie and, of course, he was not going anywhere else. Now, Oswald Wilson served as a Commissioner in the EBC for many years and eventually became a chairman, and as far as I know, he never favoured the PNM.

Now, back to the Constitution. Subsection (4) deals with disqualification from appointment of a member of the Commission.

“A person shall not be qualified to hold office as a member of the Commission who is a Minister, a Parliamentary Secretary, a member of the House..., a Senator, a temporary...”—Senator, you know, and so on.

So, this is unlike the earlier Commission, which included members of the Legislative Counsel, and this is where we are asked to go back. Those who forget the past.

Now, the main bugbear seems to be subsection (12), which states:

“In the exercise of its functions under this section the Commission shall not

be subject to the direction or control of any other person or authority.”

As Shakespeare says, “Aye, there’s the rub”. When we put this with section 72(1), which speaks about the number that they have to:

“...review the number and boundaries of the constituencies into which Trinidad and Tobago is divided and submit to the Prime Minister and the Speaker for presentation to the House of Representatives in accordance with this section reports...

(a) showing the constituencies”—how it—“should be divided...”

And:

“(c) ...that, in the opinion of the Commission, no alteration is required to the existing number or boundaries of constituencies...”

And that the President must issue a draft report to give effect to the recommendations, whether without modifications. And once this report is submitted, then the line Minister designated by the Prime Minister will bring it before the Parliament, the House of Representatives mind you, for approval.

So, there is a Motion for approval of the draft, if that Motion is rejected:

“or...withdrawn by leave of that House, the Minister shall amend the draft and lay the amended draft before the House of Representatives.”

Again, the House of Representatives, not the Senate, and that is of some concern to the mover of the Motion.

And:

“Where”—the—“draft...is approved by resolution of the House...the Minister shall submit it to the President who shall make the Order in terms of the draft; and that Order”—will—“come into”—effect—“on such day as...specified...”

It goes on to say in subsection (7) that:

“The question of the validity of any Order by the President...and reciting that a draft thereof has been approved by resolution of the House of Representatives shall not be enquired into in any Court.”

So, it cannot be enquired into any court, but I wonder though if it is not open to a Member of Parliament to ask questions about what is in the draft.

So reports of the EBC do come to Parliament and Parliament does have a say, yea or nay, but they do not come to the Senate. And the Senator is asking: “So we not folks too? We are part of the Legislature.”

But this is more the business of an elected Parliament, and very well we may be asked: “Buh who vote fuh you?” The role of Parliament, in promoting good governance, which was published by the Economic Commission of Africa, states, and I read, if I may:

“a democratically elected parliament is the only true voice of the people and accountability to the people it serves is the basic plank of a democratic system.”

It continues:

“...the quality of elections is crucial, as parliaments can hardly fulfill their roles, specifically the role of representation, if elections are flawed.”

“Free, fair and transparent parliamentary elections are critical to building credible parliaments and parliamentarians accountability.”

Now, on the subject of electoral commission, the report states that:

“Their main mandate is to manage the electoral process.” and “Their ability to do so depends largely on their independence. Their performance in ensuring free and fair elections determines the legitimacy they enjoy among

citizens.”—So—“In many countries,”—it says—“electoral commissions lack adequate autonomy and capacity, which undermines their legitimacy and performance. Most frequently, incumbent regimes seek to manipulate the electoral commissions in order to influence the outcome of elections.”—and—“Against this evidence, it is obvious that securing the autonomy (both political and financial) necessary for the electoral commissions to discharge their responsibilities...remains a big challenge...”

Now, I would certainly recommend that we examine how the EBC is funded, and strive to have the funds disburse, not from the line Ministry of Government, but by Parliament itself. That would certainly contribute to the autonomy.

There has always been an uneasy relationship between the Elections and Boundaries Commission and politicians. The ruling party has not been innocent in that regard. Who remembers the vilification, or does not, or has forgotten, of then Chief Elections Officer, Howard Cayenne. He was persona non grata for months after election. He was virtually crowned “Mr. Voter Padding himself.”

I have listened to the contribution of the goodly Senator and reviewed it in *Hansard*, trying to find out what was his bone of contention. Knowing he was skating on thin ice, he spoke at length about what he was not trying to do. But I am still in the dark as to what he intends by this Motion, so I must agree with Sen. Foster Cummings on that. What is the mischief he wants to cure? Parliamentary oversight? But how? Well he says: “Look at the Teaching Service Commission. Look at the Public Service Commission. Look at the Police Service Commission. We bring them before a Joint Select Committee, and we question them. Why can we not do that with the EBC?” Why indeed. Would that not interfere with the

autonomy of the EBC, to subject them to questioning that can be quite malevolent and intimidating at times?

The Parliament Channel is a channel, I have discovered since I began to sit here, that is very much watched by the population. As a matter of fact, it is a good revenue earner for Government. You could sell advertisements you know, because everywhere I go I hearing you know: “See you on the Parliament channel.” So, maybe we should advertise some more and bring some revenue into the country.

But again, I digress and the clock is ticking. So, it was said that the EBC must not be a sacred cow. And there is a report from, I believe it is Raffique Shah who mentioned the same thing about being a sacred cow. And the Parliament it says, must explain their decision. And it was said we were forced to go to court because of the extended voting hours when we could have brought the EBC to explain that decision.

Madam President, I have yet to understand, and maybe I am going too far, how extending voting hours to everybody benefited only one party. Maybe I went to school in August. “But dah is true yuh know”, because I did attend UWI Summer School Theatre for the Arts in August and I also trained primary school pupils during August to prepare them for Arts Festival. “So ah went tuh school” in August. So there is, maybe, no hope for me.

Now, his other countries were—his other arguments were countries have it, you know and—

Madam President: Sen. Thompson-Ahye, just for record, when you are making reference to Members of the Chamber, if you could identify them, because I am not sure if it is Sen. Mark or Sen. Hosein, or other speakers who have already presented in the debate.

Sen. H. Thompson-Ahye: Thank you. Now, Sen. Hosein was only for his provocation about my old records, which I find very useful and I have more to bring for him. Sen. Mark, the mover of the Motion, I am quoting what he said from my notes and from the *Hansard*, which I downloaded and read. So I would try as I go along.

Now, so, Sen Mark's other argument was other countries have it. And he asked like Mighty Shadow: "Wha wrong with we? Why can we not do like New Zealand, Jamaica, Canada?" he asked. I find this cri de cœur, this passionate appeal, difficult to reconcile with the report of the Commonwealth Observer Group which stated, and I quote:

"In its engagement with stakeholders, the Commonwealth Observer Group noted the high degree of confidence the EBC enjoys among political parties,"

Plural eh, parties.

"...the electorate and other stakeholders in the process."

Now, the Observer Group also stated:

"Our overall assessment is that these elections met all the key benchmarks for democratic elections. On voting day, we were impressed by the diligence and professionalism of all presiding officers and polling officials, who were predominantly women."

Well "yuh" understand why eh?

"They carefully followed the prescribed election procedures throughout the entire process, including the close, count and result processes. We were particularly struck by the high level of trust the people of Trinidad and Tobago have in the electoral system and in the Elections and Boundaries

Commission (EBC).”

Now, one of the recommendations made by the Commission was that the Government should give priority to regulating campaign finance. This I heartily endorse. Like many others, I see this as a perennial and very urgent issue and the genesis of many present and past problems.

Every political party gives lip service to the urgency of this matter but no action is forthcoming with regard to this matter. “Dey like it so.” I am not for one moment saying all is well with our election process, but there are many ways of solving a problem and not all are potentially destructive to the institution. And you do not have to be in Parliament to fix a problem. Let me you give an example. Indeed I do not think that anyone may be aware that there are times when we can stay outside of the Parliament and fix things that are wrong within the Parliament, through advocacy.

Now many years ago, there came to Hugh Wooding Law School the Blind Welfare Association, and they had a real problem. They could not enjoy their constitutional right to voting in secrecy. The matter was referred to me as Director of the Legal Aid Clinic to fix the problem, and we sat down. We looked at what was happening in jurisdictions; a number of jurisdictions all over. And we got—of course, they had done their homework as well and together we put our heads, you know, and we came up with a solution. How are they to vote in secret?

Because what was happening is that everyone had to know who that blind persons was voting for. And I had a particular interest because my father was visually impaired and it means that somebody from this party and that party will have to go into the booth with him to make sure nobody fixing the vote in a way that he did not want it to be fixed. And having prepared the recommendation for

changing the process, so that he could vote in secret and all the other people voting in secret, I wrote—I in fact submitted my proposal to Justice Kelsick. He found it was worthy, and I decided to publish it in the *Lawyer*. Now, nothing happened. That magazine was perhaps too prestigious for parliamentarians to read. But then, former OWTU person, lawyer whom I had the privilege of presenting to the Bar, journalist, decide he would take it up. So he wrote in the *TnT Mirror*, “Plight of the Blind Voter, Director of Legal Aid Clinic Argues for Law Revision” And he put the whole history and what was happening with blind voting, another old paper. And, as it came into the public domain, through the *TnT Mirror*, Ramesh Lawrence Maharaj, AG at the time, took it up and the law was changed.

So, here was a problem with the election rules that was changed, not by upsetting the whole apple cart, but by mere advocacy and doing something, to assist those voters so that they now could vote with a companion or by a template.

Now, there is a sequel to that. After the next election, following a change of the law in 1990, I was looking anxiously, you know, to go into the booth with my father. The day of the election “he look at me and say: ‘yuh ain going wit me, yuh know.’ I say: ‘what?’ He say: ‘no, no, no, no, no. Your sister going. Why? Because I feel you might give my vote to NJAC.” So, therefore, I was not allowed to go. You hear a lot about ungrateful children, but sometimes there are ungrateful parents as well. So my sister who, perhaps, was seemingly more honest as a Commissioner of Inland Revenue, she went and voted with him. So he was very happy about that. So we have that way that we can actually change the process of the election rules by not coming and doing all that we are asked to do here.

So, there are problems that one can look at, that needs changing. We know the voters’ list needs updating. And, you know, you hear dead men tell no tales,

but except that they are registered to vote. That is where they tell the tale; they are registered to vote. So we need to do a lot about educating people, about what is required and how they go about changes, so that people will do the correct thing.

There are problems, as I said, with the voters list, and there are also problems with the registration as well; Representation of the People Act, which details who qualifies and who are registered and who can vote, in terms of prisoners. Now, the law says that you must be under conviction of death or you must be serving a sentence over 12 months. But what happens in practice? And this is, as Prime Minister Chambers would say: “A wrong that must be put right.” What happens with prisoners on Remand? Why are they disenfranchised? And I asked that question some years ago of a Commissioner of Prisons. It is too much trouble. So these people are not brought out to vote. Maybe there is a fear, you know, that something may happen. What safeguards can we put in place to in fact allow them to enjoy their constitutional right?

So the Motion is asking for oversight. I cannot support it in the fashion that it advocates, although I will recommend that we can make use of the channels that we now have. Let the people be informed of their rights, through the Government channel and television and radio. Let them have a voice to speak to their parliamentarians. Some of them say: “I only see them when they coming around to ask me for de vote yuh know. Ah doh see dem again.” Let the children be educated, even from primary school. Because some people do not go beyond primary school, “yuh know”. And sometimes it seems to benefit them more by not going to secondary schools, because they learn how the make money in other ways.

We can ask questions that are incisive and must be answered, lest credibility

be lost. If we lose faith in our institutions, all will be lost. Let us not throw out the baby with the bathwater, as we may find in our old age that we have no heir to take care of us and provide for us and there is no one to continue the good work of our ancestors. So let us cherish what we have that is good and improve on it, but in a correct way, in a non-challenging way to the good institutions in the society. We go out to vote because we know that the vote, we know deep in our hearts that it will be really fair and free from fear. Problems, let us put our collective heads together to try to solve them, all is not lost, and always remember the independence of the institutions that are supposed to be independent and autonomous, let us try to keep them so, for the good of our society. I thank you, Madam President. [*Desk thumping*]

Sen. Ashvani Mahabir: Thank you very much, Madam President, for recognizing me. And, indeed, it is a privilege to be able to join in this debate on what is an extremely important Motion. By way of an opening statement, Madam President, let me say that I stand in full support of this Motion before the Senate. [*Desk thumping*] And to say as well that as a Parliament, I believe that there must be a time, there must be a time, when we must look at Motions like this one from the view point of what value it can bring. Can this be of benefit to Trinidad and Tobago and for generations to come? And, perhaps, Madam President, not simply for us to say that there are political motives behind that Motion, because it emanated from this side of the House.

What is being proposed, Madam President, in this Motion is not designed in any way to remove the independence of the Elections and Boundaries Commission. Section 71 of the Constitution sets that out expressly. And I would come to section 71 and indeed section 72 a bit later in my contribution.

The intent of this Motion, Madam President, is not to seek to interfere with the constitutional freedom that the EBC enjoys. This Motion does not deal with scrutinizing the decision-making power of the EBC, to the extent that we would like to tell them what they have do and how to do their job. This Motion is not about telling the EBC how to handle their day-to-day functions. This is not what this Motion is about.

What this Motion is about, Madam President, it is about creating some kind of formula, some kind of recipe, some kind of oversight mechanism or machinery, whereby this Parliament can look and have the right to ask questions into the administrative actions and functions of the Elections and Boundaries Commission. So that we, from time to time, can enquire on the manner in which their powers are exercised. We are asking this honourable Senate to consider the establishment of a committee of Parliament, in which the EBC can come to report, so that we can collectively be satisfied when there is doubt.

This Motion, therefore, Madam President, is about accountability and transparency. And a fundamental reason for accountability in all matters of state, is that it is an essential safeguard against the abuse and misuse of public power, or the perception of such abuse. Because abuse can either be real or, it can be perceived. Madam President, without effective mechanisms, which call upon state administrative authorities to account, there can be the progression of arbitrary and an almost domineering exercise of public power. The more transparent and open the decision-making process is, is the greater the confidence that we would all have in these institutions. So this Motion really has to do with building confidence.

Madam President, in support of my argument, I would like to deal with four, or is it five, maybe six; five points, I think, Madam President, time permitting.

Firstly, Madam President, I want to look at a brief history of service commissions in Trinidad and Tobago, and I mean brief. And just to consider the thinking, Madam President, that brought other service commissions, and I know other speakers before me would have touched on it, but what brought other service commissions under parliamentary oversight. And then to link that thinking, Madam President, of what brought those commissions here, link it back to the EBC.

So way back in 1833, Madam President, with the introduction of Crown Colony Government, it was the Colonial Secretariat in Trinidad that was the Premier Administrative Department in a highly centralized and bureaucratic system. And the personal branch of the Colonial Secretariat was specifically charged with the responsibility of advising the Governor, through the Colonial Secretary, under general management of the public service. That was then. That was way back then, Madam President.

And this eventually evolved. There was a process of evolution. And today, as we know it, the Service Commissions Department, and a Director of Personnel Administration, heads and provides administrative support and service to the four constitutionally-entrenched service commissions, and those have been mentioned before: the Public Service Commission, the Police Service Commission, the Judicial and Legal Service Commission and the Teaching Service Commission. So, Madam President, these service commissions would have replaced the old Colonial Secretariat that I referred to and they had now the responsibility for all matters of the management of the public service. And today, Madam President, these four service commissions have full power to exercise their functions as enshrined in the Constitution.

But Madam President, whilst they are independent, as we know independent to be, we as a Parliament still have some kind of oversight over these service commissions. The question then, Madam President is: What was the thinking? What brought those service commissions to report to us? And as I said, simple, we evolved as a society.

And I want to point, Madam President, to a significant debate that took place in 1999, as to whether these service commissions should report to Parliament. And what that debate would have centred upon. That debate was captured in the Constitution (Amdt.) Act or Bill that then Bill, No. 29 of 1999. And if you would permit me, Madam President, to refer briefly to that debate of 1999. It was then Attorney General, Mr. Ramesh Lawrence Maharaj, in addressing the Parliament on Wednesday, 24th of February—

Madam President: Sen. Mahabir. Hon. Senators, we will now suspend the sitting and we will return at 5.00 p.m. Sen. Mahabir, you have used up nine minutes of your speaking time. So we will return at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. VICE-PRESIDENT *in the Chair*]

Sen. A. Mahabir: Thank you very much, Mr. Vice-President, I was at the point when I was referring to the debate that was captured in 1999 in the Constitution (Amdt.) Act, No. 29, and I was going to refer to what then Attorney General Ramesh Lawrence Maharaj would have said while addressing the Parliament of Wednesday, 24th of February, 1999. And he would have said referring to the Constitution (Amdt.) Bill then that:

“...this Bill is about...a measure of not only giving information from the

service commissions—a part of the state administration—but giving information from Government and Government-owned operations.”

So, Mr. Vice-President, the argument in 1999 was that the people of Trinidad and Tobago should hold government Departments, statutory bodies and service commissions, who spend public moneys, accountable for their general conduct in the administration of public affairs. Part of that debate, the argument was that the most effective way in which the rights of citizens can be protected in societies like ours is by accountability and responsibility by those who exercise state administrative powers.

And just to finally refer to then AG, this is what he said in that debate, and this is important—he said, these select committees would be:

“a novelty in that it would be the first time in Trinidad and Tobago that one would have the situation where on a continuing basis we would have the people, through the Select Committees of Parliament, scrutinizing governmental action and state administrative action.”

And, Mr. Vice-President, in that debate reference would have been made to the 1974 Wooding Commission which sat and reported that the parliamentary processes in Trinidad and Tobago were deficient. This is the debate in 1999. And that Wooding Commission would have recognized that unless there was this continuous monitoring and scrutiny by these parliamentary committees, the rights of the people of Trinidad and Tobago were going to be denied.

The point I am making, Mr. Vice-President, is that as societies grow there must be a natural and equal parallel evolution and progression of our laws that meet the needs and the aspirations of the people. There was this school of thought then that the workings of the service commissions did not meet the standards and

transparency and accountability expected by the public of its government and public institutions—a school of thought, Mr. Vice-President, that suggested that our accountability and performance management framework was anachronistic, outmoded and not fitting of the times.

And the result of that debate, Mr. Vice-President—well, the result of that debate in 1999 is that these commissions now report to this Parliament. And by way of example, numerous examples, in 2017 we had a report of a Joint Select Committee of Local Authorities, Service Commissions and Statutory Authorities including the THA and on an enquiry into the efficiency and effectiveness of the Public Service Commission. And in that enquiry, Mr. Vice-President, the JSC sought to do such things as evaluate the performance of the commission in executing its mandate, to determine whether the resources, systems and procedures of the Public Service Commission were sufficient and to determine the challenges that were affecting that commission and to find possible solutions and ways of alleviating those challenges.

And then, of course, Mr. Vice-President, we all know most recently of the Police Service Commission coming before the House to engage in a very important discussion relevant to the appointment of a Commissioner of Police. What we are saying then is that the Elections and Boundaries Commission performs a significant public function that touches and concerns several pieces of legislation and there is need for this Parliament to have some kind of oversight. May I remind the Senate that the work of the EBC touches on the following pieces of legislation in its legal and constitutional authority to conduct elections: And those pieces of legislation are the Representation of the People Act, the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, the

Municipal Corporations Act and the Tobago House of Assembly Act. So the EBC performs a very important function dealing with all these pieces of important legislation.

So that this Motion—through this Motion, Mr. Vice-President, we are seeking to provide an option and that is what it is about—providing an option for reforming accountability and performance management. And my argument, and indeed the argument of this side, is that whilst we respect and aim to preserve the constitutionally guaranteed independence of the EBC, we are hopeful that we can look back at the objectives of the 1999 Parliament, consider those reforms, consider the spirit and the intent of those reforms and to see whether in the best interest of all the people of Trinidad and Tobago those kinds of reforms could be applicable to the EBC.

Today, Mr. Vice-President, it is our hope that this Parliament of 2019 would bring similar degrees of accountability and transparency, vis-à-vis the EBC, in line with the expectations of a 21st Century citizen. And maybe at this point I can pose the question: Since the introduction of parliamentary oversight into those four service commissions—police service, teaching service, judicial and legal service—since the introduction of oversight, has the independence of those commissions been eroded? And my answer, or our thinking on this side, is that it has not.

The second argument, Mr. Vice-President, in favour of this Motion today: I want to look at section 72 of the Constitution, I would not read the full section; I know several speakers before me would have alluded to it. But in a nutshell, Mr. Vice-President, this is what section 72 is, the EBC, the Elections and Boundaries Commission, is required to submit a report to the Prime Minister and the Speaker of the House of Representatives showing recommended changes to the number and

boundaries of constituencies, or alternatively stating that no alteration is required to the existing maps in order to comply with section 2 of the Constitution. And then section 72 goes on to say that that report must be presented—there is a time frame in which the report is to be presented—it says that the draft containing modifications to the boundaries would be submitted by a Minister designated by the Prime Minister, if there is need to amend the draft, and then the amended draft would be put before the House of Representatives. And then, of course, the draft order is submitted to the President and so on for signature.

An important point, Mr. Vice-President, is that the validity of that order coming from the House is not subject to any legal adjudication, section 72(7), I believe it is. And I will come to that. So the effect of this Motion—my point, Mr. Vice-President, is that there already appears to be some degree of reporting and what we are saying is that there should be more. In many ways then, Mr. Vice-President, this—the effect of this Motion is to effectively extend that reporting function, captured under section 72. And why can we not extend that oversight, Mr. Vice-President, in the manner in which we are saying now, in the manner in which we have been articulating today.

But there are two small points that come out of my reading of section 72, Mr. Vice-President, that I would like to raise here, and this is my interpretation of the law, and I think they are relevant. The first one is that when reports of the EBC relative to boundaries are tabled at the other place, under section 72(1), the designated Minister seems to have significant power under section 72(5), as it says he the Minister can submit an amended draft. But the section seems very silent, section 72, it seems silent as to the extent that that draft must include the recommendations of the entire House of Representatives. There seems to be a very

grey area there in section 72.

And also, Mr. Vice-President, the fact that that report, only a simple majority is required for that report to be adopted in the other place. And that is how I interpret this section. It is therefore a bit of, in my view, it is somewhat ambiguous as to the extent the final draft reflects the wider view of the Opposition. And the important point with respect to that is that what we are asking for here now, with some kind of parliamentary oversight, may solve that grey area of the law. So that the effect of this Motion, Mr. Vice-President, is that there would be public confidence when those reports are adopted in the other place and there is now parliamentary oversight.

The third point as I move on, Mr. Vice-President, has to do with what the Commonwealth group said, and I know Sen. Cummings, unfortunately he is not here, but Sen. Cummings would have made reference to what the Commonwealth group said after, subsequent to the election of 2015. And just to recap what he would have said; he said in his contribution, referring to the—Sen. Cummings that is—Sen. Cummings in referring to the Commonwealth Observer Group Report of 2015 headed by Sir Paul Tovua, said that Trinidad and Tobago—this is September 2015—has a track record of credible elections and the Commonwealth is committed to continuing its support of the country's democratic processes. Very nice, the report did in fact say that.

Sen. Cummings went on to say, further referring to the report, that these elections affirm Trinidad and Tobago's record of conducting credible and transparent elections and are a testament to the people's commitment to democracy. Very nice, the report also said that. And finally in referring to the report, he said— Sen. Cummings would have said—we wish to highlight the

exemplary role played by the EBC, an institution that enjoys a high degree of confidence amongst the electorate and so on, Very nice, the report did say that. But what else did the report say? What else? Because I think that there has been a very selective and convenient use of this report. And if I may turn to Chapter 6, page 32 of this report dated September 07, 2015, Trinidad and Tobago Parliamentary Elections, the Commonwealth. This is what they said; they said that:

- “The Commonwealth Observer Group that observed”—they were making reference to the 2000 elections—“the 2000 Parliamentary Elections in Trinidad and Tobago...was widely regarded as acceptable for electors to be registered and their votes cast in places where they no longer maintained continuing residency. The Group recommended that the EBC review the regulations relating to voter registration to reflect this, in order to ensure accuracy and to remove ambiguity.”

This is what the report said, Mr. Vice-President.

“Noting this remains the case in 2015, we echo this recommendation.”

That is not me; that is the Commonwealth Group saying that.

“The EBC could consider developing a mechanism (including possible use of technology) to deregister electors who are deceased,”—having—
 “emigrated or are no longer eligible to vote.”

And, of course, the report went on to say:

“...consider mechanisms to move voters to different districts”—as—“they acquire new residences”—and so on—“as per the”—power of the—
 “Commission.”

As to questions of voter-padding, Mr. Vice-President, the Commonwealth group said that whilst they:

“...did not observe any instances or allegations of voter padding in 2015...the EBC should look to ensure it has adequate measures in place to protect...this practice.”

So when Sen. Cummings would have asked: “What is the mischief behind this Motion?”—well, the mischief is what the recommendations of this report are. And I would just refer to one other recommendation, Mr. Vice-President; this is what they said at page 33, the:

- “...number of voters claimed not to have received”—there were a number of voters who claimed not to have received—“...poll cards on...advance...”—before—“the election date.”—in advance.

The EBC—they are recommending:

“The EBC could also consider the use of other communication mechanisms, such as electronic text, to inform registered voters of their polling station.”

So, Mr. Vice-President, these were some of the recommendations made by the Commonwealth group. And I think that it was as I said, it was a very selective and very skilful piece of manipulation to use only some aspects of this report and not to come down to deal with the recommendations that the Commonwealth group made. Because they made significant recommendations as I just said.

Now the question that arises is, whether the public is satisfied that these recommendations have been put into place? Whether the EBC has given active consideration to these recommendations—that is the question. And if the answer to that question is, no—even if the answer to that question is, yes—how do we know? And if the answer to the question is, no—then, why not?

And that is exactly why we are saying in this Motion that parliamentary oversight would be able to deal with matters such as this. We can invite the EBC

here to question them as to this Commonwealth report, questions as to voter registration, questions as to delay in sending polling cards to voters and so on. And to find out whether or not this report has been acted upon. That is what effectively, bringing the EBC over some parliamentary oversight, that is what this Motion is about, Mr. Vice-President.

The other point that I want to deal with, Mr. Vice-President, is the whole question of court of last resort, court being of last resort. Mr. Vice-President, many years ago when I was called to the Bar as an attorney, I was given some advice by an esteemed judge, retired now. And he said to me that in the course of consulting with your clients, try not just to seek legal redress in the court, but to seek solutions. What he said is that—make an attempt to fast-track a resolution without always seeking to invoke the jurisdiction of the court. And I have always kept that advice close to my heart.

So when a country's election commission can be subject to review by the court, we must ensure that that is of last resort; we must develop the machinery, Mr. Vice-President, to allow for such monitoring that could possibly make the engagement of the court's jurisdiction an option of last resort. And my point is, if there are people who have a legitimate expectation of an independent body doing its work and then those people, they are legitimately disappointed than that body did not do its work in a manner that they should, they could have the option of presenting their views to their Member of Parliament, through Senators, who could question the EBC before these committees.

Why is it that if our people perceive—so effectively, I am saying, Mr. Vice-President, is that the parliamentary mechanism would curtail the fears of the people; it would build their confidence. Why is it, Mr. Vice-President, if some

people perceive there to be an irregularity with the work of the EBC that they turn to Letters to the Editor?—I think one of the speakers would have made mention of that—why would they turn to social media to express a disappointment or feelings that they are insecure about how the EBC does its work? We have to fix that. So maybe, Mr. Vice-President, High Court action relevant to the 2015 election, that matter could have been averted if there was some kind of parliamentary oversight.

So that the issue of extending the life of the election by one hour because of rainfall, those matters could have been ventilated here. Who took that decision? On whose instruction? How was that decision communicated to political parties, who on election day were busy on the ground mobilizing their supporters? Those questions could have raised here and that court action may, could have been averted. That is the importance of the parliamentary oversight in which we seek, Mr. Vice-President.

And we know, Mr. Vice-President, it has been said throughout this debate that at different times, one party or the other party may object to some matter and be critical of the EBC. And then the other side would say, no, you are making an excuse for what is going to be the outcome of the next election; no, you are trampling on the rights of this constitutionally independent body. But I wonder what will happen if one day both parties, or all the parties in Trinidad and Tobago, and there are quite a few new parties and so on. What will happen if all these parties feel that they find themselves in disfavour with a decision of the EBC? What then? Who would they criticize? And that is why we are saying that this joint parliamentary committee would be able to deal with these matters.

And then, of course, Mr. Vice-President, if you have that parliamentary oversight machinery it may be of last resort as well for political parties or

government or opposition to seek meetings with the EBC because they now have this new option. They may maintain the right to go to the EBC for meetings but this parliamentary oversight, a lot of those matters could be dealt here. And, of course, Mr. Vice-President, if that happens—

Mr. Vice President: Five minutes. Five more minutes.

Sen. A. Mahabir: Well I need to wind up; I need to move on. Indeed if that happens, Mr. Vice-President, all perceptions of political interference stand to be reduced, if not totally eliminated as long as this Parliament has the right to call the EBC to discuss their concerns.

Mr. Vice-President, in the opening of the debate a few weeks ago, hon. Minister Franklin Khan would have alluded to some of the different models: the independent model, the mixed model and so on, the New Zealand model and so on. But, he stopped short of saying why those models could not be applied here. For example, in New Zealand the electoral system, how it operates they are subject to the scrutiny of the Parliament. The justice and electoral committee has developed a practice of initiating enquiries after every election and those reports are submitted to the Parliament for discussion. It is a very open and transparent system in New Zealand, and we are not saying to copy the New Zealand model, copy the Canadian model, cut and paste it. But we can find ways to develop our own model.

Mr. Vice-President, in closing I want to say that the time has come perhaps when we, we must change the narrative in this country that when Bills or Motions are presented to this Parliament, they are viewed first and foremost from the political lens. “UNC bring it, so it bad.” “PNM bring it, so it bad.” The time has come, I believe, Mr. Vice-President, when we must seek to look at matters

dispassionately and from the perspective of what value it could bring. [*Desk thumping*] From the perspective of not who is the messenger, but what is the message and whether this can help Trinidad and Tobago, whether this can aid generations to come when we are gone.

I believe this is that time. Let it not be said, Mr. Vice-President, that the Parliament of 2019 did not try, did not try to look at this question objectively. Let it be our legacy that we contemplated on the future, Mr. Vice-President, and my support for this Motion does not make me an enemy of the State or a foe of the Government; I am a friend of the people of Trinidad and Tobago. I thank you. [*Desk thumping*]

5.30 p.m.

Sen. Harvey Borris: Mr. Vice-President, I stand today humbled for this great opportunity to speak in this honourable Senate of our country. As a grassroots from San Juan/Parlatuvier, it is indeed a signal honour to be able to speak, and to say a few words here on this important Motion that was raised and moved by my good friend Sen. Wade Mark. But I will start by making this first comment or statement, and probably after I make this comment or statement, I probably need to say nothing further.

I see the EBC as the regulator. I see the Parliament as those who are regulated, and therefore to me, it would be passing strange for the regulated to have oversight over the regulator. From that point of view, some of the points raised by Sen. Mahabir, when he raised that the Parliament have oversight on various commissions. It is a vast difference to other commissions that has no relevance or direct info in respect to the Parliament. The EBC has a direct nexus with the Parliament of Trinidad and Tobago. So, I make the point again, to me I

cannot understand why those who are regulated would want oversight of the regulator. To me it does not add up in this particular case here, and I feel certain it may be well-intentioned, but it may end up—if this should become a reality, that it is extremely destructive in terms of our democracy.

Mr. Vice-President, it is indeed important that we look at the situation with an open mind. I listened to words of Sen. Teemal when he referred to the report of the commission—excellent contribution—and he referred to the commission's recommendations, one of the investigations that they had in the past, but none of the recommendations called for oversight by the Parliament. It called for several other things, putting this in place, putting that in place, but there was nothing to call for oversight by the Parliament of the EBC. And when you look at that, you understand that there should be a clear demarcation or separation from the EBC, and to me, the Parliament of Trinidad and Tobago. Because sometimes within the politics there is a level of matrix, and sometimes what is, is not, and what is not, is. And sometimes you have to take the time to look through what is being said, and what persons, or Senators, or elected members, would be attempting to cause or to have happen at the end of the day.

I am convinced, Mr. Vice-President, that this Motion is ill-advised and ought not to be bought or brought to make law at this point in time. I am convinced that we need to look at it carefully. And if we are stating—as my good friend Sen. Hosein has said—that there is need for greater staffing, then let us do that. If there is need for greater—in terms of the EBC's operation being—there should be greater oversight, but I do not believe the oversight should come from the Parliament of Trinidad and Tobago. If it is that we need to be proactive and creative, then let us create the democratic oversight body. A special body

appointed by the President, where the EBC will have to report to. But this to me is to cause the EBC to end up in a level of kuchur as the case might be, on a level of bacchanalia, because you are bringing now the politics, and the politicians, to have their say on the EBC. And that, Mr. Vice-President, in my view, is the road to corruption—well, confusion, and literally chaos.

I feel certain that we need to look at this very carefully, and Sen Mahabir was making the point of let us look at it not against from a party line, and I always, in the past would speak on issues of that nature. Let us look at things from a national point of view, where we put country over party, and on that basis, if we are doing that, then we need not look at it from the point of view of just trying to get—because we want this put in place here. This can be extremely destructive and therefore on that basis, I feel once more that my good friend Sen. Mark's Motion is ill-timed, and probably not appropriate for this point in time.

I want to make another point where this is concerned. I feel that the EBC over its long history, has proven that they can stand scrutiny. You have looked at every election, and I have recounted in the past when on the two occasions or three occasions, when the PNM had lost elections, there was high commendation, there was high praise by the then ruling party for the EBC. If you understand that, it means that sometimes we may move from a point of view of what is politically convenient, to find fault when we are at the point where we may be in opposition, as the case might be.

But I look back and I saw nowhere, where there was this concern, or a problem placed while the UNC was in power, in respect to the EBC. And therefore, I feel certain that we need to look again, reconsider our point of view where this is concerned, and ensure that when we make recommendation, it is in

the best interest of the country, and we do not put our party over our country. I would not be very long because I know there is an Independent Senator to speak after me. I want to give those who are here, to give them the full opportunity to make their contribution. [*Interruption*]

Sen. S. Hosein: We want to hear you.

Sen. Ameen: We always here “yuh” know, we want to hear you.

Mr. Vice-President: Okay, just remember it is the hon. Senator’s maiden speech and there is a precedent set. Continue Senator.

Sen. H. Borris: Well, you want me to ramajay. [*Laughter*]

Sen. Mark: Misbehave too.

Sen. H. Borris: That I shall not do. But at the end of the day, it is important for us to understand the reason for being here. This is the highest body in the land, and there should be a level of sanctity, in terms of our presentation and our performance, whenever we sit in this hallowed Chamber. It ought to be that we make recommendations that are truly in the best interest of the country, for our generation, and for our future generation. This here, to give oversight to the Parliament, I am certain in my consideration, that this would just put us in further disrepute, and put the EBC once and for all in some level of bacchanal, or in modern terms, bacchanalia.

So, I know I have the support of Sen. Obika, and I know his vote will be—he is my very good friend, a brilliant young man. [*Desk thumping and crosstalk*]
No, no, no, no, he is a brilliant young man—I would say he is a brilliant young man. His first mistake—[*Interruption*]

Mr. Vice-President: Again Members, as you are aware, precedence is set when a new Member of the Chamber is making their maiden contribution, so much so that

there should be silence in the Chamber to allow that Member to do so. Sen. Borris, continue.

Sen. H. Borris: And I will repeat, a brilliant young man, who travelled Africa and came back home and made the worst mistake of his life. [*Desk thumping, laughter and crosstalk*]

Let me conclude, Mr. Vice-President, by saying this to this honourable House: It is indeed a privilege and an honour for myself, as a grassroots who wants to inspire other grassroots that the sky is the limit, and that you can be motivated to reach as far as you want.

And I make the point that, at the end of the day, it is about us taking the opportunity to reach out to each other, each one reach one, and where this Motion is concerned, I feel it is truly a mistake at this point in time. And I hope that all Senators would vote against this with passion, to note and to say that to do this, or to put this Motion in place, it is to bring the EBC to disrepute. I thank you. [*Desk thumping*]

Mr. Vice-President: Hon. Senators, before I call on the next speaker permit me to congratulate Sen. Borris [*Desk thumping*] on his maiden contribution in this honourable House. Sen. Deyalsingh. [*Desk thumping*]

Sen. Dr. Varma Deyalsingh: Thank you, Mr. Vice-President, for allowing me to contribute on this important debate, the Motion raised by Sen. Wade Mark, concerning the scrutiny that he asked this House to consider given to the EBC. We know we are in election season, the “silly season” as people may call it. I think it should be called “embittered seasons”, because we have innuendos, character assassination, race, ethnocentric behaviour, this is the name of the game in this season. So we may be attacking institutions who may need to be scrutinized or

may not be, so I just want to follow the line should we scrutinize the EBC.

So, it might be exciting to some, this season, but you know allegations of racial discrimination rears its ugly head, distribution of wealth in terms of partisan politics, allegations of jobs given to gangs, et cetera, all these come and actually—accusations of voter padding, house padding, these are accusations that are there. It is on the underlying, we have terms where people say that people may be hired according to jobs, to prevent people from voting, like political soldiers. So these are part of our systems, we hear it, and we know the marginal seats especially, people may have complained that you know, they might be prevented from voting, or other people have been given jobs to encourage people to go and vote. So, that is our political landscape. But you know, with any downturn in the economy, the nation may have a psychic turmoil and they may not be able to handle all these race talks and talks that we have coming from time to time, and these talks of race and even voter padding, house padding, this is part of our history. It has been there for years. It is part of our history and it is engrained in certain persons.

Now, long ago oil money may have buffered any sort of perceived political marginalization, but now without that, you may have certain issues being exposed—vented. I would like to make reference and to read the alarming statements made by the Opposition Leader, on Tuesday 16 April, 2019. A Seeta Persad report in the *Newsday* where I want to quote:

“Kamla slams EBC for ‘corruption fraudulent activities’

‘UNC leader Kamla Persad-Bissessar has slammed the Election and Boundaries Commission (EBC) for ‘corruption and fraudulent activities.’

She also called on the Police Commissioner Gary Griffith to investigate ‘corrupt officials’ at the EBC whom she accused of conspiring with the

PNM to steal the general elections.

‘I am calling on the Commissioner of Police to launch an immediate investigation into these corrupt and fraudulent activities at the EBC. From the commissioners to the CEO to every single employee of the EBC,’ she said.

...Venezuelans were being issued TT identification cards, as claimed on social media, questioning how Venezuelans could have TT ID cards. Trinidad identification cards.

‘Clearly these people are now registered to vote,’ she said, demanding the full forensic investigation.

Persad-Bissessar claims there is a collusion with the Housing Development Corporation the (HDC) to manipulate the election through house-padding, registering of non-nationals, and moving electoral boundaries to swing seats in the PNM’s favour. The EBC seemed to be working along with the PNM, she said, in creating votes for themselves.”

5.45 p.m.

Now, this allegation that was made by the honourable Leader of the Opposition, it resonates globally. In Malaysia, there is the opposition leader in Malaysia, Ms. Wan Azizah and she and all actually carried their election commission to court, and she actually said that they were also looking to gerrymander the boundaries, and she took them to court and their electoral commission had to have a month long public review of the proposed changes in their boundaries. So the electoral boundaries in that country were changed, and it was noted that that country also, many people vote along ethnic lines in the diverse country. So, it is there. It is in other countries, we may have that.

[MADAM PRESIDENT *in the Chair*]

So, I want to, you know, look at what the Opposition Leader said and I want to know—those are very serious allegations, and those allegations are allegations about an independent body established by our Constitution to safeguard our democracy. Are these allegations—you know, it could damage the reputation of our country. Investors could shy away from a country like that, and I am looking at, are these allegations based on fact? Is it based on fiction or is it based on delusions as Sen. Baptiste-Primus has said? You know, some of the allegations may be delusions. So based on this, I would like to look at the opinions expressed in the newspaper, and I would really like to say that, you know, if this is an opinion expressed by this leader, the Opposition Leader, it may be a view held by a lot of persons who have supported that party. So if that is a view, I think it is our duty to see how we could look at that view, dispel it to see if it occurs, to see if it is real, if it is delusions.

So then I would like to comment on these three factors: the immigration input and two, I would like to comment on the fact of voter padding and the changes of the boundaries, and the third aspect I would like to look at is the aspect of the EBC itself. So, hence, I would look at immigration input. Our history has showed that we had allegations like that before. Did we ever, you know, have allegations of outsiders coming to vote in elections? Yes. Academics have named and it is in books where academics have claimed there was voter padding, there is house padding, the history has—you know, if you looked at those research you can see those are mentioned.

But, I think, if we look at, you know—I am not going to quote the academics. I looked at a calypsonian, and I see we have a calypsonian here in Ms.

Hazel Ahye, and I think the calypsonians actually give the pulse of the people—actually gives a pulse of what is going on at the time. So, therefore, were there really allegations of immigrants coming in? And, in that sense, I would like to quote one of my favourite calypsonians, Brother Valentino, “Life is a Stage”, and Brother Valentino, it was in a Staff Article interview, recorded June the 12th 2005, posted on July 07, 2005, “The power of the word is something else”, and actually what he actually stated here is—and this is a quote from him:

“Laventille is where the first voter padding started. When the Grenadians and the small-islanders and them came down here, they did not have any I.D. cards. All of them on the hill voted. The ‘Doc’ (Dr. Eric Williams) represented that area. That is why they are so loyal to the PNM. The ‘Doc’ used to say that they couldn’t beat him in John John. It was his constituency.”

So in a time when race played a major part, around 1956/1960s here, this was a synopsis of what occurred here by a calypsonian who actually, in my opinion, tells us what was the pulse, what was going on, what was noted. And, you know, if those memories are there, some people would have those memories. I do not know if it occurs at this day and age, but we are looking at the fact that immigrants, Grenadians, was stated that came in, you know. So while we had the Grenadians and small islands, do we now have Venezuelans and South Americans to deal with?

I was appalled when I saw the ID cards being given out and there were some excuses made, but then we have to find out from our security Minister, was anybody charged for these fraudulent ID cards? How many more exist? If they exist, could they be used to sway the marginal seats? I mean, I looked at the EBC.

I have looked and tried to investigate. I know you have to have polling cards and the polling cards, you know, to me, would have been something that once it is there, you may still be able to have a non-national ID card but not allowed to vote. But, you see, the perception is there from before and that perception may come now that people could manipulate the process with an immigration, so we have to appease the population.

So the historical fact is, we have the EBC to allay our fears and tell us this would not happen—go in and look at these persons who are living in areas to make sure that you could tell us nationals that these people would not be allowed to vote. Historically, it may have been outsiders, but now we have something in place. We need that assurance, so because just one marginal may be the determining factor of who rules for the next five years.

So do we have—when I look at it, do we have faith in the EBC? Should we now put it under scrutiny as this Motion moved by Sen. Mark suggests? I would explore this later, but I want to look at point two, the allegation of HDC and house padding with the boundaries. Now, this is a fact that also affects the UK, because right now in the UK there is a move in the UK, Madam President, where the election commission there, the IBC, the independent Boundary Commission, is mandated to reduce the seats from 650 to 600. So, right now, there is a state of dismay by the Labour Party because they stand to lose 25 seats. So England, the seats will increase to 32, Wales to 11, Scotland to six, in North Ireland, it decreases also to around seven. So we are finding here that even in that Westminster system, concerns are raised about the fact that, you know, this independent Boundary Commission is going to reduce the seats. So it is a global phenomenon where the politicians will have look at their seats.

So, therefore, the fact—now we are looking at the HDC and house padding. The fact that there are always safe seats—both parties know they have safe seats in their bag, along ethnic lines. So we know we have the ethnic polarity that exists. It is a political reality. It is from our history from the days of the DLP representing a certain segment, the PNM representing. So that is a historical fact. But has houses and unemployment been used to manipulate the system? It has been in the past. We had certain reports from esteemed Selwyn Ryan alluding to fact that those things exist. And I beg to also read the HDC's project delivery deficit published on Thursday the 25th January, 2009, an article by Afra Raymond on property matters and he said:

“The HDC's ambitious development programme has long been an issue of great national concern. Reasons for this range from concerns as to whether the target of 100,000 new homes in a decade was realistic, who is going to be allocated the new homes, their location in relation to existing communities—shades of voter padding and coded racism...”

Madam President: Sen. Deyalsingh, I have allowed you some time to develop your contribution, but I just want to remind you to just try and be a little closer to the Motion. Okay?

Sen. Dr. V. Deyalsingh: Thank you, Madam President. I just wanted to develop the point that the Leader of the Opposition made about house padding, voter padding. Does it exist? Is it in the psyche of the people? Is it there already that we need now to look at the EBC to show us, you know, how you could convince us that there are no migrants coming in, there is no house padding. You know, you are above board, and this is what I am hoping to develop.

And I want to just quote *Hansard*, the late Kelvin Ramnath, while debating

the Equal Opportunity Bill, Monday, May 21, 2009, where he actually looked again at the distribution of the houses that were given in his area, and he also questioned that, you know, at the time when the Caroni lands were distributed, the HDC was challenged in the fact that, how did they distribute? And he brought in that, and he actually made an interesting point. You know, he actually said that the HDC distribution, while he thinks it was unfair and he actually brought out the point that when the PNM chooses to allocate houses, 99 per cent of the houses which have been constructed by the HDC is to Afro-Trinidadians. So he came with that.

But after—along his line of argument, he said it may be more to political patronage rather than race, but the whole idea he said is the unfair distribution of homes could be used to sway votes, and the same argument that occurred then is the same that we are hearing now from the Leader of the Opposition. And just even recently, in the allocations of apartments in the NUGFW, same allegations were raised. How are you distributing it, these homes? What percentage, you know, were given to supporters? So all these are things as a society, we have to look at equity and fairness, so people would not feel disfranchised.

So, if house padding is a way of entrenching yourself in power, it is only natural politicians would want to utilize this method, and it is not against the law to build houses in marginals, however, what may alarm me, is you do not build it in flood prone areas, you do not build it in farmlands, you do not build it in prime agriculture areas.

Madam President: Sen. Deyalsingh, the Motion is centred on the EBC, but you seem to be focusing a lot on HDC, and I need you to be a little more specific to the Motion. Okay?

Sen. Dr. V. Deyalsingh: Thank you, Madam. I wanted to elaborate that if HDC has been accused of that, from independent Afra Raymond, from Mr. Ramnath, from just recently, if we are to evolve to let people feel a sense of fairness, there has to be some connect with the HDC when they are building homes and the EBC to see about the safety of the citizens, not just from civil society to object to the environmental issues. So, I am saying that this is something we have to look at, a connect there. So we need a system where we will have that.

Now, I want to elaborate now, you know, a point that even persons must demand transparency in housing allocations and given objectives. But point three raised by the Leader of the Opposition, raised concerns from the commissioners, the CEOs, et cetera. Is it a valid concern? Is it a valid concern to say the EBC itself and the personnel may be corrupt and may give in to the Government and listen to the Government? Well, you see, I try to figure, is that so? I mean, how could I judge this? Well, I judge this really, when I look at different persons who actually said things about the EBC in the past, persons who I admire, who looked at the EBC and said: “Hey, hey, you are not functioning good.” Now, those persons, when they were in Opposition, they sang all sort of things against the EBC, but when they are now in power or when they are occupying the seats of Government, they seem to have selective amnesia, and it occurs right through. Why I say it occurs right through? Because it is also—I remember in the First Session of the Sixth Republican Parliament, when the Elections and Boundaries Commission, the public commission of enquiry, it was raised after the 2000 general election. The then Opposition, PNM, through the MP, who is our present Prime Minister, the Member for Diego Martin West, raised a Private Motion Members’ Bill, where he actually asked for, you know, the scrutiny of the EBC.

So here you are, present Prime Minister did that, a past Prime Minister was asked that, and even when you looked at it, even then, we had a deceased Prime Minister, Mr. Patrick Manning, also looking at the fact and wanting and questioning voter padding and questioning the runnings of the EBC. So here you have people from different parties asking it—persons who may have disagreed with each other in the same party asking for one common thing, looking at the EBC, at different times. So the common thread is there. Different parties ask for it. So I am saying then, if it is there, we the people must say, well if those esteemed gentlemen asked for it, we should ask for it. Do not get involved in the politics, but get involved in the fact that they had questions and we need the answers also.

So, I remember even a previous Head of State tried to remove someone from one of the EBC and had to rescind that decision. So there is something with the EBC, that through time, people may question. So, therefore, what I would like to say, Madam President, is, you know, I ask myself, why would these people when they are in Opposition say one thing, and when they are in power say another thing. Is it that, as some persons alluded on the other side, that if you are going to lose the elections, you save face by saying, well, the other side “steal” the election, they gerrymandered the boundaries or is it really something that, you know, we should look deeper into, that there is something about the EBC that may be under the control of the Government of the day? Maybe, I am saying “maybe”. But my problem is, should we interfere with an independent body? Should we really look at this independent body? Should we scrutinize this independent body? Sections 7(1) and 12 of the Constitution which actually fused the Elections and Boundaries Commission together—they were two separate entities and—

ADJOURNMENT

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I beg to move that this Senate do now adjourn to Tuesday, June 4th at 1.30 p.m. On that day, Madam President—

Madam President: No, no.

Sen. The Hon. C. Rambharat: Sorry.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised. Sen. Obika. [*Desk thumping*]

Road Network in Moruga and Environs

(Government's Failure to Address)

Sen. Taharqa Obika: Thank you very much, Madam President. I stand today at the adjournment of the Senate to raise the issue of the failure of the Government to address, as a matter of urgency, the deplorable condition of the road network in Moruga and environs. I want to take us back to the 16th of January, 2016, Madam President. As the rest of the country were going about their daily routine, some residents of Moruga found themselves in what was reported in *TT Talk* to be a virtual prison, and this was after the access roadway to Indian Walk and Moruga was dilapidated and caved in.

And there is another headline from the *Trinidad and Tobago Guardian* of the 17th of January, 2019, by Kevon Felmine titled: “Residents cut off as road collapses”.

“Many residents of Indian Walk, Princes Town were forced to walk through a ditch or the bushes to get to and from their home...”

Now, whilst this matter was addressed because, of course, the residents protested en masse, it had to be fixed. What this matter that I am raising speaks to is the general disrepair of the road network in Moruga. [*Desk thumping*]

And, Madam President, I had to journey to St Mary's for a very important occasion. It was the occasion of the Monday Night Forum of the United National Congress in the constituency of Moruga/Tableland, and do you know that even the speaker system that we were carrying to the Monday Night Forum was affected because of the poor state of the roads from Princes Town to St Mary's? So, they did not even have to reach Moruga proper. [*Crosstalk*] So, Madam President, I hear the hon. Minister of Trade and Industry asking why we did not fix it—

Sen. S. Hosein: “Dem win 11 elections.” [*Laughter*]

Sen. T. Obika:—but if you are familiar with this area, and I understand that my grandmother is a Jones, and they are Merikin extract, the area is prone to land slippage, perennially. So, therefore, it needs a perennial system of road maintenance and support. So the Government has failed in their duty to the people of Moruga. [*Desk thumping*]

Now, and there is another headline, and it grieves me to see this headline because it is entitled: “Moruga MP heckled by protesters over bad roads”. So it has gotten to such a state—

Sen. S. Hosein: Who is the MP?

Sen. T. Obika:—that the people of Sixth Company, New Grant, all right, where I have family members living, they protested to the point where they did not want to hear the Member of Parliament. What does that lead to? That really falls squarely with the matter that we are raising here. And the last point I want to raise—and I hope the responder from the Government addresses why these things are allowed to happen in 2019—is that the PNM Government has a slate of empty plans from Moruga. [*Desk thumping*] On 19th of May, 2017, the Government had a panel of Members of Parliament and they were promising many things, one of which was the e Teck Park, promised to give rise to employment over 500 persons. This is

the 19th of May, 2017, over 24 months and a week ago, Madam President. A very long time. But what you have is a Government facing an election in just about 12 months—it could be less depending on how the mood of the country swings—and not a single job, not a single sustainable job is ready to be created. In fact, we had to suffer to hear that the e Teck Park is only 48 per cent complete.

Madam President: Sen. Obika, I am reluctantly making this intervention, because on matters on the adjournment I tend to give as much leeway, but your matter, your Motion is the deplorable condition of the road network in Moruga and its environs, and you are just going very clear of that Motion. I really need you to try and be a lil closer to your Motion, please.

Sen. T. Obika: So, Madam President, what I am bringing to light is that the residents, the residents in Moruga, had to force themselves to block the roadway each year. Each year of this PNM Government being in office, they had to bring themselves to the point of protesting; they had to bring themselves to the point of chasing the MP.

Madam President, the state of the road network in Moruga needs to be fixed. But there is a solution. The solution is on the horizon, and ask they look to the rising sun that comes with every new day, they would see that the repairs to the road from Edward Trace, which would form part of the Guayaguayare/Moruga/Cedros belt under the governments to come, will see a rise in reliance on road transportation in the area. Persons will no longer have to be friends of the Bamboo with all their money to fix their cars, to fix their maxi-taxis, because the people of Moruga, really and truly, have a new day coming, and I hope the Minister would answer to the people of Moruga who obviously would be listening as to why at the end of their fourth year in office, they have failed to fix the road network in Moruga, St Mary's and by and large the constituency of

Moruga/Tableland. I thank you. [*Desk thumping*]

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):

Thank you. Madam President, I do not know if I could make a plea to get the remaining six minutes that the Senator had. [*Laughter*] He had so much to say on Moruga. Madam President, thank you for the opportunity to speak on the Motion before us, which seeks to address the failure—or so said by the hon. Senator—of the Government to address, as a matter of urgency, the deplorable conditions of the road network in Moruga and the environs.

Madam President, I would like to draw to the attention of the honourable Senate, one of the strategic initiatives of this Government, as stated in the National Development Strategy of 2016—2030, better known as *Vision 2030*, which is to improve and expand the road infrastructure network. In doing so, emphasis is placed on the expansion of the road network to facilitate safer, efficient movement of people and goods.

Moruga, Madam President, is one of several roads earmarked for construction and, Madam President, I just want to go into a Cabinet Note, July 13, 2017, where Cabinet agreed to the rehabilitation of the Moruga Road from Petit Cafe Junction to Marac Village in Moruga to be undertaken by the Programme for Upgrading Roads Efficiency of the PURE unit of the Ministry of Works and Transport for an estimated sum of \$178.3 million. Madam President, that project, the financial approvals for it was \$4.2 million in 2016/2017; \$33.3 million in 2017/2018; \$84.3 million in 2018/2019 and \$56 million in 2019/2020. The programme of works was divided into three phases: phase one, the bridges and road rehabilitation; phase two, the bridge and slope stabilization and phase three, the road rehabilitation.

Madam President, just to indicate, the details of the work including: the

milling and patching and resurfacing of the road segment, stabilization of 22 slopes, construction of four bridges, construction of two culvert crossings, repairs to approximately 22 culvert crossings; roadside drains and the installation of signage and so.

Madam President, this Government is diligently following through with the plans, and contrary to what is being put forward by the Senator today, I wish to emphasize that the Ministry of Works and Transport has executed several projects on the roads in Moruga and the environs. Madam President, this Motion, again, is another Motion that the hon. Senator has brought, and he really could not stick to the Motion because, really and truly, he probably does not know Moruga and never went to Moruga [*Laughter*] so cannot identify the projects. [*Crosstalk*]

Madam President, let me just give you—[*Crosstalk*—you see, I cannot help but say that, because if the Member had gone to Moruga, he would have recognized what is happening in Moruga. Madam President, from September 2015 to date, the following projects were completed in Moruga and the environs:

- Bridge 1/3 Moreau Road—bridge construction, completed on the 10th of September, 2018. [*Desk thumping*]
- Bridge 1/4 La Lune Road—bridge construction, completed 12 July, 2018. [*Desk thumping*]
- Moruga Road—cement stabilization from Petit Cafe Junction to Perry Young Road, completed June 2018. [*Desk thumping*]

When last you went to Moruga?

- Lumy Road—road rehabilitation, completed 18 September, 2017. [*Desk thumping*]
- Frederick Settlement—improvement to drainage at Chainage 0+300 to

2+200, completed March 2017. [*Desk thumping*]

- Gunness Trace—improvement to drainage, completed 13 February, 2017. [*Desk thumping*]
- Looney Road—rehabilitation, completed 22 February, 2016. [*Desk thumping*]
- Looney Road—two slope stabilization at chainages 0+250 and 0+350, completed 18 November, 2015—[*Desk thumping*]

Clearly, you have been going to Moruga for rum on a Monday. [*Laughter*]

Madam President, additionally—**Sen. Obika:** Madam President, I rise on Standing Order 46(6). I rise on Standing Order 46(6), this insinuation about going for rum on a Monday, what is that?

Sen. Baptiste-Primus: Take your seat.

Sen. Obika: What is that? [*Crosstalk*]

Sen. The Hon. R. Sinanan: Madam President, I apologize. It is just a “tie-tongue”. Is really forum that I—[*Laughter and desk thumping*] Madam President, it is my fault. I apologize. [*Laughter*]

Sen. Ameen: That is unacceptable. That is unacceptable, Madam President, please, please. [*Crosstalk*]

Sen. The Hon. R. Sinanan: I would pronounce it properly. Right? The forum, “for rum”. All right, all right. [*Crosstalk*] Madam President, now I just reported on work completed. Right? [*Desk thumping*] Madam President, additionally, there are a number of ongoing projects in Moruga and the environs. These are the Moruga Road:

- Ten slope stabilization packages at the following chainages of which seven are near completion.

Sen. Baptiste-Primus: Highlight them. Highlight them.

Sen. The Hon. R. Sinanan: Madam President, I could go through the 10 here but it does not make sense—

Sen. Gopee-Scoon: Go through the 10, go through the 10.

Sen. The Hon. R. Sinanan: All right. Madam President:

- Chainage 3+600
- Chainage 14+300—now these are different stages of the Moruga Road.

Sen. Baptiste-Primus: Tell them. Tell them.

- **Sen. The Hon. R. Sinanan:** Madam President: Chainage 15+625
- Chainage 16+350
- Chainage 16+400
- Chainage 16+720
- Chainage 18+550
- Chainage 18+750 [*Desk thumping*]

Now, these are the 10 ongoing slope stabilization. [*Crosstalk*]

- Construction of two culverts at chainage 14+550 and 15. These are 75 per cent completed. [*Crosstalk*]

6.15 p.m.

- Cement stabilization from Samuel Cooper Road to Rochard Douglas Junction, 63 per cent completed. [*Crosstalk*]

Madam President: Members, please, I allowed a little, whatever that is, but could you all, please, not be raising the volume as you are. Okay? Minister, continue.

Sen. The Hon. R. Sinanan: Madam President, I did not tell them to bring this Motion, they brought it.

- Drainage and concrete works from Petit Café Junction, chainages 11+300

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and 19+800, 75 per cent—[*Interruption*]

Sen. Ameen: You said that already.

Sen. The Hon. R. Sinanan: No.

- Road rehabilitation chainage 5+500, 98 per cent completed.
- Bridge 1.5 La Lune Road, bridge construction, land acquisition in progress. [*Crosstalk*]

Madam President, and those are ongoing projects. [*Desk thumping*] Madam President, it is noteworthy that these are upcoming projects now, projects scheduled to come on stream by the end of May, which is next week. [*Desk thumping*] Five additional slope stabilization packages, bridge 1/22, again, to be started next week. So right now, Madam President, clearly they do not know where Moruga is.

Madam President: Minister, you have one more minute.

Sen. The Hon. R. Sinanan: Madam President, it is clear the hon. Senator has not done his research, somebody gave him a paper to come and read. Madam President, this Government is committed to bringing relief to the people of Moruga, and I am quite happy to hear the Senator say that it is an area where the soil continually has movement. And we started with 22 projects for our slope stabilization, we are up now to about 40, [*Desk thumping*] but we intend to complete all and have a brand new upgraded road to Moruga long before the 2020 general election and long before we complete the port in Moruga. And very soon, Madam President, the Senator will take the road when he go to visit the Industrial Park in Moruga. I thank you. [*Desk thumping*]

**Protection of Prison Officers
(Failure of Government to Address)**

UNREVISED

Sen. Wade Mark: Thank you very much. Madam President, I rise to the defence of the unprotected prison officers in Trinidad and Tobago, [*Desk thumping*] and the failure thus far of the Government to protect their lives. Madam President, prison officers have been under siege over the last two decades in Trinidad and Tobago. Some 28 prison officers have been murdered in this country. Imagine in just two decades, two decades and two—just about 22 years, 28 prison officers have been brutally murdered in this country. Madam President, when you look at the United States of America for the last century, 1901 to 2019, only 20 prison officers in one century in the United States have been murdered. Too many, but 20 in a century; in 22 years 28 prison officers have lost their lives.

Madam President, the United States has 365 million people with 50,000 correctional officers. We have 1.4 million people with 2,000 prison officers, 28 perished thus far. Today, Madam President, Trinidad and Tobago is rated as a country with the highest murder rate among prison officers in the world—in the world, in the world. What is required to stop this scourge, this kind of slaughtering of our officers? You know what is required, Madam President? We need a proper law enforcement safety Act as exists in the United States of America, where officers in the United States, correctional officers are given the right to carry a concealed firearm whenever they are off duty. That is what we need in Trinidad and Tobago, Madam President.

The Government has said that they are going to procure some 250 firearms for prison officers. This may be a short-term measure, and I am sure the prison officers would welcome this short-term measure, but what is needed to address this issue of providing appropriate security measures to protect the lives of our prison officers is what I have just alluded to. We need a new piece of legislation on law enforcement safety for our prison officers in Trinidad and Tobago. Madam

President, the question may well be asked: Why the delay? When there was kidnapping in this country and the business community was up in arms, the Government of Trinidad and Tobago responded positively. Madam President, we established the anti-kidnapping legislation to bring an end to that scourge. We also established the necessary apparatus and policy measures to ensure that the appropriate mechanisms were in place to deal with the matter of kidnapping. Today, Madam President, we can say that kidnapping has been almost eliminated in Trinidad and Tobago. You have elements of it from time to time, but it has gone.

Why the Government has taken so long to come to the rescue of our prison officers? Why? Why they have not brought similar legislation to protect our prison officers in this country so that we can deter those elements who are inclined to do harm to our prison officers? So, Madam President, I am asking the Government today to tell us what are their plans for the prison officers? When is the Government going to bring legislation to protect our prison officers in this country? [*Desk thumping*] And as I said, Madam President, whilst we welcome and they would welcome arms, firearms, 250, as we are told, we need to go a step further by bringing legislation to protect our officers in the prison service. Madam President, we know that the Government is speaking to the issue of addressing the trafficking of illegal items into prison and they will bring appropriate legislation to address those matters, but where is the legislation? We have not seen it.

Madam President, you would also know that as we deal with protecting the security of prison officers, one of the areas that the Government needs to pay attention to is housing for prison officers. Prison officers cannot live any and anywhere in Trinidad and Tobago. Their salaries levels are very low. The cost of renting homes is very high for prison officers and therefore the Government of

Trinidad and Tobago has to pay attention to this issue of housing accommodation for our prison officers. Madam President, we also have to ensure, as we deal with prison officers in Trinidad and Tobago, we have to look at the whole issue of building a purpose-built modern-day dedicated remand facility in Trinidad and Tobago. The time has come when we must invest in what I would call a purpose-built modern-day dedicated remand facility to facilitate better treatment of prisoners. Madam President, there is a link between, not only the slow pace of justice in terms of going to courts, but there is also the treatment that would be meted out to prisoners in the prisons if you do not deal with this particular proposal that I am suggesting for the Government's consideration, which would bring about better treatment of our prisoners and also separate and classified prisoners so you do not mix the common criminals with those persons who are first timers, so that they can have better treatment meted out to them. All of these measures will go a long way in bringing about greater protection for our prison officers in the Republic of Trinidad and Tobago.

So, Madam President, I appeal to the Government today to really get really cracking on bringing the appropriate legislation. Do not just give the people arms; that is inadequate. Let us get legislation as exists in the United States of America in order to protect our prison officers. They are exposed to too much elements in this country—

Madam President: Sen. Mark, you have one more minute.

Sen. W. Mark: Madam President, thank you very much. Madam President, they are exposed and they are open to being harmed as we have witnessed over the last two decades in Trinidad and Tobago. We need to bring a stop to this. I have brought this Motion so that Government, if it is like Rip Van Winkle, sleeping, they are in deep slumber, this Motion is designed to wake up the Government to let

them act and act in defence of our prison officers. I thank you very much, Madam President. [*Desk thumping*]

Madam President: Acting Leader of Government Business. [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I do not know if it is my enhanced vantage point today but I thoroughly enjoyed that contribution. It is almost as though Sen. Mark has found himself on this side, and you have used the magical word, Sen. Mark, “legislation”. You are in love with it. So that is my starting point. Examine the 28 deaths, the 28 murders involving the prison officers. I wonder how many were committed by firearms? I would guess it is 100 per cent of them. I wonder how many of them were committed by persons who might have been on bail. I guess it might be 100 per cent of them. So let us talk about legislation. You have before you in this House a bail Bill and—[*Interruption*]

Sen. Mark: Well, I was very specific, “eh”. I talked about the bail Bill? [*Crosstalk*]

Sen. The Hon. C. Rambharat:—I wondered, when I listened to the Acting Commissioner of Police at the time lament the fact that the refusal of the Opposition to extend the time further for the restrictive bail conditions caused a lot of criminals to be put on the street when they should have been behind bars, and I wonder how many of those criminals who should have been behind bars were out on the streets terrorizing prison officers.

So what we have in this House, and what is due for debate shortly, is serious bail legislation, and my hope, Sen. Mark, is that your Bench supports us, support the Government and the prison officers to ensure that we would have the sort of bail legislation that takes us back to that period when you were in Government and you got our support, [*Interruption*] and we would be able to protect prison officers

in this country from criminals who should be behind bars and not on the streets. We have laid in this House, Sen. Mark, the Firearms (Amdt.) Bill, because, Sen. Mark, as it happens now you could go to the Magistrates' Court on a charge of having a handgun and you could pay a fine of \$2,500 and walk out and acquire another gun, and it is unthinkable. I wonder how many of those 28 prison officers found themselves on the raw end of a handgun, the holder of which should have been behind bars for about 10 years.

So you have in this House a Firearms Bill, which would most likely be debated on this side of the recess, it is draconian, and I am very proud to say that. For the first time in this country you will have three tiers. The first will bring you some tears, a significant fine and some jail time. The second offence will bring you a bigger fine and some jail time. And the third one, Sen. Mark, will bring you life imprisonment, because for people who want to walk around with illegal firearms and threaten our prison officers, I think they should be in the jail. [*Desk thumping*] And the third piece of legislation, which we would like to debate next week Tuesday, is some small amendments to the suite of legislation, long work, and that is the final piece on the Indictable Proceedings Bill that will assist us in removing this thing called "preliminary enquiries".

You see, Sen. Mark, the longer we take to put these criminals behind bars in this two-tiered criminal trial process the more time they have to kill witnesses and the more time they have to interfere with the prison officers. And finally, Sen. Mark, we have a Bill that will be laid at the next Sitting of the House—I do not want to anticipate it—called the Law Enforcement Officers Bill. That would introduce, not only protection for prison officers and law enforcement officers, but also sanctions for those officers who get themselves on the other side of the law, and that piece of legislation will work with the Bail (Amdt.) Bill, the Firearms Bill

[*Desk thumping*] and the indictable proceedings Bill to bring what today you have said and you have demonstrated you are in love with, legislation, legislation, legislation, legislation. [*Desk thumping*]

ADJOURNMENT

Madam President: Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I just want to go back to when we moved the Motion on the Adjournment, and I want to say that we propose to sit next Tuesday, June the 4th, from 10.00 a.m., and on that day we would like to deal with a Bill entitled an Act to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011).

Madam President: Hon. Senators, before I put the question on the adjournment, I will invite Members to bring greetings as we celebrate Indian Arrival Day. Minister of Works and Transport.

Indian Arrival Day Greetings

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): “I is ah real brahmin, yuh know.” I am a brahmin, you know. [*Crosstalk*] Madam President, colleagues of this honourable Senate, on behalf of the Government Bench and, by extension, the Government of Trinidad and Tobago, it gives me great pleasure to extend warmest greetings on the occasion of Indian Arrival Day.

Indian Arrival Day commemorates the arrival of East Indian indentured labourers and the Indian presence in Trinidad and Tobago. Trinidad and Tobago is well known for its diverse culture. We identify its presence as a conduit to advance our development as a nation. This country enjoys the unique, distinct and interracial and interethnic inclusion and harmony. The Indian presence in our country spans 174 years and expresses itself in Divali Nagar, which has now

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become a world class franchise showcasing Indian culture in the western hemisphere. Moreover, Ramleela was brought to the world prominence in the late Derek Walcott's acceptance speech for the world renowned Nobel Prize in Literature. In the musical sphere the genre of "chutney" has catapulted the Indian culture art form onto the world stage. Also, the quintessential "Trini doubles" and "pholourie" made its foyer into American households through—recently aired on the sitcom—the Food Network Channel which recently featured the ubiquitous roti and actually explored the steps in creating the "dhalpuri".

Moreover, the indomitable Indian spirit of sacrifice, commitment, courage and faith have created legacies for success in education, commerce, musical art forms and politics. May we always be proud of the abundant inheritance of values and expressions Indians have passed on to the entire nation. Madam President, and colleagues, may God bless our nation as we continue to embrace the fabric of culture which is our heritage and an abundance inheritance that have enriched and influenced many generations of our nation's past, present and those to come. I thank you, and a happy Indian Arrival Day to everyone. Thank you, Madam President. [*Desk thumping*]

Madam President: Sen. Hosein.

Sen. Saddam Hosein: Thank you very much, Madam President. *Assalamu alaikum, Sita Ram*, and good evening to all those in the Senate and who may be listening. In May 1845 our forefathers would have left their homeland on the *Fatel Razack* and journeyed to Trinidad and Tobago in search of opportunity, hope and a new beginning. On Thursday we will celebrate 174 years of the arrival of the first group of East Indians on our shores. Their arrival marked the period of indentureship. They were unaware of the challenges and the working conditions that they would meet. They overcame those hurdles and made sacrifices. While

some of them died as a result of the harsh conditions, they used every means possible to survive. Today, many of us owe a great deal of gratitude to our forefathers for our very existence is dependent on them. We are here as a result of their sacrifice. Some may argue that it should not be a day of celebration, but I beg to disagree and say that it is a day in which we can acknowledge the invaluable contribution of the East Indian community in Trinidad and Tobago.

History will show that most of our ancestors who arrived were uneducated as they were unable to read or write. However, they would have clutched to the belief that education remains the gateway out of the cycle of poverty. Through their steadfastness and productive nature they ensured that their children and grandchildren were educated. Through struggle and labour, today the offspring of the indentured labourers play a critical role in shaping the direction of Trinidad and Tobago. They have occupied seats in this Parliament, in court as judges and magistrates, they held the highest office of the land, the Office of the President, Office of the Prime Minister, Leader of the Opposition, lawyers, doctors, engineers, Nobel Prize winners and much more. They have toiled in the sugar cane fields to ensure that their children have a space at the table of decisions.

A creative people they are as they brought with them their enchanting music, which is still played and taught. We are lucky that today you can still hear the beating of the “dhantal”, the “dholak”, the “manjira”, and the mesmerizing sounds of the harmonium. Their culinary skill is one of a kind as we enjoy their sweets, their dishes, in particular, curry and roti, and our indigenous “doubles” with slight pepper. A people who held strongly to their teachings and religious principles brought with them their holy books, such as the *Bhagavad Gita*, the *Ramayana* and the *Holy Quran*, as they chose to travel over the Kala Pani, fearful as they may have been, but sought comfort from the fact that they are protected by a supreme

being. While they would have suffered on the plantations at the end of indentureship they did not give up. They instead made Trinidad and Tobago their home. They created a community of unity and harmony as they nurtured their future generations.

Their values and traditions were incorporated in today's society adding to the multireligious, multicultural and multi-ethnic society that is Trinidad and Tobago. While we may be different and while we came on different boats, we are one society, we are one country, but, most importantly, we are one people. Let our differences unite us instead of divide us to build a brighter and prosperous Trinidad and Tobago. While our ancestors may have chanted, "Jai Hind", which means victory to India when they left India, today their generations chant, "Jai Trinidad and Tobago", victory to Trinidad and Tobago. I thank you very much, Madam President. [*Desk thumping*]

Madam President: Sen. Teemal.

Sen. Deeroop Teemal: Thank you, Madam President. As we have heard, May 30, 2019 will mark the 174th year since the arrival of indentured labourers from India to work mainly in the cane fields of Trinidad and Tobago. The very terms and conditions of their entry were to have a profound impact on their way of life and their subsequent settlement in a foreign society that presented many challenges. One hundred and seventy four years can be viewed from many aspects: social, political, religious, cultural, and also from the viewpoints of specific interest groups and stakeholders, but I am sure all will concur that with an unbreakable spirit rooted in their beliefs and culture, these indentured forefathers, approximately 145,000 of them, secured victory against the almost impossible odds of coming to terms with the sudden and drastic change in their lives and the adaptation to the hostile conditions in which they found themselves.

Through their toil, courage, dedication and sacrifice our indentured forefathers secured victory against their seemingly unsurmountable challenges. They triumphed over civilizational dislocation, oppressive working conditions, social and religious discrimination, ridicule, atrocious housing conditions and exceedingly poor health facilities. Their toil and sacrifice created a more prosperous and easier pathway for their following generations and contributed significantly to the development of our nation. Amongst the understandable celebrations, Indian Arrival Day can also provide us with a time for self and national reflection and introspection. There are two major historical events that allow us the opportunity for this reflection and introspection, and I will refer to the narrative of Siewdass Sadhu and the building of the Temple in the Sea, and the Muharram massacre, known popularly as the Hosay riots, during which 24 of our indentured forefathers were massacred in October 1884 by the British to control the indentures by denying them what they believed was their right to freedom of religious and cultural expression. These are two momentous events in our history. These two momentous events in our history should remind us at all times of the values which shaped the life of our forefathers.

Perseverance, never giving up, not ever giving up, having the ability to accept setbacks and overcome the odds to secure success in your lives. Unshakeable faith, have unshakeable faith and a deep sense of belief in yourself. Faith rooted in self, religion and culture will overcome all oppression and obstacles. Bravery and courage, to stand firm for what you believe in and to defend your rights at all cost. And sacrifice, the ability to sacrifice for the welfare of others selflessly, and to sacrifice for future generations and their welfare. Should these universal and noble values find manifestation in our individual collective and national life then we will really be honouring the legacy of the

indentures as we strive to build our beloved nation.

Madam President, on behalf of all of the Independent Senators of this honourable Senate, I will like to extend and wish the nation a happy and reflective Indian Arrival Day, 2019. [*Desk thumping*]

Madam President: Hon. Senators, I too will begin by reminding all that this Thursday we celebrate the 174th anniversary of the arrival of the first indentured labourers to our country. Trinidad and Tobago is, has been, and will always be grateful to those who arrived then, to those who followed, and to those who having followed now continue the march towards national development. Their contributions are reflected in every sphere of national endeavour, and as we celebrate Indian Arrival Day, we celebrate and revel in the diversity, the harmony and the blend of every creed and race in Trinidad and Tobago. May I extend happy Indian Arrival Day greetings to all Members of the Senate, to the members of staff of the Parliament of Trinidad and Tobago, and to all of Trinidad and Tobago. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.46 p.m.