

HOUSE OF REPRESENTATIVES*Wednesday, September 15, 2021*

The House met at 1.30 p.m.

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

Madam Speaker: Hon. Members, I have received communication from the hon. Ayana Webster-Roy, Member for Tobago East, who has requested leave of absence from today's sitting. The leave which the Member seeks is granted.

**JOINT SELECT COMMITTEE
(CHANGE OF MEMBERSHIP)**

Madam Speaker: Hon. Members, correspondence has been received from the President of the Senate dated September 14, 2021, which states as follows:

“Dear Speaker,

Re: Change of Membership to Joint Select Committee.

Reference is made to the subject at caption.

At a sitting held on Tuesday September 14, 2021, the Senate agreed to the following resolution:

‘BE IT RESOLVED that the Senate agree that Dr. Muhammad Yunus Ibrahim be appointed to serve on the Joint Select Committee on Land and Physical Infrastructure in lieu of the late Mr. Franklin Khan.’

Accordingly, I respectfully request that the House of Representatives be informed of this decision at the earliest convenience please.

Thank you.

Respectfully,

Christine Kangeloo

UNREVISED

President of the Senate”

PAPERS LAID

1. Report on the Fourth withdrawal in the amount of US \$100,000,000.00 from the Trinidad and Tobago Heritage and Stabilisation Fund in accordance with Section 15A3 of the HSF Act, Chapter 70:09 as amended for the period May to June, 2021. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Report on the Fifth withdrawal in the amount of US \$100,000,000.00 from the Trinidad and Tobago Heritage and Stabilisation Fund in accordance with Section 15A3 of the HSF Act, Chapter 70:09 as amended for the period May to June, 2021. [*Hon. C. Imbert*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Mayaro-Rio Claro Regional Corporation Chairman’s Fund for the year ended September 30, 2017. [*Hon. C. Imbert*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Mayaro-Rio Claro Regional Corporation Chairman’s Fund for the year ended September 30, 2018. [*Hon. C. Imbert*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Mayaro-Rio Claro Regional Corporation Chairman’s Fund for the year ended September 30, 2019. [*Hon. C. Imbert*]
6. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Couva/Tabaquite/Talparo Regional Corporation for the year ended September 30, 2006. [*Hon. C. Imbert*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Office of Procurement Regulation for the year ended September 30, 2020. [*Hon. C. Imbert*]

UNREVISED

8. Audited Financial Statements of the University of Trinidad and Tobago for the financial year ended September 30, 2016. [*Hon. C. Imbert*]
Papers 3 to 8 to be referred to the Public Accounts Committee.
9. Consolidated Financial Statements of Trinidad and Tobago National Petroleum Marketing Company Limited and its Subsidiaries for the financial year ended March 31, 2019. [*Hon. C. Imbert*]
10. Audited Financial Statements of the MIC-Institute of Technology Limited for the financial year ended September 30, 2019. [*Hon. C. Imbert*]
11. Consolidated Financial Statements of Caribbean Airlines Limited for the financial year ended December 31, 2015. [*Hon. C. Imbert*]
12. Audited Financial Statements of the Sports Company of Trinidad and Tobago Limited for the financial year ended September 30, 2020. [*Hon. C. Imbert*]
13. Audited Financial Statements of the Portfolio Credit Management Limited for the period December 31, 2019. [*Hon. C. Imbert*]
14. Consolidated Audited Financial Statements of the Telecommunications Services of Trinidad and Tobago Limited for the financial year ended March 31, 2021. [*Hon. C. Imbert*]
15. Consolidated Audited Financial Statements of Evolving TecKnologies and Enterprise Development Company Limited for the financial year ended September 30, 2019. [*Hon. C. Imbert*]
16. Audited Financial Statements of the Trinidad and Tobago Solid Waste Management Company Limited for the financial year ended September 30, 2018. [*Hon. C. Imbert*]
17. Audited Financial Statements of the National Quarries Company Limited for the financial year ended September 30, 2016. [*Hon. C. Imbert*]

18. Audited Financial Statements of the National Quarries Company Limited for the financial year ended September 30, 2017. [*Hon. C. Imbert*]
19. Audited Financial Statements of the National Quarries Company Limited for the financial year ended September 30, 2018. [*Hon. C. Imbert*]
20. Audited Financial Statements of the National Quarries Company Limited for the financial year ended September 30, 2019. [*Hon. C. Imbert*]
21. Audited Financial Statements of the Youth Training and Employment Partnership Limited for the financial year ended September 30, 2020. [*Hon. C. Imbert*]

Papers 9 to 21 to be referred to the Public Accounts (Enterprises) Committee.

22. Administrative Report of the National Investment Fund Holding Company Limited as at December 31, 2020. [*Hon. C. Imbert*]
23. Annual Administrative Report of the National Enterprises Limited as at March 31, 2020. [*Hon. C. Imbert*]
24. Annual Administrative Report of the Trinidad and Tobago Tourism Business Development Limited as at December 31, 2018. [*Hon. C. Imbert*]
25. Administrative Report of the Office of the Prime Minister for the period October 2017 to September 2018. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
26. Annual Report of the Equal Opportunity Commission for the period January 1, 2016 to December 31, 2016. [*The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi)*]
27. Annual Report of the Equal Opportunity Commission for the period January 1 2017 to December 31, 2017. [*Hon. F. Al-Rawi*]
28. Annual Report of the Equal Opportunity Commission for the period January

- 1, 2018 to December 31, 2018. [*Hon. F. Al-Rawi*]
29. Annual Report of the Equal Opportunity Commission for the period January 1, 2019 to December 31, 2019. [*Hon. F. Al-Rawi*]
30. Administrative Report of the Accreditation Council of Trinidad and Tobago for the period October 1, 2017 to September 30, 2018. [*Hon. C. Robinson-Regis*]
31. Administrative Report of the University of the West Indies, St. Augustine Campus for the year 2017/2018. [*Hon. C. Robinson-Regis*]
32. Annual Report of the Teaching Service Commission for the year 2020. [*Hon. C. Robinson-Regis*]
33. Ministerial Response of the Ministry of Rural Development and Local Government to the Second Report of the Public Accounts (Enterprises) Committee on the Examination of Audited Financial Statements of the Vehicle Management Corporation of Trinidad and Tobago for the financial years 2013 and 2014. [*Hon. C. Robinson-Regis*]
34. Ministerial Response of the Ministry of Public Utilities to the Third Report of the Public Accounts (Enterprise) Committee on the Examination of Audited Financial Statements of the National Gas Company of Trinidad and Tobago Limited for the financial years 2016 to 2018. [*Hon. C. Robinson-Regis*]
35. Ministerial Response of the Ministry of National Security to the Thirty-Third Report of the Public Accounts Committee on the Follow-up on the status of the implementation of the recommendations on Information and Communication Technology governance and general controls as stated in the Reports of the Auditor General on 2017, 2018 and 2019 Public Accounts. [*Hon. C. Robinson-Regis*]

36. Ministerial Response of the Ministry of National Security to the First Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an inquiry into the Health and Safety Practices and Arrangements of the Airports Authority of Trinidad and Tobago (AATT) in light of COVID-19 Restrictions. [*Hon. C. Robinson-Regis*]
37. Annual Administrative Report of the Trinidad and Tobago Civil Aviation Authority for the year 2017/2018. [*Hon. C. Robinson-Regis*]
38. Administrative Report of the National Flour Mills Limited for the fiscal year ended 31 December, 2020. [*Hon. C. Robinson-Regis*]
39. Ministerial Response of the Ministry of Rural Development and Local Government to the First Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into measures for ensuring water security in Trinidad and Tobago with reference to the Eleventh Report on an inquiry into the measures for ensuring water security in Trinidad and Tobago. [*Hon. C. Robinson-Regis*]
40. Ministerial Response of the Ministry of Public Utilities to the First Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into measures for ensuring water security in Trinidad and Tobago with reference to the Eleventh Report on an inquiry into the measures for ensuring water security in Trinidad and Tobago. [*Hon. C. Robinson-Regis*]
41. Ministerial Response of the Ministry of Planning and Development to the First Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into measures for ensuring water security in Trinidad and Tobago with reference to the Eleventh Report on an inquiry into the measures for ensuring water security in Trinidad and Tobago. [*Hon.*

C. Robinson-Regis]

42. Ministerial Response of the Ministry of Works and Transport to the First Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into measures for ensuring water security in Trinidad and Tobago with reference to the Eleventh Report on an inquiry into the measures for ensuring water security in Trinidad and Tobago. [*Hon. C. Robinson-Regis]*
43. Ministerial Response of the Ministry of Planning and Development to the First Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the Ease of Doing Business in Trinidad and Tobago, First Session (2020/2021), Twelfth Parliament. [*Hon. C. Robinson-Regis]*
44. Ministerial Response of the Ministry of Works and Transport to the First Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the Ease of Doing Business in Trinidad and Tobago, First Session (2020/2021), Twelfth Parliament. [*Hon. C. Robinson-Regis]*
45. Ministerial Response of the Ministry of Trade and Industry to the First Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the Ease of Doing Business in Trinidad and Tobago, First Session (2020/2021), Twelfth Parliament. [*Hon. C. Robinson-Regis]*

PRIME MINISTER'S QUESTIONS

Atlantic LNG Train 1 (Government's Policy on)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. Could the Prime Minister indicate the Government's policy position on the future of Atlantic LNG Train 1?

The Prime Minister (**Hon. Dr. Keith Rowley**): Thank you, Madam Speaker. Madam Speaker, the people of Trinidad and Tobago own 10 per cent of Train 1 in the Atlantic LNG operations. This matter, as raised in the question, is currently

under discussion and consideration by all stakeholders, and as soon as the deliberations are completed the Government will so advise.

Dr. Moonilal: Thank you very much. Can the Prime Minister confirm, without prejudicing these sensitive matters, can you confirm that NGC has spent \$200 million and transferred to Atlantic Train 1 for its upgrade?

Hon. Dr. K. Rowley: Madam Speaker, that is the subject of another question, so it is there and I will answer it at the appropriate moment.

Dr. Moonilal: Prime Minister, could you indicate whether the National Gas Corporation will continue to provide indefinitely financial support to Train 1 until natural gas is found?

Madam Speaker: Member for Oropouche East, having regard to the question asked and the response that was given, it is difficult for me to allow those questions within the context of the Standing Order. Oropouche East.

Dr. Moonilal: Thank you. Prime Minister, in light of your position on this matter, could you tell us by any date, upcoming date, when all of these sensitive matters are expected to conclude, so you and your Government could be transparent and account to the people of Trinidad and Tobago? [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, there is no Government in Trinidad and Tobago that was ever as transparent as this Government [*Desk thumping*] so this issue has nothing to do with transparency. It has to do with the conduct of corporate business, and this aspect of corporate business is not the bacchanal of any Monday night or Thursday night forum. It requires decorum and confidentiality, and that is what is happening in Trinidad and Tobago. [*Desk thumping*] And I am not in a position at this time to provide any date for completion, but as I said in the answer, as soon as the shareholders have completed their deliberation on the outcome of these discussions, the population would be

properly advised.

Dr. Moonilal: Thank you very much. Prime Minister, I am happy you mentioned our Monday night or Thursday night bacchanal. I am focusing on Tuesday night bacchanal. Having expressed confidence in Mark Loquan—what is his name?—as President of—

Madam Speaker: Member, I am not going to allow that based on the questions that were asked. Member for Tabaquite.

Firearm User's Licence Report (Issuance of)

Miss Anita Haynes (*Tabaquite*): Could the Prime Minister indicate whether the report of Rear Admiral Hayden Pritchard (Ret.) and Senior Superintendent Arthur Barrington (Ret.) into the issuance of the Firearm User's Licences will be made public?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, these works of the National Security Council will exist, but not to be made public at this time.

Dr. Moonilal: Thank you very much. Prime Minister, are you prepared to say what was the cost of the venture undertaken by retired Rear Admiral Pritchard and retired police Barrington?

Hon. Dr. K. Rowley: Madam Speaker, contrary to the misinformation and obsession with this matter, there has been no cost associated with this matter.

Dr. Moonilal: Thank you very much. Prime Minister, in light of the free report, could you indicate if this report will be sent to Justice Stanley John to be the core of his enquiry?

Hon. Dr. K. Rowley: Madam Speaker, these are matters of national security and I will not engage in the obsession of the Member for Oropouche East.

Dr. Moonilal: Prime Minister, my obsession with accountability leads me to the next question. Did you as chairman of the National Security Council authorize an

investigation into the operations of the TTPS?

Hon. Dr. K. Rowley: I did not hear that question. Madam Speaker, could he repeat it please?

Dr. Moonilal: Did you as chairman of a subcommittee of Cabinet, a policy making subcommittee by the name of the National Security Council, authorize an operation, an investigation into the TTPS?

Hon. Dr. K. Rowley: Madam Speaker, I am not aware of, and I have been engaged in no such thing.

Dr. Moonilal: Prime Minister, bearing in mind that just yesterday at a handover ceremony for a report from the office of law enforcement on policy another report was done on the same subject matter, would this report be also sent to Justice Stanley John?

Hon. Dr. K. Rowley: Madam Speaker, if the Member could tell me what report he is talking about I might be able to assist him. He seems to have an obsession with reports.

Madam Speaker: Member, you are allowed four questions, you have utilised all four.

Dr. Moonilal: The Prime Minister has asked me to explain.

Madam Speaker: The Prime Minister has answered.

**Firearm User's Licence
(Terms of Reference for Justice Stanley John)**

Miss Anita Haynes (Tabaquite): Thank you, Madam Speaker. Could the Prime Minister indicate the terms of reference for Retired Justice Stanley John selected to inquire into allegations surrounding the process for the granting of Firearm User's Licences by the Trinidad and Tobago Police Service?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, as Members know, especially my colleagues on the other side, that appointment of Stanley John

is an appointment made by the independent service commission. I am not aware that that is in the public domain as a document put out by the commission. So the most I can tell my colleague from Tabagite at this time, is that the report has not—the terms of reference have not been shared with me by the independent commission and therefore I cannot assist her in enquiry. [*Desk thumping*]

Dr. Moonilal: Prime Minister, for absolute clarity, you are stating on the public record that the Police Service Commission has recruited and appointed retired Justice Stanley John to conduct this enquiry, not the National Security Council or yourself?

Hon. Dr. K. Rowley: And I am glad the Member raised it, because I would like to caution the Member, Madam Speaker. I, as said by him in the media, I have not appointed Justice Stanley John. It is the Member for Oropouche who has put that misinformation in the public domain. [*Desk thumping*] Justice Stanley John, to the best of my knowledge, has been appointed by the Police Service Commission.

Dr. Moonilal: Prime Minister, bearing in mind there is enormous ambiguity and suspicion on this matter, could you call on the Police Service Commission to make clear whether or not they have appointed or recruited Justice Stanley John, because to this date the Police Service Commission has said nothing?

Hon. Dr. K. Rowley: Madam Speaker, the only suspicion I see here is the behaviour of the Member for Oropouche East. [*Desk thumping*]

National Gas Company (Granting of Indemnity)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. Could the Prime Minister state if the National Gas Company of Trinidad and Tobago was granted indemnity for its investment decisions from Atlantic Train 1 turnaround?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, no indemnity has been given to the board of NGC. If, and when, an indemnity is required this

will be considered by the Cabinet and appropriate action taken. I would expect, Madam Speaker, that as Corporation Sole, the Minister of Finance will receive any such request, and if he finds it appropriate he will bring it to the Cabinet. And if the Cabinet sees it in the interest of the people of Trinidad and Tobago in the conduct of our business and the Cabinet finds it appropriate the Cabinet will act appropriately.

Mr. Lee: Thank you, Madam Speaker. Follow up, Prime Minister. Question: Based on your response could you state if any request came from the board of National Gas Company for indemnification for this turnaround?

Hon. Dr. K. Rowley: I am aware, Madam Speaker, that the matter has been raised, but it has not been approved by the Cabinet. It is a matter with the Corporation Sole, and it is a matter for the Corporation Sole to decide whether he wants to pursue it with the Cabinet.

Dr. Moonilal: Thank you very much, Madam Speaker. Prime Minister, I believe you are also chairman of the energy subcommittee, could you confirm whether or not the board of NGC has indeed granted an indemnity to the board of NGC LNG on the matter of Train 1 and \$200 million plus?

Hon. Dr. K. Rowley: Madam Speaker, could I get that convoluted question again please?

Dr. Moonilal: Madam Speaker, it is the same question, not another one. Is the Prime Minister aware whether or not the board of NGC has granted an indemnity to the board of NGC LNG? Yes or no?

Hon. Dr. K. Rowley: Madam Speaker, I am not aware of what the Member is raising or driving at.

**Petrotrin Refinery
(Update on Request for Proposal)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. Could the Prime

Minister provide an update on the new request for proposals for the sale of the Petrotrin refinery?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, on this matter the process is ongoing. Interested qualified parties have now signed non-disclosure agreements and are currently undergoing their initial due diligence. Access has been granted to the virtual data room with all the requisite technical, commercial and financial information required to make an initial bid proposal. We expect to receive those by the end of this month. Given the sensitive and confidential nature of the process, details such as the identification and quantification of the participating parties cannot be made public at this time.

**European Union
(Steps Taken to Remain Listed)**

Mr. Rodney Charles (Naparima): Thank you, Madam Speaker. To the Prime Minister: Given that the European Union has stated that Trinidad and Tobago remains listed as a non-corporative jurisdiction for tax purposes, could the Prime Minister state whether all the steps taken thus far will ensure that Trinidad and Tobago will be removed from this EU blacklist?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, we can confirm thus far that Trinidad and Tobago has completed legislative and administrative measures requested by the EU as at October 2020. It has also engaged in further discussions with the EU requesting review for the purpose of being removed from the EU's blacklist. The EU is in the process of discussing further legislative and administrative requirements that it may consider appropriate for granting Trinidad and Tobago's request, especially in light of Trinidad and Tobago's removal from the Financial Action Task Force, FATF, grey list in February 2020. Madam Speaker, the Government can also confirm that we are bringing urgent completion to this matter. The Cabinet approved a high level committee on July 01, 2021, to

spearhead the final resolution, and the Government is aggressively pursuing resolution to this matter. [*Desk thumping*]

Mr. Charles: Could the Prime Minister state whether Trinidad and Tobago remains blacklisted due to this Government's failure to operationalize legislation passed in Parliament, since the EU indicated that that was an important consideration for them?

Hon. Dr. K. Rowley: Madam Speaker, I could not confirm any such thing. What I could confirm is the moving of the goalpost along the way, and that these requests change consistently. And if the Member is paying attention to Caricom's complaint to the international community, one of the complaints we have, Madam Speaker, is the way we are being treated arbitrarily by the European Union, and not as definitively as when we dealt with the United States in the FATF matter.

Mr. Charles: In November 21, 2017, our Minister of Finance wrote the EU committing to passing a suite of legislation to get us removed, one was the base erosion and profit shifting—[*Crosstalk*]

Madam Speaker: Member! Madam for Naparima, as you are quite familiar, you have 15 minutes—15 seconds, I am sorry, to ask a question. Please ask a question!

Mr. Charles: Could the Prime Minister state why the base erosion and profit shifting legislation promised to us by the EU has not been brought to Parliament?

Hon. Dr. K. Rowley: Madam Speaker, that answer is absorbed in my first part when I said that Trinidad and Tobago has completed the legislative and administrative measures requested by the EU as of October 2020. There are still discussions as to what further administrative arrangements are required, and those matters are being pursued.

Mr. Charles: Could the Prime Minister give a status of the suite of legislation passed to get us off the EU blacklist, in terms of operationalization?

Hon. Dr. K. Rowley: Madam Speaker, with the appropriate notice to the appropriate Minister, a comprehensive answer can be had to that. [*Desk thumping*]

Mr. Charles: Since it remains only one of two Caricom countries on the EU blacklist, could the Prime Minister give us a date when Trinidad and Tobago would not appear slothful and get off the list? [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, if the Member is appreciative of how these matters are handled, he will understand that there are moving targets and changes in positions and therefore the giving of a date is quite inappropriate.

2.00 p.m.

URGENT QUESTION

Salary Relief Grants (Proposed Dates for Screened Applicants)

Ms. Vandana Mohit (Chaguanas East): Thank you, Madam Speaker. Question to the Minister of Finance: Could the Minister indicate the proposed date(s) when the outstanding screened applicants would receive their Salary Relief Grants?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. To date 21,656 applications have been screened [*Desk thumping*] and as at September 10, 2021, payments have been made to 6,560 eligible applicants. The process continues.

Ms. Mohit: Thank you, Madam Speaker. Madam Speaker, given the fact that in August 2021 the total number of recipients would have been 4,070 thus far, could the Minister indicate what are the obstacles preventing timely payments or payments in a much faster mode to screened applicants who would have applied as of May 2021?

Hon. C. Imbert: Thank you very much, Madam Speaker. Madam Speaker, the processing of these applications is quite a comprehensive process. In many situations the applications are missing critical information. In other situations the

persons have put inaccurate information; in other situations the persons are not eligible for the grants and in other situations things as simple as “ah” NIS number, bank account number and other important details are left out of the application. As a result, being a conscientious government, the Salary Relief Grant Unit at the Ministry of Finance is making personal phone calls to every single one of those 21,000 persons to ensure that they are given another opportunity to provide the missing information so that they can get the grant from this caring PNM Government.

Ms. Mohit: Madam Speaker, given the response by the Minister of Finance seeing that all of these efforts which he is indicating are being made by the Ministry of Finance, could the Minister give a proposed date as the question specifically states for the outstanding relief grants to be paid?

Hon. C. Imbert: Madam Speaker, I would really like to give a specific date, but I would give a specific example. There was a particular individual in my own constituency who applied for a grant and was unsuccessful. The person contacted me and I had to indicate to the person they left out the NIS number of their employer and other details with respect to their employer. It took quite a long time for that information to be submitted. So in many cases the date on which a payment would be made is actually dependent on the persons providing the necessary information.

Another person, not from my area but from Chaguanas, had also contacted me and we discovered that the person had put the wrong date of termination of employment way before the cut-off date. It was an error, so they had to go back to their employer to get a new letter indicating that they fell within the boundaries of the parameters of the grant. So it is not possible to give an exact date but we are working assiduously and I am very hopeful that within the next month or so we can

pay all outstanding grants that are eligible and genuine.

**STANDING ORDER 45(1)
(SUSPENSION OF)**

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you, Madam Speaker. Madam Speaker, I seek your leave in accordance with Standing Order 122(1) to move for the suspension of Standing Order 45(1), given the fact that we are still in the midst of a global pandemic.

Madam Speaker: Hon. Members, leave is granted. Leader of the House.

Hon. C. Robinson-Regis: Thank you, Madam Speaker. Madam Speaker, I beg to move that Standing Order 45(1) be suspended during the period of the current global pandemic, and that the time limit for speeches in debates be allotted as follows:

- A maximum of 30 minutes for the mover and first responder;
- All other speakers a maximum of 20 minutes; and
- The reply of the mover a maximum of 20 minutes, all with no extension.

Thank you, Madam Speaker.

Question put.

Mrs. Persad-Bissessar SC: Division.

Madam Speaker: Hon. Members, as we are aware, when a division is called, three minutes are allotted for Members to make their way to the Chamber. If it is that a Member's turn has passed during the count, once the Member comes into the Chamber before the vote is announced that Member will be allowed to vote. Members, an announcement would be made to get Members into the Chamber.

[Pause]

Hon. Members, the vote shall now commence.

The House divided: Ayes 21 Noes 18

AYES

Standing Order 45(1)

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Beckles, Hon. P.

Hinds, Hon. F.

Deyalsingh, Hon. T.

Forde, E.

Cudjoe, Hon. S.

Gadsby-Dolly, Hon. Dr. N.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

Cummings, Hon. F.

Richards, K.

Manning, Hon. B.

Leonce, Hon. A.

Morris-Julian, Hon. L.

de Nobriga, Hon. S.

Scotland, K.

Munroe, R.

NOES

Lee, D.

Persad-Bissessar SC, Mrs. K.

Ameen, Ms. K.

Charles, R.

Moonilal, Dr. R.

Paray, R.

Indarsingh, R.

Bodoe, Dr. L.

Hosein, S.

Padarath, B.

Haynes, Ms. A.

Tancoo, D.

Mohit, Ms. V.

Benjamin, Ms. M.

Rambally, D.

Ram, A.

Seecheran, Dr. R.

Ratiram, R.

Question agreed to.

Madam Speaker: Prime Minister. [*Desk thumping*]

**ELECTIONS AND BOUNDARIES COMMISSION (LOCAL
GOVERNMENT AND TOBAGO HOUSE OF ASSEMBLY) (TOBAGO)
ORDER, 2021**

The Prime Minister (Hon. Dr. Keith Rowley): Thank you, Madam Speaker. Madam Speaker, I beg to move the following Motion standing in my name which for the benefit of clarity I will spell out, it is Motion No. 1, the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Tobago) Order, 2021. It says:

Whereas it is provided by subsection 4(3) of the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50 (hereinafter referred to as “the Act”), that as soon as may be

EBC (Local Government and THA) Order 2021 Wednesday, September 15, 2021
Hon. Dr. K. Rowley

after the Elections and Boundaries Commission (hereinafter referred to as “the Commission”) has submitted a report under section 4(1)(a) of the Act, the Minister shall lay before the House of Representatives for its approval the draft of an Order by the President for giving effect, whether with or without modifications, to the recommendations contained in the report;

And whereas the Commission has submitted a report to the Minister in accordance with the provisions of section 4(1)(a) of the Act;

And whereas the draft of an Order entitled the “Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Tobago) Order, 2021” giving effect to the recommendations of the Commission was laid before the House of Representatives on the 10th day of September, 2021:

Be it resolved that the draft of the “Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Tobago) Order, 2021” be approved.

Madam Speaker, we opened the year 2021 with a Tobago House of Assembly election in January, and I dare say that much to the surprise of many, because it had not happened before in a 40-year period, the results of that election was a tie. There are 12 seats in the Assembly, a number of contestants, two parties got seats, each party got six seats. For a number of days, Madam Speaker, or should I say weeks, attempts were made to proceed to have the Tobago House of Assembly seated in a way to function as a deliberated body. But all that has happened so far, Madam Speaker, is that the elected, the 12 elected members have been sworn in as such by the President as required by law, but then these 12 people, as required by the existing law, had to meet and choose a Presiding Officer and proceed, having seated such an officer, to choose a Chief Secretary from

among themselves.

Madam Speaker, history would show that these 12 elected authorized and sworn persons meeting in the Chamber, out of the Chamber, could not agree on the selection of a Presiding Officer nor they could proceed to the selection of a Chief Secretary. As in other circumstances here in the Parliament of the country, it exists in the Tobago House of Assembly Act that after an election, until new arrangements are made to seat the incoming Assembly, the outgoing officers remain in place. So therefore while these attempts were made to seat a Presiding Officer and a Chief Secretary the outgoing incumbents, if you could call it that, or should I say the existing Chief Secretary and other Secretaries by law were required to hold office until such time as that matter of the selection of a Presiding Officer and a Chief Secretary would have been concluded.

Madam Speaker, it is now September. This matter started in January and the law provides for those incumbents who were there in January to remain in office if no change is made to the law, to remain in office for four years. Quite unsatisfactory, Madam Speaker, because that is not the intention of the spirit of the law nor of the people of Tobago nor of the people of Trinidad and Tobago, but the law says that that is what should happen.

So, Madam Speaker, we gave time for the 12 people to try to come to an understanding of some kind, whatever it would have been, that would have been legal and appropriate, to decide who they will agree upon by majority would be their Presiding Officer and further who would be their Chief Secretary. January to September, Madam Speaker, notwithstanding threats of lawsuits, accusations and recriminations, these two requirements have not been met in Tobago: one, no Presiding Officer been chosen; two, no Chief Secretary been chosen to replace the incumbent as required by the new elections which took place.

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So, Madam Speaker, we could sit and do nothing as some people are advising us or we could try to do things that the law does not permit which we would not participate in. But the long and short of the story is that the Tobago situation is unsatisfactory and as a government we have taken action to ensure that the situation that prevails today does not prevail for one day longer than it should prevail as we seek to use the law to fix the law.

What does that mean, Madam Speaker? When the Government saw the outcome of the election and the attempts to get a seated Assembly with nobody giving way and expecting that we will eventually have to have this situation settled by amendment to the law, the Government did just that. We came to this House, Madam Speaker, we identified the offending lacuna in the law, that lacuna which says that it is those 12 people who are required among them to select someone, but there was no arrangement for what should happen if they do not come to an agreement. How does one dissolve the Assembly to go back to the people, because at the end of the day, Madam Speaker, it is the people of Tobago, the voters of Tobago who are required to make that choice. And if their elected representatives by virtue of their numbers in the House are unable to determine how to go forward then it follows, Madam Speaker, naturally, that it should fall to the same people to go back to the polls and deal with the matter.

Madam Speaker, some of us have been advised that the thing to do was to go back to the polls with the same 12 seats and we might get a different result. You might get a 7:5, you might get a 10:2. That is reasonable. But, Madam Speaker, we did not think it was the best thing to do to go back and do the same thing and expect to get a different result. Of course we could get a different result, but it is said that doing the same thing over and over to get a different result is a form of madness. We did not want to be determined to be mad, but we wanted to give the

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opportunity with an odd number for it to be easy or most likely that a result could be had. And it was said, Madam Speaker, that 13 seats in the Assembly would have prevented this.

In this very House we had that problem, 18:18 in a 36 seat Parliament and, Madam Speaker, the country rectified it in the Parliament. Today we have 41 seats and I do not think anybody in this House would ever expect that this House will every have an even number situation to create the problems we had with the 18:18 which were quite similar to what happened in Tobago. As a matter of fact, Madam Speaker, the 18:18 in the national Parliament in 2000, whenever it was, resulted in a year of the incumbents remaining in office before a general election settled the matter. The identical situation is happening now with the Tobago House of Assembly, except that it is not 18:18, but it is 6:6. And of course, Madam Speaker, the electorate went back to the polls and the Tobago electorate is now being asked to go back to the polls but the Tobago situation is a little peculiar in that the law did not permit the Tobago electorate to go back to the polls as simply as that. The law required an amendment to bring about the dissolution of the Assembly and the calling of an election before the four-year period was up. That was the difference, and this House did that. We amended the law, the Tobago—we amended the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, 25:50, and we amended it to create the amendment Act No. 2 of 2021.

Madam Speaker, there are very few things that we do in this country that everybody agrees on. We never get a total agreement on the West Indies team. Right now we are concerned about that. There are very few things that all of us will agree on, but I think it is reasonable that the majority would agree that this matter needs to go back to the polls so that the people can vote and that will solve

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it and we get out of the situation. I think, Madam Speaker, as a Tobagonian I think I have a clear understanding of the sentiment in Tobago, that the vast majority of people in Tobago, not everybody, but the vast majority of people want the situation settled, settled by an election and that will be determined whether an election is called in Tobago. What we are doing in this House is providing the avenue for that election to take place.

Madam Speaker, the Government made the recommendation to this House that the Tobago electorate go to the polls, not to select on 12 seats or 13 seats, but 15 seats, and we gave the reason for that, the justification. Because it just so happens, Madam Speaker, that before the results of the January election were known, this House by way of its Joint Select Committee, was engaged in certain upgrades to the administration of Tobago and a report has since come to this Parliament, which we are not going to debate today, but the report, even before the report came to the House, had recommendations which were arrived at by years of consultation in Tobago and by recommendation to the Cabinet which came to the Parliament by recommendation, which came to the Joint Select Committee by recommendation, which came as a Joint Select Committee Report back to the House. And one of those recommendations, Madam Speaker, was that the Tobago electorate, in anticipation of its progress and its responsibilities, which we hope will come to them in the not too distant future, that you have the electorate divided in Tobago to 15 districts and that you go to the polls to elect 15 elected people, and if I may mention en passant that the House for Tobago in the future we anticipate would be a mixed House with 15 elected people and the recommendations which are still before this House is that would be augmented by nominated persons to a new Tobago House. Those are the facts, Madam Speaker. That is what is being allotted to Tobagonians as part of their improved administration, in improved

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internal self-government for Tobago. Those are facts.

It is against that background, Madam Speaker, that the Government has come to the House, amended the law under the authority of this House, to create the 15 seats in Tobago. And having so done, Madam Speaker, being driven by the need to rectify what is going on there now, once it was passed in this House, assented to and proclaimed and become the law under the laws of Trinidad and Tobago, Madam Speaker, the Elections and Boundaries Commission, an independent body, was so driven by the laws of Trinidad and Tobago to go and do what has to be done. And it is that, Madam Speaker, which has resulted in this report being before us because the Commission, the law having been passed here, the Commission then proceeded to do what the law says the Commission must do.

The independent Commission is a lawful body. They have done what we have asked them to do by law and they have gone and selected the 15 seats as per section 4(1). And let me read section 4 of the authority that governs the Act of the EBC. Madam Speaker, permit me to read it for you from the report. Section 4, and that is VIII:

“The Second Schedule of the Act outlines the Rules to be used by the Commission...”

—and I would like to repeat that.

“The Second Schedule of the Act outlines the Rules to be used by the Commission in determining the number of electors for the electoral districts in the electoral area of Tobago, and the critical rules relevant to Tobago, are quoted...”— as such.

2.30 p.m.

“1. The number of electors in each electoral district of a regional electoral area shall, so far as practicable, be the number obtained by the

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application of rule 2, but the Commission may, in consideration of rule 3 vary such number provided that in no case shall the number of electors in any one electoral...”—area—“exceed or be less than the number of electors in any other electoral district of that electoral area by more than twenty-five per cent.”

What that means, Madam Speaker, whatever the Elections and Boundaries Commission does in allocating seats and putting in boundaries, that no seat can have more than 25 per cent above the established average and none can have less than 25 per cent—more than 25 per cent. So that is in the law, in the rule that the EBC has to follow. And it goes on to say:

“There shall be fifteen electoral districts in the electoral area of Tobago.”

This Parliament says so. This Parliament passed that into law that has been assented to and proclaimed. So the EBC has no choice in that matter. And then it goes on to say:

“In the division of the electoral districts in regional electoral areas natural boundaries such as...”—waterways—“highways and...”—so on—“shall be used wherever possible.”

I quote that, Madam Speaker, because I have seen one of my colleagues in this House, no less a person than the Leader of the Opposition, saying that these 15 seats that the EBC has put before us, as they have described them, are the instructions of the Prime Minister instructing the EBC outside of the country’s Constitution. Madam Speaker, I want to make it abundantly clear to the uninitiated, nothing is further from the truth. [*Desk thumping*] I know that some of my colleagues have no regard for the truth, but this accusation has no basis in fact. It is all in the law of Trinidad and Tobago where the Cabinet approved an action, the action was brought to the House, the House debated, the majority in the House

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passed amendment into law, the law was proclaimed by the President on the instruction of the Cabinet of this country, and the EBC as an independent body instructed by law has done its duty. [*Desk thumping*]

That duty, Madam Speaker, that duty has shown the 15 seats on a map in this report. Anybody who knows anything about Tobago—and I do not accuse the UNC of knowing anything about Tobago [*Desk thumping*] and that might be why they are taking this position because some of my colleagues have gone out to make mischief saying that the 15 seats in Tobago are so constructed to allow the PNM to win the election. Election “ain’t” take place yet but they know who will win it. Madam Speaker, anybody who knows anything about Tobago will know that 70 per cent of the population of Tobago live in the western half of Tobago, and if you look at the map as provided in this report, you will see there are four seats—in fact, three seats on the map. One, the seat of L’Anse Fourmi/Speyside—

Mrs. Persad-Bissessar SC: Madam Speaker, I am being disturbed by Members on the other side.

Madam Speaker: Okay. So all Members, please abide by Standing Order 53. Prime Minister, continue.

Hon. Dr. K. Rowley: Madam Speaker, if you look at the map that the EBC has provided to us, you will see that there is a seat, the furthest east in Tobago, that seat runs from Castara all the way through Charlotteville, and all the way to Speyside. The largest seat geographically, but it is also the seat that has the smallest number of voters even though the number qualifies with the rule I just mentioned. But to get the number of people in that seat you have to go in that whole area because the population density there is very low.

You look at the other seat, which is the Roxborough seat, which is the second eastern most seat of Tobago, and you will see it is a fairly large population,

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fairly large geographical area to get the required population, and you look at the third seat, that is the Goodwood/Belle Garden West seat, and you will see. So these three seats take up the bulk of the geographical area in Tobago but they do not have the bulk of the population of Tobago, and like in Trinidad where you have the Mayaro or the Toco/Sangre Grande seat where you have large geographical areas which have a low population density. So to get to the number of a parliamentary seat you have to go on a large area as contrasted with the densely populated area where a small geographical area has a lot of people, and that is what happens because it is people you are counting not acres.

Eastern Tobago is largely mountain and forest with villages on the coastline. So large areas of land but smaller concentrations of people. But there has been an argument that has been alive in this country for a long time—it started with the DLP and it now lives with the UNC—telling the uninitiated, or the uninformed, or those who are willing to be misled, that somehow the outcomes of elections are determined by “big seat and small seat”, and that something happens at the EBC where the PNM is allowed to get small seats to go to Parliament and they have to get bigger seats. When what they are taking about is a higher voter turnout in certain constituencies. But in terms of the number of electors in the constituencies, the same thing I have just described for the THA here exists in the national elections. So you look at a densely populated area here like Diego Martin Central where it is wall to wall houses and people. Port of Spain South, you will see wall to wall, people in Belmont. So to get 29,000 or 30,000 people you have a small area in which so many people live, but then as you go out into the country side to get the 29,000 or 30,000 people to make up a seat, you have a large area. But when you look at the work of the EBC all constituencies fall within the legal boundaries, not being 25 per cent above, not being 25 per cent below, they are all in that range.

[Desk thumping]

So, Madam Speaker, contrary to the initiation of mischief, if you look on page 1, Appendix A of the appendices, you will see that there are 51,216 electors in Tobago as of the date of this report put by the EBC to us. And of the 15 seats, Madam Speaker, not one is below 3,000 and not one is above 4,000. They are all in the bracket of 3,000-plus or under 4,000, and they all qualify as per the rules that the law imposes on the EBC. And, Madam Speaker, once that is established I am quite happy to have ensured that the Government that I lead, having seen the problem in Tobago with respect to the tie, I saw all kinds of recommendations coming from all quarters: draw straws, pull hat, spin bottle, go to court, hug up and kiss and do whatever. I have seen all those recommendations. I as the head of the Government knew that I would lead my colleagues in the Government to make provisions to rectify an unacceptable situation.

The election took place in January, the 12 people are sworn in, they are assemblymen and women, but they cannot function because the law does not permit any imposition of a presiding officer or a chief secretary upon them and, therefore, what we have done here in this House, Madam Speaker, is what logic requires us to do. We amended the law to allow the THA to be dissolved so that they can go back to the polls—and might I dare say nobody in Tobago is afraid of the polls, you know. Tobagonians want to rectify this thing—and, of course, the amendment indicates that the election cannot be called under 60 days or no more than 90 days away. So it is all spelt out there carefully. And as soon as we as Members who are responsible, Members who understand what our role is a parliamentarians, as soon as we vote this into law, by approving this Motion, Madam Speaker, we would have cleared all the hurdles for all Tobagonians to go to the poll one day to be determined as of the passage of this thing today. Tobago

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go to the polls and they vote for who they want to represent them. [*Desk thumping*]

Madam Speaker, today is not the election day. This is not the election campaign. All we are doing as legislatures is clearing the way for the law to be applied. A lacuna has been closed. A Tobago House of Assembly can be dissolved once there is a tie that cannot be used to generate a presiding officer, and into the future, any time there is a THA election and there is 14 days after that election and they cannot seat an assembly, then the Assembly can be dissolved in the appropriate way and they go back to the polls. Matter fixed, case closed. Madam Speaker, I beg to move. [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Barataria/San Juan. [*Desk thumping*]

Mr. Saddam Hosein (*Barataria/San Juan*): Thank you very much, Madam Speaker, for recognizing me to join this particular debate on this Draft Order, the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Tobago) Order, 2021. And not too long ago, Madam Speaker, this House was also assembled to debate the last Draft Order which would have initiated the election to be held on the 25th of January, 2021, as the Prime Minister outlined that the results of those elections that were held on the 25th of January landed a tie between two political parties that contested the Tobago election. And today what is the exercise this Parliament is called upon to do? The exercise is that a new election is to be called to end the deadlock.

The exercise is to break the deadlock, but only this time with the use of the law. A law that was passed by a simple majority. A law that was passed by a Government that has the inbuilt majority in this Parliament. So this is not the will of the people that is speaking here today, Madam Speaker, but it is rather 41 Members of a House of Representatives in Port of Spain deciding for 51,000

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persons in Tobago. And, Madam Speaker, before us is the Thirteenth Report of the Elections and Boundaries Commission on the Tobago Electoral Districts. And in this Thirteenth Report, Madam Speaker, several recommendations were made with respect to the changing of boundaries, but why did the EBC decide to create 15 seats for the THA? And this came, Madam Speaker, when we debated in this Parliament the amendment to the Tobago House of Assembly Act, 2021, Act No. 2 of 2021.

I heard the Prime Minister say that there is an argument in the public that the Prime Minister did not give any instructions to the EBC to increase the number of seats. But what did happen, Madam Speaker, is the Prime Minister, who is the political leader of the PNM, and the Bill approved by a Cabinet that is comprised of members only of the PNM, and at a House of Representatives that only represents the PNM, gave instructions via law, Madam Speaker, to increase the number of seats from 12 to 15. [*Desk thumping*] That is what happened. Madam Speaker, the EBC decided on the boundaries of the 15 electoral districts.

According to section 71 of the Constitution the EBC:

“In...exercise of its functions under this section the Commission shall not be subject to the direction or control of any other person or authority.”

But what we are seeing here, Madam Speaker, is a PNM Cabinet instructing an independent body to increase the number of seats unilaterally without any consultation whatsoever [*Desk thumping*] to gain an unfair advantage, and I will explain when I say—

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(6) please.

Madam Speaker: I will allow you to go on.

Mr. S. Hosein: Thank you very much, Madam Speaker. And, Madam Speaker, the EBC has decided on the boundaries of the 15 new seats in the Tobago House of

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Assembly. And I say based on my analysis and reading of the report, and this is my opinion and I take ownership of it, is that I believe, Madam Speaker, after reading the report an unfair advantage was given to one political party based on the report. [*Desk thumping*]

There were four political parties, two independent candidates, and a total of 28 nominated candidates that contested the 25 January, 2021 election. And, Madam Speaker, from reading the report and looking at the adjustments that the EBC has made we have seen an unfair advantage being given to one political party. And, Madam Speaker, some may ask: Well, what is the UNC business in this Tobago House of Assembly election because we do not contest seats in the Tobago House of Assembly? Madam Speaker, this particular issue is a national issue that affect the voices of the people of Trinidad and Tobago. [*Desk thumping*] We are not the Opposition of Trinidad, but we are rather the Opposition of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, this issue affects every single one because the EBC is the constitutional body that is in charge of boundaries and elections in every single election [*Desk thumping*] be it local government elections in Trinidad or general elections in Trinidad and Tobago. So do not come and say that we have no business in this, Madam Speaker. This affects the right to every single person in this country to vote. [*Desk thumping*] And the Prime Minister said that well, his Government decided on using the 15-seat arrangement and this recommendation came out of the Joint Select Committee Report on Tobago self-governance.

Now, Madam Speaker, the JSC as I understand is a Joint Select Committee of both Houses of Parliament, comprised members of the Opposition, the Government and the Independent Senators. That JSC reported on the 9th of June. Madam Speaker, this Bill was passed in February of 2021. So this is the Prime

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Minister of this country and the Cabinet cherry-picking from some consideration being given to a joint select committee that did not even report to the Parliament of the whole to try to solve a deadlock. [*Desk thumping*] So do not say that this is a recommendation of the Joint Select Committee, because at the time you passed the Bill to increase the number of seats from 12 to 15 it was not a recommendation because no report existed. [*Desk thumping*] No report.

And I understand why the Prime Minister will come today to defend the boundary changes because one political party is gaining an unfair advantage—one political party in particular. But, Madam Speaker, the Prime Minister did quote section 4 and rule 4 of the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, but because you could read a particular section in a little piece of law, Madam Speaker, it does not mean that you can understand it. Madam Speaker, what happens at section 4 of the EBC (Local Government and Tobago House of Assembly) Act is this and I would read:

- “(1). The Commission shall define and review the boundaries of the electoral districts into which an electoral area is, or is to be, divided and shall submit to the Minister reports either—
- (a) showing the constituencies into which it recommends that an electoral area should be divided in order to give effect to the Rules set out in the Second Schedule;...”

And I read this, Madam Speaker, because this particular piece of law that governs the boundaries that we are dealing with, with respect to the THA election is telling the Parliament that only the EBC has the power to make recommendations on boundary changes and no other body. [*Desk thumping*] And not too long ago, Madam Speaker, I made reference to the Twelfth Report of the EBC (THA) Electoral Districts and I read from that report, and the EBC in that report at

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paragraph 6 stated and recommended to this Parliament—and this report was passed in December of 2021.

Consequently, the Commission considers that no adjustment is necessary to the existing boundaries of the electoral districts in the electoral area of Tobago. The Commission accordingly recommends that there should be no change in the boundaries of the 12 electoral districts in the electoral area of Tobago.

So EBC is telling this Parliament that there should be no changes on the 8th of September, 2020, but this Prime Minister and this Government, Madam Speaker, is telling the EBC we do not agree with you. [*Desk thumping*] You placed 15 seats in Tobago because we lost the election—and I say that they lost because they are the party that lost seats while the other party would have gained seats—and telling the country that the EBC is independent, they are free from influence, but go and create 15 seats. Go and create 15 seats. Madam Speaker, how could that ever be constitutional, fair and just in Trinidad and Tobago? It can never be constitutional, Madam Speaker, when the EBC is telling the Parliament and advising the Government the population size in Tobago is not big enough to accommodate 15 seats. It is large enough to accommodate 12 seats.

Now, Madam Speaker, when you look at the methodology in which the EBC would have used in order to determine the creation of the 15 electoral districts it was quite strange in some regards, and I will explain why I say that, Madam Speaker, because the EBC indicated to this Parliament via this report, the Thirteenth Report—and this report is dated the 30th of August, 2021. And in this particular report, Madam Speaker, it explained how they derived at the creation of the three additional districts in Tobago, and if I am to put it in a nutshell, it is this. It is that the EBC would have looked at those electoral districts in Tobago that had

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the highest electorate. So that is the first exercise. And then they also took into consideration those electoral areas of the existing 12 that had a wide or larger geographical area.

And, Madam Speaker, of the 12 seats the 15 seats were now created, and when you look at the report the six seats in which the People's National Movement currently hold in Tobago, the additional three seats came from those six particular areas. So it is the EBC, via this report, creating six PNM seats into now nine PNM seats. Madam Speaker, one would ask: How can this be fair? So—and I have sought the leave of the Speaker in order to display, Madam Speaker, and I thank you very much for the opportunity to display. And, Madam Speaker, I have a chart in my possession— [*Member displays chart*] —and this chart shows the results of the 2021 THA elections. And this shows how the 12 seats are currently existing in law and it shows the areas in which the People's National Movement would have won and the PDP would have won.

Madam Speaker, the reason why I brought this chart is because I would like to assist Members of this House to show where the seats really did come from. So the first 13th district, Madam Speaker, came from this seat here. [*Member displays chart*] It is the Black Rock/Whim/Spring Garden seat. So this red area here. And in this red area here, Madam Speaker, the EBC indicated that this seat had the highest electorate in the entire island, and because of the larger geographical area they used this particular seat. But, Madam Speaker—

Mr. Lee: Madam Speaker, just 53(1)(e) again. A lot of crosstalk. I cannot hear.

Madam Speaker: Okay. So Members, let us proceed so that we could hear the contribution from the Member for Barataria/San Juan.

Mr. S. Hosein: Thank you very much, Madam Speaker. Madam Speaker, and for the 13th district to be created the Black Rock/Whim/Spring Garden seat was used

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and also the Scarborough/Calder Hall seat was used. And from these two seats, Madam Speaker, what happened is that the EBC was saying that they are using the seats for the highest electorate, but when you look at the electorate of the Scarborough/Calder Hall seat it had the seventh highest electorate on the island—the seventh. So the EBC by its own recommendation and rules did not apply its rules, and these both seats being won by the PNM in the last election.

Now, four PDs were taken out from those two seats, Madam Speaker, to create the 13th district which we call the Darrel Spring/Whim seat, and, Madam Speaker, when you look at all of the polling divisions that were taken out from those particular existing seats, all of those polling divisions were won by the PNM in the 2021 election. The EBC indicated that it used the highest electorate in determining which seats to cut, however those two seats, Madam Speaker, next to the Black Rock/Whim/Spring Garden seat which is the Bethel/Mt. Irvine seat, this seat actually had the second highest electorate. So this green area— [*Member displays chart*] —Madam Speaker, had the second highest electorate, but the EBC did not use this seat which is bordering the Black Rock seat with the highest electorate. It rather went to the Scarborough seat which had the seventh highest electorate on the island. So that again shows that the EBC was not applying the rules that it stated.

Madam Speaker, then we looked at the Prime Minister indicating the other seats, the Providence/Mason Hall/Moriah seat, the Belle Garden East seat, the Goodwood/Belle Garden West seat. The Providence and the Belle Garden East seat, although they had high electorates and large geographical areas, those seats were not used to create any additional seats whatsoever. So that is the first seat, Madam Speaker, district No. 13, the Darrel Spring/Whim seat. So that is the first one. Then after the EBC created district No. 13 they moved to creating district No.

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14. So, Madam Speaker, district No. 14 came from this particular area. It came from the Lambeau/Signal Hill area, the Buccoo/Mt. Pleasant area, and the Canaan/Bon Accord area. All three seats are at the western part of the island here. All being in the colour red having been won by the People's National Movement.

And in those seats, Madam Speaker, the Canaan/Bon Accord seat, this one here— [*Member displays chart*] —did not have the third highest electorate in the island because after the exercise was done with the 13th seat, the 14th seat they would have done a re-analysis to determine which seats had the highest electorate. Lambeau/Signal Hill and Buccoo/Mt. Pleasant by admission had high electorates, but the Canaan/Bon Accord seat which is the seat at the most western part of the island, Madam Speaker, that particular seat had one of the lowest electorates in the island. It had the eighth highest electorate in the island. So again, the EBC did not follow its own rules. And the two PDs taken from the Lambeau seat, the two PDs taken from the Buccoo seat, and the one from the Canaan—five PDs, Madam Speaker—of the five PDs the PNM has an advantage in three of those polling divisions from the last 2021 election. So again, the EBC did not use its own rules when it came to cutting the particular boundaries.

Madam Speaker, we are now at district No. 15. So fine, EBC is saying that they are using the highest electorate and seats with the high geographical areas. Now, the 15th seat after the analysis was done, after the creation of district one, district two, we have to now create No. 3. So after they did the analysis, Madam Speaker, the Providence/Mason Hall/Moriah seat was the seat with the highest electorate on the island, and the other seat would have been the Goodwood/Belle Garden West seat. Those two particular seats would have had the highest electorate on the island, but what happened was that the EBC said—this is exactly what the EBC said: That although the Providence seat met the criteria basically of having

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high electorates and large geographical space, they did not want to cut this particular green seat here. [*Member displays chart*]

Because if they cut this green seat here, Madam Speaker, what will happen is that you will be fragmenting communities. That is in the report. The EBC said that they did not cut those seats to avoid fragmenting communities within Providence/Mason Hall/Moriah.

3.00 p.m.

Madam Speaker, when you are cutting a polling division in any electoral area, it is an imaginary line being drawn. It is not a fence. It is not a wall. It is not a gate you are going to put up. It is an imaginary line. So how can the EBC explain that they do not want to fragment communities, when it is an imaginary line that is being drawn? Madam Speaker, you do not physically pick up a village or a road and move it. It is an imaginary line. Yet the EBC is justifying not using the Providence seat, which is the green seat here, because they do not want to fragment communities within that seat.

Madam Speaker, just as a matter of example and reference, the boundary between Chaguanas West and Couva North is the Chaguanas Main Road. Do you know that the Chaguanas Market is in Couva North? If that is not fragmenting communities, I do not know what is.

Madam Speaker, so what the EBC would have done to cut the 15 seats now is this; is that the EBC took the Goodwood/Belle Garden West seat and they joined it with the Bacolet/Mount St. George area here, which is the red area, to form district No. 15. So it is this green area and this red area was used to now create the 15th seat. Madam Speaker, what they did was they took out two polling divisions from Goodwood and two from Bacolet, and what happened, Madam Speaker, is that the PNM gained another advantage in district No. 15 based on that

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arrangement. Now one would ask: “Why did the EBC not go and create a seat here, between the Goodwood/Belle Garden West and the Belle Garden East/Roxborough/DelaFord seat? [*Interruption*] Because this particular seat—

Mr. Indarsingh: Madam Speaker, Madam Speaker, 53(1)(e), (f) and (g).

Madam Speaker: Okay. So, Members, Members, I would like to hear the contribution. All right? And one has to understand that the booth sorts of limits the audio. So please continue and cooperate.

Mr. S. Hosein: Thank you very much, Madam Speaker. Because this Belle Garden East seat here and the Bacolet/Mount St. George seat has almost an identical electorate. So why did you not create the seat from this area, but rather you went on this area? And those are the questions that we have to ask the Elections and Boundaries Commission. Why the seats were only cut in all of the red areas? All of the red areas here, Madam Speaker, all additional three seats were cut in this area to create the 15 seats.

And this shows, Madam Speaker, our concerns with respect to this particular EBC report that we have before us. Because the Providence seat that I just showed, Madam Speaker, that is a marginal seat, which means that that could be a toss-up. But the Goodwood seat that they cut, Madam Speaker, and took out polling divisions from, was a strong seat for the opposing party in Tobago. So now that seat is actually a weaker seat and now becomes a stronger seat for the People’s National Movement. So they left the marginal seat but weakened the seat for the opposing party. And, Madam Speaker, that could never be fair. That could never be fair. [*Desk thumping*] That could never be fair.

So in a nutshell, with respect to the analysis, it is that all three new districts created came from six seats that were traditionally won by the PNM. The polling division arrangements in these three new seats gives the PNM an unfair advantage

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as the PDs weigh in their favour.

Madam Speaker, the EBC is changing its rules midway of using the criteria from large geographical areas and large electorates to cutting the smallest geographical area and the second lowest electorate on the island. The EBC, in this case, Madam Speaker, I submit, acted unfair, irrational and in an unresolved manner, [*Desk thumping*] which gives the PNM an unfair advantage.

And, Madam Speaker, I went back into history to find out how the PNM would have treated with the EBC before. And, Madam Speaker, the Minister of Finance, as he was then Opposition Member, had a lot to say about the EBC. And I will not accuse the EBC of being members of the PNM, or PNM operatives, or PNM sympathizers, but this is what Minister Imbert had to say at that time on the 23rd of March, 2001. And I quote from the *Hansard* on a debate on the EBC Commission of Enquiry:

“We are not going to take this lying down.”

This is Minister Imbert:

“We are not tolerating this level of corruption, and we are going to keep pressing for an inquiry into the Elections and Boundaries Commission. People can shout and scream all they want. There are too many irregularities taking place in Trinidad and Tobago. There is too much resistance within the EBC. There is too much evidence of collusion by officials of the EBC with the UNC. There is too much evidence of opposition within the EBC to the People’s National Movement, and we are pressing for a commission of enquiry.”

Madam Speaker, this is the Member for Diego Martin North/East, as he then was. Madam Speaker, they are the ones who were accusing the EBC of colluding with the UNC when, Madam Speaker, the EBC has recommended a report to this

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Parliament; when the EBC has recommended a report to this Parliament that gives the PNM an unfair advantage in nine of the electoral districts in Tobago. [*Desk thumping*] After they have lost an election in Tobago, Madam Speaker, they come to the Parliament with their simple majority to overrule and override proper elections rules, fairness, equity and justice in elections, Madam Speaker. [*Desk thumping*] Today is the International Day of Democracy and before our eyes we have seen the PNM erode the democracy of Trinidad and Tobago. [*Desk thumping*]

When there was an 18:18 tie, the Prime Minister at that time was not a coward to change the law. He went back to the polls, Madam Speaker. He went back to the polls. So this total undemocratic manner, we will not stand for and we as the United National Congress and the Opposition of Trinidad and Tobago reject this report of the Elections and Boundaries Commission. [*Desk thumping*] We reject it, Madam Speaker.

Now is best the time, Madam Speaker, for us to determine whether or not there should be a reform of the Elections and Boundaries Commission. There must be a reform of the Elections and Boundaries Commission. There are many jurisdictions, Madam Speaker, where the boundaries commission is separate from the elections commission, so that there is no room for any sort of collusion or gerrymandering of any boundaries for any one political party to gain an unfair advantage.

Madam Speaker, we as the Opposition will stand in the way of any attempt to erode the democracy of the people of Trinidad and Tobago, Madam Speaker. [*Desk thumping*] We will stand in the way. Madam Speaker, this is not fair. Madam Speaker, this is not fair.

And it was the Member for Siparia, a similar situation happened in St. Kitts and the Member for Siparia, together with the hon. Mia Mottley Queen's Counsel

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at that time, in the case of Shawn Richards and the constituency boundaries of St. Kitts, Madam Speaker. The Member for Siparia who represented then the hon. Shawn Richards and Lindsay F. Grant, Madam Speaker, the Member for Siparia went to the court where a similar situation was taking place with respect to gerrymandering of boundaries and won, Madam Speaker. This particular case, Madam Speaker, the actions of the EBC in this case must be judicially reviewed. [*Desk thumping*] Because it is totally unfair, unreasonable and irrational for the EBC to be drawing boundaries in this particular manner.

Madam Speaker, we as the United National Congress and the Opposition, as I said, will stand [*Desk thumping*] in the way of any attempt to remove the voices of the people of Trinidad and Tobago. Because it is only in an election that you really give the citizens a voice in this country, Madam Speaker, and we will ensure that we give them the protection of that voice in Trinidad and Tobago.

So we reject this report. There is already an inbuilt tiebreaker in the law. Do not come with your simple majority in this Parliament to railroad the democratic process that was inbuilt in our Constitution ever since Independence, Madam Speaker, and I thank you very much. [*Desk thumping*]

Madam Speaker: The Attorney General.

The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi): Madam Speaker, I thank you for this opportunity. If you could just remind the contribution time at this point.

Madam Speaker: Twenty minutes.

Hon. F. Al-Rawi: Madam Speaker, I would make quick entry into this debate. Madam Speaker, I say most certainly that everything that the hon. Member for Barataria/San Juan has just said is designed to confuse and mislead the people of this country. [*Desk thumping*]

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The hon. Member took us upon an excursion which involved confusing general elections with local elections. The hon. Member then went on to make the most terrible of accusations against the Elections and Boundaries Commission of the Republic of Trinidad and Tobago. And, Madam Speaker, let me, by the beginning of this submission say it, our EBC has been recognized the world over as being one of the most outstanding independent bodies designed to treat with elections and boundaries systems in the world. That is why our EBC found itself in Africa in the creation of states and republics on the continent of Africa. And in its history, the EBC has never been brought into the kind of odium that the hon. Member for Barataria/San Juan produced. The hon. Member sought to distract us by reading from the Member for Diego Martin North/East back in 2001. But when hon. Member for Diego Martin North/East spoke in 2001, that was in a different context, not against the EBC, but against the consequences of voter padding. I would say no more about that, and I could say that with history in the round because it concerned the seat of San Fernando West, which was properly then won by my own mother in the year 2002. So, Madam Speaker, let us put that straight. But let us get to the law.

Madam Speaker, the hon. Member for Barataria/San Juan stood up here and said that the EBC has divided the 12 seats now by further division and addition, creating three seats, by creating three more PNM seats. And let me disabuse the hon. Member. There is no such thing in the EBC's calculation set out in law as to PNM or UNC seats. If that was the case, when Caroni was one seat in a general election context and it then became Caroni in three different seats, divided into a Chaguanas East, Chaguanas West, Caroni North, Caroni South, Caroni Central—if you take the fringes of five seats, three at Caroni—did anybody stand up and complain that the UNC was getting three Caroni seats? It is puerile and infantile by

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way of argument to make an example such as that, Madam Speaker.

Let me put the law into context and let me direct the hon. Member to the Constitution of the Republic of Trinidad and Tobago. The Constitution of the Republic of Trinidad and Tobago sets up the Elections and Boundaries Commission. That is under Part IV, section 70 of the supreme law of the Republic. The EBC, in its role under the Constitution, after it is established, sets up for general elections a methodology and report. And the Constitution sets out how 36 seats can be changed, as we have, to 41. Those 41 seats were set out by way of springboard for creation in section 70.

“(1). Trinidad and Tobago shall be divided into thirty-six constituencies or such other number as may be provided for by an Order made by the President in accordance with the provisions of this Part and...such constituency shall return one member to the House...”

The EBC has no role in the Constitution when it comes to the creation of seats in Tobago. Because that is governed not by the constitutional sections 70 onward, but instead, Madam Speaker, they are brought about by Chap. 25:50, that is the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act. And for the hon. Member to seek to confuse the country and the Parliament by referencing to the EBC’s activity under the Constitution, the hon. Member makes a mockery of the schooling that we got at law school. Because Chap. 25:50 is absolutely clear.

And, Madam Speaker, when the hon. Member seeks to say of the EBC that it took instructions from the Prime Minister, because the Prime Minister is in control of the majority of the Parliament as Prime Minister and the Prime Minister brought a Bill to create 15 seats from 12, and therefore, because the law was passed in this Parliament that somehow now reaches to the Prime Minister

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instructing the EBC to create 15 seats, Madam Speaker, that is a stretch of illogical fabrication. The law is passed in this Parliament by a process. In the House of Representatives, we dealt with the amendment Bill that was passed in March of this year. In the Senate, we dealt with the law as it was passed in this Parliament. In the Senate, I want to remind there are 15 Government Senators, 15 Members opposite, six of whom are from the Opposition. That law could very well have not passed the Senate, whether you have a simple majority or not.

And, Madam Speaker, it is ridiculous to not take conscious reflection of what Chap. 25:50 says. There is this allegation that 15 seats come nowhere, in terms of justification, because the last report, the 12th Report of the Elections and Boundaries Commission on the local government and THA side recommended no amendments in respect of the 12 seats. Madam Speaker, the EBC, in the discharge of its functions, under Chap. 25:50, can only look at 12 seats and the EBC, in making no recommendations for the adjustments of boundaries for the 12 seats in Tobago did so because it was bound to consider only 12 seats.

The creation of 15 seats, 13 seats, 12 seats, 19 seats is a function of the law. And Chap. 25:50, which was passed 24 August, 1967, amended by us in March of this year by the amendment Bill that we did, that says in black and white, Madam Speaker, that the manner in which the Tobago seats is to be adjusted is by way of an order. It is open in law since 1967, to change the number of seats in Tobago as may be pleased and set out in an order. The order comes by way of the Cabinet approving it.

Madam Speaker, the submission by the Member for Barataria/San Juan is ignorant of the law and the history in this country. Madam Speaker, local government elections were run, as a matter of historical fact, on the county council system. Trinidad and Tobago ran with seven county councils, one of which was in

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Tobago. Act No. 22 of 1967, Madam Speaker, which was an Act to re-enact and amend the law relating to county councils, established seven electoral areas for local government purposes, one of which was in Tobago, and Tobago was then described as one seat.

Act No. 32 of 1980 was the Tobago County Council, extension of tenure of office. They maintained Tobago as one seat. It was the THA 1980 Act, Act No. 37 of 1980, that transferred one county council seat into 12 seats. And, Madam Speaker, it is the Constitution of the Republic of Trinidad and Tobago that sets out at section 141 of our Constitution. Again, Madam Speaker, in black and white, section 141A says:

“(1) There shall be an Assembly for Tobago to be called ‘the Tobago House of Assembly’, in this Chapter referred to as ‘the Assembly’.

(2) The Assembly shall consist of a Presiding Officer and such other members qualified and appointed in such manner and holding office upon terms and conditions as may be prescribed.”

The 1980 THA Act created 12 seats. The 1996 Act went back with 12 seats. And, Madam Speaker, the move from 12 seats to 15 seats was done by way of public consultation in Tobago and by way of a report produced in 2016, where the people of Tobago set out in black and white their desire to create 15 seats in the island of Tobago. So, Madam Speaker, I want to say that the contribution and the map showing and the recommendation to draw a line in the forest on a ridge in Tobago, Madam Speaker, it demonstrates that the Member for Barataria/San Juan has probably never been to Tobago. Because, if you accept what the Member is saying, you are to take a forested area at the top of the Tobago island, along a ridge and say that they have people living there, when the Prime Minister took time to demonstrate the population density in one part of the island. So, Madam Speaker, I

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reject out of hand the nonsensical argument that the 15 seats is somehow a fabrication and something that comes out of the People's National Movement as the Government, designed to benefit Tobago to the benefit of the People's National Movement.

Let us deal with the report of the EBC, which is before us, to be put into a draft order. The draft order, Madam Speaker, and the threat of Barataria/San Juan—I notice Senior Counsel for Siparia gone, Barataria/San Juan gone. The UNC benches are reduced to two people in the House right now, Madam Speaker, or three. When we get to the positions of the law, Madam Speaker, it is important to recommend and observe that the EBC's report is before us. We heard a threat that the EBC has to be judicially reviewed. Well, I will wait to see that judicial review because I have to remind now the EBC in its report before us, Madam Speaker, sets out the process in full form by which it went through the creation of these 15 seats. It is laid on the House of this Parliament. It is on the Table.

The *Thirteenth Report of the Elections and Boundaries Commission on the Boundaries of the Electoral Districts in the Electoral Area of Tobago*, dated 30th of August, 2021 sets out at Appendix A, data on the distribution of the electorate in the existing districts of Tobago as at 7th July, 2021. It sets out, Madam Speaker, in precision the methodology by which the law calculates this. And, Madam Speaker, it is important to note that sections 4(1) and 4(2) of the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act which, we amended in March of this year, sets out that the Commission shall define and review boundaries of electoral districts into which an electoral area is to be divided, and it should show electoral districts into which it is recommended that an electoral area should be divided, in this case now set at 15. It tells you how the report is to be brought to the Parliament. It tells you what the consequence of that

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is. But when you look to the methodology set out by the EBC, and I want to say this in defence of the EBC, the methodology as set out in the position of the EBC, it is at page viii in the foreword to their report.

“The creation of the three additional electoral districts in the electoral area of Tobago was guided by the distribution of the electorate amongst existing districts. The relative difference of electorate numbers between each district is represented in Figures 1 and 2. The five statistical ranges into which districts were summarized in Figure 1 was based on the relativistic classification provided by calculating quintile ranges of electoral numbers - where the darker shades indicate a higher electorate.”

Let me translate that for Barataria/San Juan. When you go to the Act 25:50, and you go to the methodology which must be referred to and you see that the Second Schedule of that law says the number of electoral districts in a regional electoral area in Tobago; there shall be 15 electoral districts in the electoral area. And in the division of electoral districts, natural boundaries, major highways, rivers shall be used.

Hear what this one says:

The number of electors in an electoral district of a municipal electoral area shall be the number obtained by dividing the number of electorals in that area by the number of electoral districts shown. But the Commission may, in consideration of topographical areas, vary such number provided that in no case shall the number in one area, electoral district of an electoral area be less than the number of electors.

And you come with the 25 per cent.

But it says, Madam Speaker, that in dividing the electoral area, you have to, where there is less than 15,000 people in an electoral area, you shall divide it by

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five electoral districts. In other words then, that is where the quintile description comes from in the report. This report deals with the number of people registered in Tobago. The registered people in the elections and boundaries structure that we have in the Representation of the People Act, you are not registered by whether you are PNM, UNC, NJAC, NAR. That is not a consequence of registration. You are dealing with a statistical and mathematical formula set out in black and white since 1967.

And, Madam Speaker, for the Member for Barataria/San Juan to make the scandalous aspersions against the bona fides of our Elections and Boundaries Commission in the manner that he has, I am waiting to see the approach to the court that the Member for Barataria/San Juan is going with, because I dare say that I doubt that that will ever happen. Because the Member missed the boat. The Elections and Boundaries Commission, in producing its report, engages in a process. It is set out in the Appendix again in the methodology of the delimitation and the conversations and the geoanalysis of building infrastructure, densities and the empirical data used to determine the predominant communities which represent the local electoral districts.

And Madam Speaker, for the Member to deny that a process was undertaken by the EBC and that a process of representation can be made to the EBC, and to all of a sudden arrive here and say that they acted in favour of the PNM because three more seats were created in dense areas, Madam Speaker, that is what I call lazy lawyering, lazy lawyering built on an allegation of scandal. And, Madam Speaker, it is just simply to be rejected out of hand.

Madam Speaker, the mechanism of adopting the report as reduced into a draft order today, in accordance with Chap. 25:50, is designed to put an end to a most undesirable situation. The Tobago House of Assembly has only had the

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swearing in of Assemblymen. It cannot get past the election of a presiding officer. A lot of time was given for that. This law that amended this Act was not proclaimed until July of this year, after this Parliament had considered deep constitutional restructuring for the people of Tobago. That matter I will not speak about. It is still in committee stage before this House.

But suffice it to say, a Government led by a Prime Minister of the caliber that Dr. Rowley represents cannot sit idly by and watch the people of Tobago continue to be managed by an executive that is holding on to fumes. It is unacceptable that an election was held in January 2021, we are headed towards October 2021, and that an executive of the THA is still in place managing the affairs and finances of Tobago without resolution. This is a move to improve the democracy of Tobago. It is built upon the fair and equitable and transparent structures of the law.

The Constitution is not our guide as to the management of the move from 12 to 15 seats. It is Chap. 25:50. That has been the law since 1967. If the Member for Barataria/San Juan is not capable of finding that law, I will send it to him. But Madam Speaker, this is designed to bring democracy to the people of Trinidad and Tobago in the most transparent way, which is at the polls.

Madam Speaker, I thank you for the opportunity to contribute to this debate and I look forward to the committee stage.

Madam Speaker: Member for Chaguanas West.

Mr. Dinesh Rambally (*Chaguanas West*): Thank you, Madam Speaker. Madam Speaker, I heard some statements being made from Member for San Fernando West. Now, it is unfortunate that he is talking about, you know, lazy lawyering and, you know, wanting to school persons in the law. But I want to remind him that the very first provision of the Constitution is that Trinidad and Tobago is a

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sovereign democratic state. You could never take the Constitution out of your mind. All pieces of legislation must be viewed through the lens of the Constitution. So I do not know when he says there is a standalone position with respect to the Elections and Boundaries Commission and the Act that establishes it, because you must view it through the lens of the Constitution.

And on that note, the Constitution entrenches the Elections and Boundaries Commission as an independent institution. And when we get down to the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Chap. 25:50, section 4, it is clear that:

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

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

That is the starting point.

3.30 p.m.

So I want to first of all dismiss out of hand some of the comments I have heard from the Member for San Fernando West, because it does not properly reflect the law of the land. [*Desk thumping*] And I would want to endorse the deep analysis, and I am grateful to Member for Barataria/San Juan for that analysis which he has provided to the House because it is important that if we are debating a report like this that we “devil the details” and we get into the nitty gritty.

Now, I myself, Madam Speaker, would like to delve a bit into the so-called methodology which was apparently employed by the Elections and Boundaries Commission in preparing and arriving at this report. And the hon. Prime Minister

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did take us to paragraph four of the report page VIII, and it is correct that the EBC does cite the relevant law as provided the Second Schedule of the Elections and Boundaries Commission Act, Chap. 25:50. Now, what it is that we are looking at here, Madam Speaker, is that the law and I want to look at it a little bit carefully, the law outlines the rules to be used by the EBC in determining the number of electors in an electoral district of an electoral area. So what it provides, and Madam Speaker, I will read it for the record though I think the Prime Minister did read it as well:

“1. The number of electors in each electoral district of a regional electoral area...so far as practicable, be the number obtained by the application of rule 2, but the Commission may...”—

So rule 1 sets out something very clearly and then it says:

“...but the Commission may...”

In the application of rule 2, have—

“...consideration of rule 3...”

Which it says:

“...vary such number provided that in no case shall the number of electors in any one electoral...area exceed or be less than the number of electors in any other electoral district...”

I go quickly, Madam Speaker, to rule 2(2) but—sorry, before doing so what I want to say is that in respect of rule 1, this is the Second Schedule to the EBC Act, the EBC has been applying this formula and you would recall by way of at least two reports, the last one being the Twelfth Report dated the 08 September, 2020, it recommended that:

There should be no change in boundaries of the 12 electoral districts.

[*Desk thumping*] So applying this said Second Schedule it was clear that the EBC

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up to September 2020, made it clear that there should be no changes to the electoral districts.

When we move now to rule 2(2), which was amended essentially and I do not know why the other side gets, you know, annoyed or vexed over this. When we speak the facts there is nothing to get annoyed over. When we look at rule 2(2) which was amended by the PNM Government following the results of the last THA elections in January 2021, that is where they begin to say that we are somehow misguiding the population. We are stating facts. But what does rule 2(2) say? Whereas it was 12 seats it now says:

There shall be 15 electoral districts in the electoral area of Tobago.

It is a parliamentary fact, it is a fact in this country that an Act was passed by the Government in February proclaimed thereafter which removed the 12 electoral districts and now cast it at 15. So despite the EBC saying no need for change in the boundaries, the PNM moved with its simple majority to increase the number of electoral districts.

But we move on from rule 2(2) and we go to rule 3, which then provides:

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

And it is instructive to note these provisions.

Now, when we look at paragraph 6 again, of page VIII of the report, Madam Speaker, it again makes it abundantly clear that it is the increase from 12 to 15 electoral districts which has made the creation of three additional districts necessary. These are the words of the report not the UNC, not us on this side. So when we state that there is an instruction and I heard the hon. Prime Minister say that as well, that you are seeking to cure according to them on the other side, to

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cure law with legislation. And we are saying the same thing on this side. But what we are talking about is the actual practical effects of what is being done.

So when we talk about it is an increase from 12 to 15 electoral districts and the EBC says this:

...which has made the creation of three additional electoral districts necessary.

So it is a fact, up to September 2020 the EBC's report was there is no need for any changes we would not recommend any changes. So I do not know if the EBC through this document is sending a coded message when they make that statement at paragraph 6.

It is important to understand, Madam Speaker, what obtained earlier prior to this report. The legislation at the Second Schedule, Madam Speaker, which I am referring to provides the EBC with a certain power and discretion. It empowers the EBC to balance a specific set of factors that direct to what ends their authority should be exercised, stepping outside of the statute and particularly the Second Schedule, will constitute what we are saying on this side, and my friend, my colleague Barataria/San Juan was making that point, stepping outside of the statute will constitute ultra vires activity by the EBC. So whilst you are giving a legislative instruction, I will display or illustrate how it is you are now forcing them to act ultra vires of the very Act that they are guided by.

So while, Madam Speaker, we may seek equality of voting power in our democracy. We accept that when you are dealing with boundaries and delimitation of districts, absolute voter parity is impossible. It is impossible to draw boundary lines which guarantee exactly the same number of votes in each districts, we accept that. Voters die, voters move. And even with the aid of, you know censuses, frequent censuses voter parity is still impossible.

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Now, Madam Speaker, because equality of voting power is so important it is appropriate and this is the methodology which as we understand it the EBC has been using. It is appropriate to set limits beyond which it cannot be eroded by giving preference to other factors and considerations. And this is where the 25 per cent limit applied to the electoral districts. This is what rule 1 of the Second Schedule contemplates, Madam Speaker

Now, when we look at rule 3, rule 3 only permits deviations which can be justified on the ground that they contribute to better government of the populace as a whole giving due weight to geographic factors. And that is where they say mainly:

“...natural boundaries such as major highways and rivers...”

So the EBC has a discretion which permits them to keep voter parity paramount, that is the rule 1, in any redistribution while integrating geographical concerns in their final decisions that is the rule 3. So when we turn to the methodology now, there is a rubric heading there, “Methodology” on VIII, page VIII. When we look at that section of the report before us it is clear that when we look at paragraphs 7, 8, 9, 10 and 11, that the EBC went beyond the power and discretion permitted to them under the EBC Act, Second Schedule. So for example, Madam Speaker, there are no provisions for delimitation of electoral districts utilizing factors such as community fragmentation. There is none, I have just read the actual Schedule itself. So, there is nothing that provides for taking into account the breaking up of communities.

Now, I know somebody coming thereafter on the other side will want to say and they will jump up, they will say, “You cannot realistically want to split up a community and that community fragmentation is an obvious factor to take into account.” I know they will come and say that. But the point I am making, Madam

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Speaker, is the EBC Act does not allow it to take into account these factors. In other jurisdictions it is legislated for. So by insisting that the magical number 15 must be arrived at, Madam Speaker, without anything more, you have effectively put the EBC in a position of acting ultra vires the law which allows them to declare boundaries and districts.

Madam Speaker, in public law I see the Member for San Fernando West is in the Chamber still, but in public law he wanted to you know school people in the law and whatever else. He referred to some conscious reflection of the law et cetera. In public law what we consider this as is that you are infringing the Padfield principles of law. Simply meaning that what the EBC is being forced to do here is that they are engaging in an inconsistent application of methodology, [*Desk thumping*] and they are exercising a discretion in a manner which goes against the policy of the EBC Act. This is what the Member for Baratavia/San Juan was pointing to. When he was looking and “devilish into the details” this is exactly what he was pointing to, that you have an inconsistent approach being taken by the EBC.

So, Madam Speaker, on that note, even if we were to say let us take into account community fragmentation and some of these other spatial distancing and whatever else legal or district nomenclature was informed by the geostatistical analysis of building infrastructure densities, et cetera, et cetera. Madam Speaker, if we take all of these things into account on the point of community fragmentation, even if it is accepted as a tenable factor, I am saying no it is not, you have to go within the ambit of the Act. This EBC report is totally devoid of details. [*Desk thumping*] So therefore, we must presume that there were absolutely no consultations with the people of Tobago.

So you see, Madam Speaker, it would be impossible for the Commission to

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appreciate the interest of the various and diverse communities and the range of concerns of the people of Tobago simply on the basis of the knowledge and the personal experience of members of the Commission.

Madam Speaker, you would recall that there was no proper consultation with the people of Tobago on self-governance. And here again, we have an instance of no consultation. So I heard my friend on the other side talking about 15. Well, I do not know like I feel like they do not like to talk to the people of Tobago. How is it you can cherry-pick—and that is why we say cherry-pick. There were other recommendations in that 2016 report which he refers to, which the people of Tobago up to this day are complaining that did not find its way into the last report into self-governance. So, Madam Speaker, I leave that there.

So I get back to the point not only is the EBC acting ultra vires, its own powers but in doing so they have failed to speak with those who stand to be effected by the changes in electoral boundaries. Madam Speaker, in any democracy one would view this as vital to maintaining equity and transparency in the process. In addition to providing the Commission with information, Madam Speaker, and perspectives they may not have already considered, that is the value of the consultations, you know, with the EBC.

Furthermore, Madam Speaker, holding consultations would increase the participation and transparency by which the Commission completes their task. So when my friend—my colleague for Barataria/San Juan was talking about you know, suggested recommendations, I want add to that as well. Allowing submissions—so having the public consultation is one thing but allowing submissions to be publicly documented should be another step towards achieving this goal. Madam Speaker, how many minutes do I have?

Madam Speaker: You end at 3.49.

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Mr. D. Rambally: Thank you, Madam Speaker. Madam Speaker, we also have to remember the genesis of the Tobago amendment Bill as stated by the Prime Minister, it was to deal with a deadlock between two political parties. That is according to Members on the other side. You ought therefore to consult with the PDP. Why not? Otherwise you can be deemed to have acted conspicuously unfair. The EBC's decision will inevitably affect two specific political parties as you are essentially redrawing the rules of the game, or depending on how you look at it the rules of war depending you know, on how we are to move forward.

Madam Speaker, why is all of this important? We, as I started off by saying, and I want to direct this again to Member for San Fernando West, we are a sovereign democratic state. [*Desk thumping*] That is section 1 of the Constitution—of the Republican Constitution. Under a sovereign democratic state certain fundamental rights and principles underpin our very fabric of the society. Madam Speaker, in this sovereign democratic state and that is why Member for Barataria/San Juan said that this is an issue which affects Trinidad and Tobago. The right to vote is synonymous with democracy, Madam Speaker. It is the most basic requisite of our form of government. In a democratic society based upon the right of a citizen to vote, this right must have some real significance.

And, Madam Speaker, according to our laws if this right to vote is to be of true significance each person's vote should subject only to reasonable variations for geographical interests, be as nearly as possible equal to the vote of any other voter residing in any other constituency. That is the law as obtained in our books. This situation prevailed previously and the EBC did deliver its Twelfth Report accordingly.

The fundamental importance, Madam Speaker, of the right to vote demands a reasonably strict surveillance of legislative provisions pertaining to elections.

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Parliamentary scrutiny what we are doing here cannot and must not be restricted slowly to the ultimate result achieved, namely, whether we have 15 seats at the end of the day—15 electoral districts sorry. So our scrutiny must go a little bit deeper than that. We must be even more concerned with the process, Madam Speaker. And I think the hon. Attorney General did say that, you know, we have a process and we must look at that. Scrutiny attaches not only to the actual distribution of districts but also to the underlying process from which the electoral map was derived. It is this process that must concern us, Madam Speaker. We on this side are very concerned that the EBC has achieved a certain result against statutory instructions from the PNM Government. If the EBC is truly independent under our Constitution, it is incumbent upon the Government at all times to ensure that the Commission is able to fulfil its mandate freely and without unnecessary interference. Only then, Madam Speaker, will the public perceive the Commission to be an independent and trustworthy body.

It is an affront, Madam Speaker, if I may say, to any sovereign democratic state for the legislature to undermine the jurisdiction and authority which members of the public would reasonably expect of the Commission to possess.

So, Madam Speaker, I say all of this, it is a very serious matter that we are dealing with. And I do not think we should play lightly with the fact that yes, we have a report from the EBC. It says 15, the law says 15 and they just went about to fulfill 15. The process is very instrumental.

Madam Speaker, this whole matter, the manipulation of electoral boundaries which my friend, colleague from Barataria/San Juan spent a lot of time on, and I want to endorse what he has said, the manipulation of electoral boundaries for partisan purposes is a concern in any democratic context. [*Desk thumping*] The creation of voting districts in the manner that I have described with specific

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reference to Second Schedule, and what my friend has put out in terms of “devilizing the details”, to bolster a weak basis of political support is a form of bad faith and an abuse of power. [*Desk thumping*]

Madam Speaker, it goes without saying when we are dealing with elections and election boundaries et cetera, partisan gerrymandering means the deliberate design of electoral boundaries in order to maximize the competitive advantage for one political party or candidate against others.

So I want to ask the rhetorical question as I end, Madam Speaker, having heard all that has been said and done on both sides, can we honestly say, Madam Speaker, that the EBC Order before the House does otherwise? Madam Speaker, with these few words of contribution, Madam Speaker, I would like to thank you for the time. [*Desk thumping*]

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

The Minister of Sport and Community Development (Hon. Shamfa Cudjoe):
Thank you, Madam Speaker for the opportunity to contribute to this debate on the Draft Report of the Election and Boundaries Commission Order 2021. Madam Speaker, before I proceed I must say how disappointed I am in the Members opposite for coming here and trying to denigrate and bad mouth the EBC, the Elections and Boundaries Commission, Madam Speaker.

Madam Speaker, I will take you through why we are here and how we got here, Madam Speaker. And they are very well aware. So many lawyers on that side but instead of getting here and informing and educating the people of Trinidad and Tobago, they have chosen once again to play petty politics, to tell stories far from the truth, Madam Speaker, and mislead the people of Trinidad and Tobago.

Madam Speaker, this piece of legislation or this Order, Madam Speaker would pave the way for a new and fresh Tobago House of Assembly election. Here

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we are, we know about the deadlock that would have taken place and we are now prepared to do what is necessary to resolve this unprecedented situation. This is not the first time we have had a tie in elections in the country, Madam Speaker. You would remember the 17:17 tie when the NAR came forward in 1995 and broke the tie, and then again the 18:18 tie. This has never happened in Tobago. So we have not had to make law to treat with the Tobago House of Assembly.

The laws of Trinidad and Tobago provide for the Prime Minister when every there is a tie or a situation like this, Mr. Manning could have called an election the following day. The Prime Minister of Trinidad and Tobago could dissolve the Parliament and call an election when necessary. Our laws of Trinidad and Tobago do not provide for the same in the case of the Tobago House of Assembly, or in the case of the Chief Secretary, Madam Speaker. So there was a lacuna in the law. So we did not have the necessary provisions to treat with this matter as it relates to Tobago and the Tobago House of Assembly. So we had to do what is necessary as a responsible government where the law is not applicable or does not treat properly with a situation to amend law. That is why we have a Parliament. No specific law is written in stone. And when situation arise we come back to this same Parliament, the Parliament of Trinidad and Tobago to make the necessary law to treat with the situation.

So to come here and to try to fool the people of Trinidad and Tobago to make us feel like the Government did something wrong, or the EBC did something wrong, those people on that side gave themselves silk, they should know the law, Madam Speaker, and they should know very well that the laws of Trinidad and Tobago do not provide the same powers for the Chief Secretary as it does for a Prime Minister to dissolve the Parliament at any time.

So what were we expected to do as Tobagonians? Wait out the four years?

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And even in doing so we did not have a functional Tobago House of Assembly. Here we are eight months later, Madam Speaker, and the Tobago House of Assembly has not been properly constituted, no Presiding Officer, no Minority Leader, no majority or minority councillors, they cannot meet, the development of Tobago is in limbo.

We had a hold-over executive council waiting for the situation to be resolved. We tried all kinds of approaches, trying to have them move forward peacefully until the internal self-government legislation is passed, power sharing arrangements and so on, and to this day they could not come to a place where they could move forward peacefully and in keeping with the law.

Those who are from Trinidad and do not have to be bothered by that in Tobago. You could stand at the side and say, "Oh, let us just see how it plays out." But that does not auger well for the development of Tobago and Tobagonians. As a responsible Government it is our business, it is our duty to do our research, to find the necessary advice and to do what is necessary for the people of Tobago to go back to the polls. Hence the reason we came here in February, brought this piece of legislation, had it passed. How did we come up with 15 seats, Madam Speaker? We know very well from that debate and from participating in the internal self-government Joint Select Committee that this had been what was proposed by the people of Tobago from years of consultation, over 10 years of consultation of which I have been a part, and the report that was sent to the Parliament in 2016 for 15 seats for better representation and to create an odd number for the people of Tobago. That is not the Government's position. That was the position of the people of Tobago, and we came here to this Parliament and passed that legislation.

So, I just find it so disingenuous and I am so disappointed that even in this day and age where there is access to so much information, that those who are

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lawyers and those who are experienced in this Parliament and have gone as far to give themselves silk, and would have even tried to get Tobagonians to pull a straw—to pull straws. Tell me, Madam Speaker, in 2021 in a modern democracy of educated people where we are seeing elections and democratic processes taking place all over the world, and you would come to a people of 50,000-plus, educated people, to tell us to pull straws in 2021. Madam Speaker, that is a no. That is a no. And anybody who prescribes or recommends that cannot be sober or sane and we reject it, we condemn it. That must be decried, Madam Speaker. [*Desk thumping*]

So Madam Speaker, I will tell you also, I hear the Member for Barataria/San Juan saying how we in Trinidad, you have 41 people in Trinidad speaking about what should happen in Tobago. It is not right to 41 people in Port of Spain to speak, to decide what happens in Tobago. Madam Speaker, this is the Government of Trinidad and Tobago. This is the Parliament of Trinidad and Tobago, Madam Speaker, and this is where laws are made, this is where laws are amended, this is where laws are improved and changed. It cannot happen anywhere else.

When we brought to this Parliament the Joint Select Committee and the legislation to allow the Tobago House of Assembly under this Bill that was brought to the Parliament earlier this year in June/July, Madam Speaker, to give the Tobago House of Assembly and the people of Tobago under Schedule Two the opportunity to make laws for their Parliament or their Tobago House of Assembly, the Opposition abdicated their responsibility, they walked out on the process, Madam Speaker. That was your opportunity to give us the ability to make laws to do what is necessary as it relates to our Parliament, to our Assembly in Tobago. That was your chance and you walked out, you turned your back on the people of Tobago. So to come here and say you do not understand how 41 people in Port of Spain making decisions for people in Tobago, that is disingenuous and that is

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hypocrisy, Madam Speaker.

Madam Speaker, I want say that we are elected, Ayanna Webster-Roy in Tobago East and Shamfa Cudjoe in Tobago West, elected overwhelmingly also, Madam Speaker. We speak for the people of Tobago, [*Desk thumping*] and Trinidad and Tobago, Madam Speaker. And when is time to make decisions and to speak and to represent, we are present, Madam Speaker, we did not walk out here of this Parliament. We spent long days in joint select committee working on behalf of the people of Tobago unlike those opposite who walked out Madam Speaker, much like what they did in 2013, gallivanting themselves all over Tobago with the TOP and on the night of the January election in 2013 they left Ashworth Jack there, cold pelau, hot beers, as they scuttled their way back to Trinidad. They abdicated their responsibility and turned their back on Tobago, much like what they are doing now, Madam Speaker.

So there is much talk about 25 per cent of the electorate voted for the PNM and that is not enough for the PNM to speak for Tobago. If not the People's National Movement who have represented and spoken on behalf of Tobago, who Tobagonians chose for the past 20 years, then who? Ayanna Webster-Roy in the East and Shamfa Cudjoe in Tobago West, who have been voted in not once, but twice. This is our sixth year where the people of Tobago have expressed their confidence in us. [*Desk thumping*] If not the members of the People's National Movement, then who? It certainly cannot be the members of the UNC, Madam Speaker. Because after they left in 2013, many of them did not return—

Mr. Lee: Madam Speaker, 48(1) please. I am trying to understand the report, the EBC report.

4.00 p.m.

Madam Speaker: Please continue.

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Hon. S. Cudjoe: Many of them did not return after they left in 2013. If they had returned then the Member for Barataria/San Juan would have known that, one, that polling division that he is speaking about in Lambeau, that moved to the Canaan/Bon Accord—to the Canaan area, the People's National Movement, not even in the days of William the Conqueror, we did not win that polling division. So how could that be to our benefit? Madam Speaker, he would have also known that, that—he is asking us why was Mason Hall/ Providence, Moriah not split up. And the EBC said so in its report on pages 8 through 10. Why? If you know the terrain of Mason Hall/Moriah, you know why it was critical to keep them together and if you try to separate it, what would happen? I am from Mason Hall, Madam Speaker. And then a Member of Barataria/San Juan, pulls out his map and is recommending that the EBC should create an electoral district in the Main Ridge, Madam Speaker. In the Main Ridge, Madam Speaker. The Main Ridge is the oldest forest reserve in the western hemisphere, [*Desk thumping*] the third highest as it relates to biodiversity in the nation, 350 different plant species, 12 endemic to the area, Madam Speaker. Nobody lives there! [*Desk thumping*]

So, to recommend to the EBC oh, pulling out your map, places you have never been because they encourage their fans and their supporters not to visit Tobago, and not to participate in Tobago tourism, so all he knows is the map. And all they know about Tobago is to wear green on the days that we are going to debate anything related to Tobago in support of the PDP because you sense a little power, you sense you will be able to ride the PDP back to leadership in Tobago, Madam Speaker. That is all they know. They do not care to learn but they want to lead. And that, Madam Speaker, is just really, really, really disappointing.

So, we as Government, Madam Speaker, we have done our duty to come here and to change the legislation to do what is necessary. We have done our

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homework. Tobago West, Madam Speaker, I hear them saying that the EBC is working with the PNM to gerrymander and to split up Tobago West. If you know anything about Tobago, it is the most densely populated area of the island, Madam Speaker. And in Tobago there is no safe seat. You see, you could speak the language—they could speak the language they speak because they do not know or understand the people of Tobago. We are educated as it relates to exercising our votes. Madam Speaker, I will tell you when I first ran for Tobago West in 2015, the TOP was rolling heavy in Tobago East and Tobago West, but we had to do our homework and present the best candidates to the people of Tobago East and West and we won those seats and they voted for us again.

In Tobago, the PNM was out of office for over 20 years. The Tobago House of Assembly was established in the 1980s in 1980. Madam Speaker. It was not until 2000/2001 that we got to lead the Tobago House of Assembly and since then the people of Tobago have expressed confidence in us for over 20 years after. So we had spent our time in the valley, but we did our homework because we know that you get what you work for.

So, we walk the length and breadth of Tobago. It is about listening, it is about learning, it is about keeping in touch. And today, more than ever, it is about remaining informed and helping constituents to be informed too. Because that is the biggest fight that we face today, miseducation of the electorate, fooling people. And I can tell you, Madam Speaker, we in the PNM we have some work as it relates to that. Because we say okay, the PNM machinery is tried, tested and true, and people would figure out sense from nonsense. But after Cambridge Analytica, if you think that has passed, and that fooling of the of the electorate has passed, it is alive, well, and kicking with all the fake news that they push through Trinidad and Tobago day in day out, Madam Speaker. So we have work to do on our side

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too, even in walking and talking to people and hearing the things that the Opposition has told them and they believe, we have work to do too and the old PNM way would not work as it relates to that. We have to step up our game as it relates to finding out the information and sharing that information in a way that the electorate could understand and embrace. So we all have our work to do.

All these electoral districts, all these polling divisions were touched in some way or the other, moved here, moved there, in order to create the 15 seats, and no matter where they move them, the educated and right-thinking people of Tobago are going to make the choices that help in their development, in the advancement of Tobago, what is best for themselves and their children. So all this foolery here today about the EBC working with the PNM, it is poppycock.

Madam Speaker, the EBC is older than I am. The EBC has been around since 1962. And has a long, strong, proud history of being independent, being professional, being reasonable, being fair. The EBC has been sought after in Trinidad and Tobago in the region and throughout the world and they have done their work. It is only when throughout the history of the UNC and even back to the ULF, when they lose that is when they challenge the integrity of the EBC and every time they have taken the EBC to court they have lost. [*Desk thumping*]

The EBC has stood the test of time and has faced every scrutiny and have come out on top. So anybody, opposite or elsewhere, who tries to jeopardize, to bring down, to decry, to emasculate the EBC, should be ashamed. And I do not expect that from people who have all this experience who call themselves lawyers and doctors in this Parliament to come here to mislead Trinidad and Tobago like that. We as Tobagonians, we are comforted that we are going to face the polls and we are not going to be pulling straws, and we are going to make an intelligent and educated decision about our future and about our children's future and we know

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nothing works but work. And when that date is called we are going to be ready. And the people of Tobago are “gonna” get who they voted for. But let them vote, let them exercise their franchise, let them go out there and do what they have to and whoever they choose to lead them would lead them and we hope would lead them to that place where they have gotten to that level of development that they so desire and we as the People’s National Movement in Government or in Opposition, will continue to work in the best interest of the people of Tobago like Trinidad and Tobago, like we have done since 1962 and like we have done since we entered Tobago’s leadership in 2001, Madam Speaker. That is the PNM, we know no other way for the red, white and black, for Trinidad and Tobago, for our children and our grandchildren. We are the People’s National Movement. Win or lose, we are about Trinidad and Tobago, so we would not be dissuaded by what they say. We have a role to play in developing this country from here, from generation to generation, many of them came and met us and they would leave us here, the People’s National Movement. I thank you, Madam Speaker.

Madam Speaker: Member for Tabaquite. [*Desk thumping*]

Ms. Anita Haynes (*Tabaquite*): Thank you, Madam Speaker. I thank you very much for the opportunity to join in this very important debate and I am coming in after a very impassioned speaker.

But today, Madam Speaker, we have been asked to, as a House, consider the draft report of the Elections and Boundaries Commission. The report is before us today and I think that the Member for Tobago West missed that fact, because the entirety of her contribution here today, I believe, was the beginning of a campaign speech. But I will tell the Member for Tobago West, I happen to wear green because I find I look nice in green, and not for any other reason. I also wore green on December 02, 2019, that was a local government election in Trinidad and

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Tobago, and I was wearing green that night on television and that had nothing to do with the PDP but that was the UNC and the PNM. And so, I mean, not to take a very serious debate into the realm of nonsense, but it is just to set the facts straight, because as we go forward, I do not want people assuming that that there was any basis of fact. And, so the Attorney General, Madam Speaker, the Attorney General today, came here and told us that never in his life, the Member for Tobago West repeated it, never, and never in their lives have they heard anybody speak about the EBC in this manner. They were trying to cast aspersions on the UNC and how we relate with the Elections and Boundaries Commission. And that is why I started by saying what we are doing. We are debating a Draft Report from the Elections and Boundaries Commission and so therefore, you are assessing certain things as a responsible House of Representatives. And for both Member for San Fernando West and the Member for Tobago West, it is not unusual for this House of Representatives to take a very clinical reflection on the actions of the Elections and Boundaries Commission because it directly impacts not only our space here, but it impacts our democracy, and today being the International Day of Democracy, this allowed for a very clinical examination of an important, independent institution of this country. And I found it strange, because the Attorney General sits next to the Prime Minister. And the Prime Minister could have told the Attorney General that the Prime Minister himself is a champion of making sure that we reflect on Elections and Boundaries Commission in a manner that allows for the democracy of Trinidad and Tobago to prevail. He could have told him that and spared him the embarrassment of the opening of his contribution.

Madam Speaker, the Member for Tobago West could have spoken to Diego Martin North East, who spoke in a Private Member's Motion in this House that examined the Elections and Boundaries Commission and called for a public

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commission of enquiry into the action of the Elections and Boundaries Commission. That Motion was brought by the Member for Diego Martin West. Member Diego Martin North East contributed, the Member for Laventille West contributed. There is a system in this House, Madam Speaker, that allows us—and let me tell you, the one thing I have learnt, new as I may be to politics, is that people do not like political hypocrites.

So do not stand up here, do not stand up here and tell me that all of a sudden, the discussion about the Elections and Boundaries Commission in a Motion that debates for a draft order from the Elections and Boundaries Commission, which I will get to in some more detail, that the Elections and Boundaries Commission is off limits and that we are in some way doing a disservice to the people of Trinidad and Tobago. That is absolute rubbish, Madam Speaker. And so, [*Desk thumping*] you talk about a logical fallacy. The Attorney General suggested that it was a stretch of logical fabrication to talk about where the seats are, where the boundaries are drawn and whatnot. So if that is a stretch, I would like to propose that the Attorney General's contribution was advanced yoga because he was reaching and stretching all over the place in our contribution, Madam Speaker. Because to suggest, in his answer to our proposals, to suggest that it was nonsense, that where the boundaries of the new—the 15 recommended boundaries coming from this Elections and Boundaries Report, that it is of no material impact, ignores the fact that the THA election, while it is not a general election, it is still a part of the first past the post political system. The first past the post political system means what, it means the person who gains the most seats wins—get control of the entity. And that means what, because I am going to work very slowly, here, I am showing all of my working. It means that where the seats are located matters, it absolutely matters, where you push the boundaries. And so, all of the stretching and reaching

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and ignoring the actual facts put on the table by my colleague for Barataria/San Juan, Madam Speaker, it just shows a level of political hypocrisy that we cannot ignore, [*Desk thumping*] that we cannot ignore. Because if you are going to pretend today that where you vote, where the seats are located, does not matter, well you are trying to really pappy show the entire population of Trinidad and Tobago.

And I remember when we first debated the issue of 15 seats I had a message to the Member—Members for both Tobago West and Tobago East, that when you stand up here, you ought not to be a representative for the PNM but a representative for the people of Tobago. The entire contribution, including the conclusion of the Member for Tobago West was a PNM reflection on what we are doing here today and not a Tobagonian reflection on what we are doing here today. And that is also a disservice to what we are doing in this House of Representatives today. [*Desk thumping*]

You know, because I listened, I listened very carefully as the Member for Tobago West poured scorn on the idea that in our modern democracy you could talk about the drawing of lots. Again, anybody, anybody because we are talking about who is a lawyer and who is a doctor and what they can do. Anybody who is engaged in the process of politics could do some light reading, and see that the process of drawing lots is still in use in local Government spaces, including in the UK as recent as 2017. So that therefore, again, like I said before, the one thing you do not like, is a political hypocrite because on one hand, you are saying we do not want this, we want the will of the people, let them have elections, allow the people of Tobago to have elections. Who here is arguing against elections and Tobago? Who here argued against that? Name anyone because you are arguing against—you were making arguments that no one brought forward so therefore, that is what you were thinking about. Who here is saying that we do not wish to see the end of

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the deadlock in Tobago, no. But what we are saying is that, as you look at the draft report from the Elections and Boundaries Commission, as you look at how we move from 12 to 15, it represents some unfairness it represents a political advantage and to suggest, Madam Speaker, that we divorce from our minds, today, that the movers of the Motion represent a political party, a political party that will be engaged in this election process in Tobago, to suggest that is to ask us all to pretend we are living in la la land.

You know, I sat in the other place and every, every occasion that they could tell us, they would. They will tell us that the PNM is very good at winning elections, very, very good. How many years the PNM been in power is the usual refrain because they are very good at winning elections; and I am not going to deny that. So I am saying, I am suggesting that people who are very good at winning elections, know very well what they are doing, when they come and argue certain Motions in this House and that is very simple logic, and if anybody—they can argue against that if they want, but I am saying one plus one will give you two.

So, Madam Speaker, I say today, as we discuss on the International Day of Democracy, whether or not the move from 12 to 15 is truly beneficial, whether it came from the JSC report and how they arrived at it. The fact that we have to ask ourselves: Does it represent? Will it give a political advantage to one entity or another? Are we as a Parliament willing to endorse this space? And, Madam Speaker, I urge the Members across the floor what you said before exists on the Internet. As the Member for Tobago West told us, is 2021.

There was a time when what goes on in this House nobody saw it, right. I believe we celebrated now, the Parliament Channel that you—they seeing you on TV, right? They are seeing you live on the Internet right now. So be careful what you are doing on what you are saying and also remember that you could find

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Hansard debates, very easily. If you go on the Parliament website, and you put in EBC you could see what each and every one of you said about the EBC when— And you could do what kind of yoga and fancy footwork here today, to suggest that when you criticized the EBC it is somehow from some very lofty space to ensure democracy. But when we criticize the EBC, we are trying to undermine independent institutions. No. But if you found fault then, you can acknowledge that there may be fault now and therefore, you can acknowledge that there is a space in the system for doubt and that we can use our collective responsibility in here to fix the problems that we are seeing. Instead of pretending that when it benefits you they do not exist but if they benefitted somebody else is a very big problem, and it requires a commission of enquiry. And with those few words Madam Speaker, I thank you. [*Desk thumping*]

Madam Speaker: Member for La Horquetta/Talparo.

The Minister of Youth Development and National Service (Hon. Foster Cummings): Thank you, Madam Speaker, for the opportunity to join in this debate. Madam Speaker, we spent some time today, listening, not for the first time, to the Member of Parliament for Barataria/San Juan, who is no longer in the Chamber but who sought to introduce and to say to Trinidad and Tobago that somehow the work of the very independent EBC and institution that has served this country for decades responsibly, and an institution that has been credited locally, regionally and internationally as being able, consistently, to supervise and organize free and fair elections, and all matters associated with elections in Trinidad and Tobago that the Member spent a significant amount of his contribution attempting to cast aspersions and paint the EBC in a bad light.

[MR. DEPUTY SPEAKER *in the Chair*]

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Trinidad and Tobago will not be fooled by that Mr. Deputy Speaker. We saw the display of a map showing the location of seats and an attempt to suggest that somehow the EBC had put the arrangements for the new seats in a way to favor the PNM.

What are the facts before us, Mr. Deputy Speaker? In January of this year, the THA elections were held and produced a result of 6:6; a 6:6 tie. The Assembly consists of 12 seats, as we heard, from the foundation of the formation of THA in 1980 and that arrangement continued even after the new THA Act of 1996. And coming upon that 6:6 tie, of course the Government observed what was taking place in Tobago and the responsible Prime Minister acted, in the first instance, by having a discussion with the elected officials to see how best these officials, having been elected, could find some common ground in electing a presiding officer and, following upon that, to get a Chief Secretary in office, and an Executive Council to run and manage the affairs of the Tobago House of Assembly. And, following that move, the elected Members were unable to do so. That is what the UNC should be reminding the citizens of Trinidad and Tobago, not coming here to attack the Election and Boundaries Commission. [*Desk thumping*] Not coming here because every time there are boundary changes in this country, not for the first time, I have heard the UNC, following the last local government report coming from the EBC for some local government boundaries, the same cry came from the UNC. "Well, they take away we polling division here and they shift this here in favour of the PNM" and is always that kind of excuse before the election. Whenever they know they facing sound defeat they try to make an excuse beforehand.

Now they do not contest any elections and Tobago. The last time they went to Tobago the PNM won all 12 seats. They just show their face in Tobago and Tobagonians, understanding what a corrupt bunch of individuals they constituted,

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voted resoundingly for the People's National Movement. [*Desk thumping*] So now they do not go to Tobago anymore. They stay in Trinidad and try to support anybody in Tobago who they know does not support the PNM. And so all of these excuses you are hearing now is the UNC making excuses beforehand because they know that the PNM has the support of the Tobago electorate, and we will win the next elections. That is what is happening.

Following upon the discussion with the elected Assemblymen, they could not arrive at a decision. And the Government led by the Prime Minister introduced the amendment Bill to allow the THA to be dissolved and to give the legal authority to the EBC to embark upon a process of restructuring and reorganizing the boundaries to ensure that if we go back to the polls, and when we go back to the polls, that a tie would not be a possibility and we would not end up in the same situation that we were in before. And that is responsible Government. That is what you do when you are faced with a situation. You take responsible action to bring an end to that and to allow for the business of the island of Tobago and the business of Trinidad and Tobago to continue. [*Desk thumping*] Because, Mr. Deputy Speaker, Tobagonians must go back to the polls as soon as possible to resolve this deadlock in the Assembly. It cannot continue the way it is. And when therefore, the Member holds up a map showing that Tobago West in red and Tobago East in green, and therefore the EBC place the additional seats in the West because they like the PNM and they do not like the PDP or the UNC, it just makes absolutely no sense. [*Desk thumping*] It makes absolutely no sense. My son who is four years will ask me, "Daddy, what he talking about?" It just makes no sense whatsoever. Because at the end of the day, these decisions in terms of the boundaries, the major consideration is that there must be people in the seats. So that if the population is weighted in the West, and that is the area that is more

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densely populated, why are you trying to suggest to Trinidad and Tobago that the boundary should be drawn to cut seats in the East where is bush and forest? Who are going to vote? Bush meat? Wild meat? [*Desk thumping*] You must stop fooling people but you have gotten so accustomed in that kind of behavior, that even when you are called upon to be responsible and to do what you were elected to do, you still—you are caught up in that trap that you must try to fool the electorate of Trinidad and Tobago. The people will not be fooled. We know—those of us who go to Tobago know, that the map and the areas you are showing, not much people live there.

So even if we sent you to reorganize, if we gave the work of the EBC to the Member for Barataria/San Juan and say you go and draw the seats, you will have no choice but to do the job with some common sense and some science behind it. And that is—we commend the work of the Elections and Boundaries Commission. We stand solidly behind the elections on boundaries commission. And so, the Prime Minister, in a manner that suggests proper leadership and direction, directed a course of action and led the Government and came to the Parliament with legislation that allowed us to come up with a solution to get out of the situation.

I heard the Member saying that the Cabinet gave directions to the EBC and I—I said, “What is he talking about?” We came to the Parliament. You said what you had to say, you walked out on the arrangements. You did not do what you were elected to do because now it seems like walking out is your way of conducting your parliamentary responsibility. It is like a child who did not get his way and behaved in a manner.

Mr. Lee: Deputy Speaker 48(1), trying to understand—

Mr. Deputy Speaker: Please, please Members, proceed.

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Hon. F. Cummings: Mr. Deputy Speaker, that is another one of their traits. When it hits them hard they have to stand up and raise frivolous points of orders. [*Desk thumping*] The Member did not for the first time choose to attack the Elections and Boundaries Commission. I want to remind Trinidad and Tobago to pay close attention to the behaviour of the Opposition of Trinidad and Tobago in relation to the Elections and Boundaries Commission.

4.30 p.m.

Mr. Deputy Speaker, they spoke about the 18:18 tie that we had back in 2000—I think that would have been around 2001 around there, if I am not mistaken—and sought to suggest that a similar thing could have happened in Tobago. Well, in the first place, the law that governs our arrangements in the Parliament in Trinidad and Tobago, is not the same law that governs the THA arrangement. And whereas the President, at the time, could have selected the leader of the PNM and call on the leader of the PNM then to form a Government, the President does not have that authority under law to do the same thing in Tobago, so that that arrangement could not have taken place. And they further suggest, the last speaker, the Member for Tabaquite, spoke about the drawing of lots, and the law also does not cater or accommodate or have provisions for the drawing of lots in the THA if a tie takes place. So that was not in question either. And, therefore, it fell to the Prime Minister and the Government to bring legislation to the Parliament to treat with the situation that evolved in Tobago, at that time.

Mr. Deputy Speaker, again, the Member for Tabaquite spoke about the location of the seats and asked if where the seats located matter. And my answer to hon. Member is yes. Where the seats are located does matter because of what I spoke about earlier. The seats are determined, in the first instance, based on where the population resides, and that is the very same reason—I think someone

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mentioned it earlier, but I will make the point—it is the same reason why in some seats in Trinidad and Tobago—in some seats in Trinidad, in the general elections sense—in my seat, in particular, where I represent, the seat starts in La Horquetta and goes all the way down to Cunupia, and the reason is that it is not as densely populated as some of the other seats on the East-West Corridor. So it would stretch to make up the number. So this attempt to come and suggest as though there was some gerrymandering of the boundaries. It is just to deflect from what the real issue is, and the population will see right through that when the time comes.

Mr. Deputy Speaker, it is time that when we have parliamentary matters such as these very serious reports, that we get some level of debate from the Opposition that suggests responsible action. As I always say to the Opposition, every matter does not require you to oppose, because you are the Opposition. We have a crisis on our hands in terms of the management of the affairs of Tobago, and one would think that a proposal coming forward to correct that situation will somehow get the support of the official Opposition in Trinidad and Tobago.

When we go on the hustings it is different. There is going to be a time for that. But there must be some responsible action coming from the Opposition to demonstrate to Trinidad and Tobago that those who voted for you took a decision to give you some sort of responsibility in the Parliament of Trinidad and Tobago that you would take seriously. The minute the report came out, even before we entered the halls of the Parliament, you have press conferences being called, you have statements being made and all of it designed to undermine the integrity and the work of the Elections and Boundaries Commission.

Tobago, we stand firmly in support of the work of the EBC. We have done what is necessary to ensure that that electorate of Tobago can return to the polls at the earliest opportunity. We have done what was necessary to make sure that we

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would not have a situation where we result in a tie situation, and the legislation gives now provisions for dealing with those situations in the future. And, today, we consider the report of the Elections and Boundaries Commission. And, I want to say, Mr. Deputy Speaker, that we give full support to the recommendations contained therein and we encourage the Opposition party in this Parliament to support the work of the Elections and Boundaries Commission. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mrs. Kamla Persad-Bissessar SC (*Siparia*): Thank you very much, Mr. Deputy Speaker, for permitting me to join in this very important debate. Today, as you well know, is International Democracy Day and, today, we are engaged in this Parliament—I think we are striking a dagger in the heart of the democracy of Trinidad and Tobago [*Desk thumping*] with this debate and on this Order.

Several speakers on the other side, the Prime Minister and I think the Member for Tobago West, spoke about a lacuna in the law. Mr. Deputy Speaker, there is no lacuna in the law. [*Desk thumping*] There is no lacuna in the law. The Prime Minister was at pains and, basically, repeated most of what he had said in the debate when the amendment Bill was brought earlier this year; lacuna in the law.

It is very clear and both the Member for Diego Martin North/East and the Member for Diego Martin West, in the debate to approve the report with respect to the Standing Orders of the House of Representatives in 2014, they praised the changes in the Standing Orders. Minister Imbert was in fact very fulsome when he spoke about how great it was to have a tiebreaker. So people are speaking about where the tie was previously in our Parliament where we could not break the tie, because there was no provision in our Standing Orders at that time. But, in 2014, we changed the Standing Orders in order to put in a tiebreaker to draw lots. So, we

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have statements from then Opposition Leader, Dr. Rowley, 21 February, 2014:

“...I rise to join this debate on this, what I consider to be a watershed moment, because if we get this done right, Mr. Speaker, significant positive changes can come to the management of the affairs of Trinidad and Tobago.”

And surprisingly, Prime Minister, then Opposition Leader said:

“I want to associate myself with most of the comments made by my colleague from Oropouche East...” [*Desk thumping*]

And, at that time, the Member for Oropouche East piloted the Motion to adopt the Standing Orders within which we had placed in a tiebreaker into the House of Representatives Standing Orders. But the Minister of Finance, then MP for Diego Martin North/East, was even more fulsome in his praise. Mr. Deputy Speaker, 14 March, 2014:

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

Continuing:

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

Paragraph 4(10). This is what it says:

“‘...after the holding of a ballot referred to...the votes remain equal’—if—
‘the Clerk must determine by lot which candidate is to be eliminated.’”

So the Clerk will determine by lot. Mr. Imbert says:

“Now, one might say that is an unfair and undemocratic way of doing

things, but that is a standard practice in many jurisdictions; that when you have an election and the votes are tied, you have to find some way of determining who the winner is. And in this case, what is proposed, the Clerk will determine by lot—just drawing lots—as to who the Speaker will be.

So, what it will mean—although it is unlikely, because we now have an uneven number of parliamentarians...”—that was in 2014—“...it could happen at some time in the future...”

This is the Member for Diego Martin North/East. This is not the UNC. And then you say well, no, you cannot apply these rules from the House Standing Orders which, again, is not true. Prime Minister, you started off saying misinformation—we are feeding misinformation. Well, that is misinformation. There is no lacuna in the law. [*Desk thumping*]

The Standing Orders, the Regulations of the THA says where there is an absence, there is silence on any particular matter you revert to the Standing Orders of the House of Representatives. [*Desk thumping*] The THA itself says that in their Standing Orders. I believe it is 92, that you come to look where there is. So to come then to justify these changes in the boundaries, and to say people are misinforming—somebody even objected because we are holding a press conference. Can you believe that? That is our democratic right to speak on behalf of the people of Trinidad and Tobago [*Desk thumping*] and you will not stop us.

The Attorney General came to bully and “bouff” MP Saddam Hosein. A brilliant young lawyer, Saddam Hosein. [*Desk thumping*] I endorse the statements that he made. But it seems that the Attorney General has found himself in a place that he did not really want to be. His argument about section 71, he cannot on one hand speak about the independence of the Integrity Commission in the manner in which he did. It is either that he believes, which is according to law and the

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Constitution that the EBC is to be an independent institution or that he does not. He cannot equivocate on that. You are the Attorney General, you are the legal advisor to the Cabinet, no wonder they are making so many legal mistakes [*Desk thumping*] in the work that they are doing. [*Desk thumping*] And so, that particular comment about section 71 was totally unpalatable, unacceptable. We move on, Mr. Deputy Speaker.

My colleague, MP Dinesh Rambally, my colleague Anita Haynes, MP, I endorse their contributions, brilliant contributions made here today. [*Desk thumping*] I cannot say the same about some of the other contributions on the other side. [*Desk thumping*] And look, if you do not know the law, please do not speak about the law. Do not speak about it. [*Desk thumping*] Do not speak about it. So, we have here an EBC Order, and this EBC Order, on the face of the Order says it is made pursuant to section 4(1) of the EBC (Local Government and Tobago House of Assembly) Act. This was the amendment Act that came in earlier this year to create these 15 seats or to provide for creating 15 seats and for the EBC to provide a report.

Now, Mr. Deputy Speaker, there is a concept in jurisprudence that the fruit from a poisoned tree is null and void, because it is a poisoned fruit. [*Desk thumping*] And that Act which purported to provide for the 15 seats and for the EBC to provide a report within so many days and the other provision, that is a poisoned tree. That piece of legislation is null and void and unconstitutional. [*Desk thumping*] And, therefore, this report which flows from it is also null and void. [*Desk thumping*] It is null and void and I will explain why. So, we have the situation where you are predicating this entire change in the boundaries and saying it is the law, it is the law, it is the law, it is the law, it is the law. How many times you have said that? The law that you passed with a simple majority but which, in

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effect, you did it in an unlawful and unconstitutional manner because there is existing law. [*Desk thumping*] You jumped the existing law in order to gerrymander or “Rowleymander”—I am sorry, Sir. Whatever kind of “mandering”. That is what you did. You truncated the existing law. You usurped the powers of the THA itself, and in our law, the Speaker is the Presiding Officer here. For the THA, the Presiding Officer could not be elected. We know the facts of the 6:6 tie and so on, but you could have resorted, as I said, to the rules from our Standing Orders.

Now, this Order, in my respectful view, it is irrational. It breaches the protection of the law of principles and it defeats the rule of law and that is why [*Desk thumping*] this Order is subject to be cut down. [*Desk thumping*] The AG is saying, “Oh, judicial review”, where? Well, I will show you AG, because it seems as though you have stopped keeping abreast of the law. You stopped keeping abreast of the jurisprudence on what the protection of the law means. The protection of the law means protection of the citizens from irrational actions, from arbitrary actions and the unreasonable exercise of discretion. Mr. Deputy Speaker, I think of nothing which symbolizes irrationality and arbitrariness as does this EBC Order.

There is a case, Mr. Deputy Speaker, if you will permit me to quote from it, a recent case from the UK Privy Council. It is in the case of *Jamaicans for Justice v the Police Service Commission*, 2019 UKPC and the Privy Council said as follows:

“The Board is also disposed to accept”—and I quote, Mr. Deputy Speaker—
“that the right to equality before the law, like the right to the equal protection of the law, affords every person protection against irrationality, unreasonableness, fundamental unfairness or the arbitrary exercise of

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power.”

This is the Privy Council in the Jamaican case. Protection of the law protects the citizens against irrational arbitrary behaviour. It continues:

“These are, in any event, fundamental common law principles governing the exercise of public functions. As there is nothing in the statutory framework governing”—in that case was the—“the PSC to contradict them, they are applicable in this case irrespective of whether or not they have the status of a constitutional right.”

So, you are entitled to the fundamental common law principles of protection of the law.

Further, the jurisprudence is clear, protection of the law means protection from arbitrary irrational exercise of power. This Order is, to me, a blatant example of arbitrariness and irrationality. The EBC used criteria in arriving at its Order that is not contained in the legislation. [*Desk thumping*] They went outside the four corners of the statute and you cannot do that. [*Desk thumping*] You have to operate within the confines of the statute. You are a statutory body. You must operate within the four corners of the statute which created you. You are a creature of statute. But they went outside the criteria to arrive at their Order and that is not contained, using criteria. That was not in the legislation, and my colleagues have spoken about it. So what can we conclude?

If a body is tasked, Mr. Deputy Speaker, with an important function, and you have a statute which created you, you are prescribing in law what factors should be considered, and that body decides to ignore those considerations and adapt its own criteria. You went outside of your own statute. We can only conclude that that body has become a runaway train, acting outside the four corners of the statute, a runaway train. [*Desk thumping*] A law unto themselves [*Desk thumping*]

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acting arbitrarily, unlawfully and in violation of the rule of law.

We know the purpose of law then. Yes, the EBC has a discretion, but the public law, the jurisprudence, has advanced so far in this day and age that the law, the law is to confine and restrain discretion. Discretion must be used in a rational manner and in a reasonable manner. And if the EBC is going to make up its own rules as to how it determines boundaries, then we on this side are not afraid to say that both the EBC and the PNM administration are undermining the rule of law and the democracy of our land. [*Desk thumping*]

If acting ultra vires outside the four corners of the statute was not bad enough, the EBC has made this even worse, its unlawful action, by acting in in conflict with its own policy. The jurisprudence has advanced up to earlier this year, in 2021, a case from the UK Privy Council, *R (on the application of A) (Appellant) v the Secretary of State for the Home Department*. The UK Supreme Court 2021, says—and this has to do with the issue of following your own policy. The court there said:

“...in an important development in public law in the last decades, the courts have given policies greater...effect.”

Continuing to quote from the judgment:

“In certain circumstances a policy may give rise to a legitimate expectation that a public authority will follow a particular procedure before taking a decision and it may give rise to a legitimate expectation that the authority will confer a particular substantive benefit when it does decide how to exercise its discretion. In these cases, the courts will give effect to the legitimate expectation unless the authority can show that departure from its policy is justified as a proportionate way of promoting...”—a different—
“...interest.”

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And proportionality cannot trump illegality, eh. The AG today did not talk about Suratt. But proportionality cannot trump illegality, and I was saying the manner in which the EBC acted is illegal. [*Desk thumping*] The previous EBC reports were no doubt an expression of EBC policy. The statute tasked the EBC with doing an assessment of boundaries and districts. It did so and found no need for alterations in its last report. People are saying, why are we talking about last year's report? [*Crosstalk*] Just a few months ago—

Mr. Deputy Speaker: Silence.

Mrs. K. Persad-Bissessar SC:—what has changed? What has changed to create these 15? And why 15? You could get a situation of 5:5:5. So, therefore, your crying and your lament is you want to deal with breaking ties? What happens if you get a 5:5:5? What is going to break the tie then? [*Desk thumping*] You will come back now to the HOR's Standing Orders? What are you going to do? [*Desk thumping*] A recipe for chaos. [*Desk thumping*] The EBC in departing from its previous policy—

Mr. Deputy Speaker: Member, Member, please. Member for Siparia—Members please, each one will have the opportunity to enter the debate. I want no chatting over the Chamber please. Thank you. Proceed Member.

Mrs. K. Persad-Bissessar SC: Thank you, Mr. Deputy Speaker, for your protection. So, the last report—I think about maybe just over 400 more persons are registered in Tobago since the last report last year—but it means that what was happening here, the EBC in departing from its previous policy, is an example of acting irrational and acting inconsistent with your own policy and that is arbitrary and irrational and unlawful.

We can get an analogy in another way, but the other issue of irrationality is the consistency of methodology deployed, consistency. My colleague went through

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great pains to share the stats—I will not do that again—in describing and explaining the methodology. The Act which governs out the method for the EBC, Schedule 2, it prescribes how the EBC should go about its assessment but more than that, the EBC has historically done these reports. We have never heard any criteria where we are preserving communities; never. Where did you get this new criteria from? Who told you to use that? And do not come to talk to me about a ridge in Tobago, “Ms. Roma”. Do not talk about it at all. [*Desk thumping*] You are talking about doctors and lawyers on this side. Well, we know what we are doing and we will speak it out. So you want to come and talk about a ridge in Tobago. Where is the zipline? You could find the zipline? Can anybody find the zipline in Tobago? [*Desk thumping*] Not up to today. You come here, self-righteous words in this Parliament. And so, we have consistency of the method deployed by the EBC.

It is unknown to law and unknown in practice, the policy, the method to be used. Where did it come from? Did someone instruct the EBC to use this “preserving communities”? My colleagues and citizens, this is not a concrete wall that will be put up. A boundary line is an imaginary line. He gave the example of Couva and Chaguanas. So it is not a concrete wall that would divide you and you cannot cross over the wall.

So, who came up with this? How did you come up with this criteria? You are going outside the four statutes, the four corners of the law which created your work and your method. And so, the new criteria of preserving communities may have never been used before, but the previous report, Sir, none of them used that criteria. Why are you doing it now? And you were handcuffed by the Cabinet and the Parliament. In this Parliament, by the majority of the PNM Cabinet, in this Parliament you were handcuffed [*Desk thumping*] because they told you in this simple majority law, they said, look, you must provide for 15 seats. So, you were

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handcuffed that before you did anything else, before you used any other method, used any criteria, you must find 15 seats. By hook or crook, go find 15 seats. Is that rational? Is that legal? And we are saying no. So there are no questions, Sir, that elections are the bedrock of democracy.

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

Mrs. K. Persad-Bissessar SC: I thank you, Sir. I thank you. No question, elections are the bedrock of democracy. The EBC and any authority vested with managing elections must embrace democratic norms, values and conventions. That has not happened here. Our Constitution in its Preamble at the very start says we are a sovereign democratic state [*Desk thumping*] and that has consequences for the rule of law, protection of the law and constitutional rights. This Order breaches all those protections of the law. So, gerrymandering, manipulating boundaries, inappropriately influencing the EBC to win an election is wrong in law. [*Desk thumping*] It is conspicuously unfair [*Desk thumping*] and this Order is one such that it is conspicuously unfair in the manner in which they arrived at the Order and the method they used.

So, Mr. Deputy Speaker, we reject outright this EBC Order, and I have no doubt that when challenged in the courts that this Order will be struck down [*Desk thumping*] by the Supreme Court of Trinidad and Tobago for several of the reasons my colleagues have already shared and some I have added to, at this point in time. So, thank you very much Sir, for your time to address the Parliament on this Order. Thank you. [*Desk thumping*]

5.00 p.m.

Mr. Deputy Speaker: I recognize the hon. Prime Minister. Hon. Prime Minister, you have 20 minutes.

The Prime Minister (Hon. Dr. Keith Rowley): Thank you very much, Mr.

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Deputy Speaker. Mr. Deputy Speaker, I will try to see if I can complete this within the allotted 20 minutes.

Mr. Deputy Speaker, we have just been treated to the effect of being led from behind. [*Desk thumping*] Our colleague from Siparia, self-appointed senior counsel, detained us to read the script as written by whom, I am sure it could not have been her, as senior counsel, to tell us how wrong this Motion is, and it continued from my colleagues on the other side on a Motion to fix a problem that we all know exists. They converted the Motion into a discussion on the behaviour of the EBC, but that is not new. That is not new.

When the EBC appointed a CEO a while ago, I first saw that in the newspapers, but then it was in the newspapers because the very said friend of ours from Siparia and colleagues were up and down the country bleating that the head of the EBC was appointed by the Government and was a niece of the Member for La Horquetta/Talparo. Again, Mr. Deputy Speaker, that was not true—it was not true. But it did not prevent our friend from Siparia and her colleagues from telling this monumental lie to the country, to discredit the EBC as we were about—

Dr. Moonilal: Mr. Deputy Speaker, Standing Order 48(4), contrary to—the Member—[*Inaudible*] said “lie”. [*Crosstalk*]

Mr. Indarsingh: The word “lie”.

Mr. Deputy Speaker: Members, please. [*Crosstalk*] Members, please. Hon. PM, just rephrase please.

Hon. Dr. K. Rowley: Thank you, Mr. Deputy Speaker. It did not prevent the UNC from telling this gargantuan untruth [*Desk thumping*] that somehow the Government had placed a Minister’s niece to run the EBC, and it was going to do all the things they say here today about the EBC undermining democracy. It mattered not to them that it was not true, but as our colleague from Tabaquite

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pointed out to us today, that kind of behaviour is not about truth, it is not about fact, it is not about helping to solve a problem, it is simply to create doubt—create doubt.

[MADAM SPEAKER *in the Chair*]

That is the phrase in which they live, that is how they conduct their business, that is how they serve in the House, that is how they talk to the country. It is all about creating doubt.

Today I had to bite my tongue when they come into the Parliament, Madam Speaker, to talk about \$400 million spent on Train 1 LNG because they know it is not true. I know it is not true—

Mr. Hosein: Madam Speaker—

Hon. Dr. K. Rowley: They know it is not true.

Mr. Hosein: Madam Speaker, 48(1); 48(1) please.

Hon. Dr. K. Rowley: “Why yuh doh sit down!” [*Crosstalk*]

Mr. Lee: 48(1)!

Madam Speaker: Prime Minister. Prime Minister, please remember the ambit of this debate.

Hon. Dr. K. Rowley: Remember what?

Madam Speaker: The ambit of this debate.

Hon. Dr. K. Rowley: But I came here in the proper ambit.

Mr. Indarsingh: Irrelevant.

Hon. Dr. K. Rowley: It is relevant because I am saying that your modus operandi is about creating doubt. [*Desk thumping*] The entire contribution from every single one of my colleagues on the other side today in attacking the EBC is to create doubt. That is what they are trying to do. And to do that they had to attack the EBC, so as to attack the process, so as to attack the outcome. I am simply saying,

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Madam Speaker, it is not a singular action in a singular situation, it is a habit.

Because I could have told you here today, Madam Speaker, that we spent no \$400 million on LNG plant No. 1, it was US \$23 million. But they—

Mr. Indarsingh: Madam Speaker, 48(1).

Hon. Dr. K. Rowley: They—

Mr. Indarsingh: 48(1).

Hon. Dr. K. Rowley:—in their pattern of creating doubt—

Mr. Indarsingh: Why is the Prime Minister going off on this NGC issue?

Hon. Dr. K. Rowley: In their pattern—

Madam Speaker: Prime Minister, there is—[*Crosstalk*]

Mr. Indarsingh: When time to answer question, answer the question.

Madam Speaker: Member for Couva South, I am standing. Prime Minister, there is an objection on Standing Order 48(1). I uphold the objection. [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, I hope you would not uphold an objection on my thesis that the Opposition is about creating doubt. [*Crosstalk*]

Mr. Indarsingh: The Prime Minister is challenging the Speaker's ruling.

Hon. Dr. K. Rowley: Madam Speaker, in creating doubt the senior counsel from Siparia spoke about three parties getting five seats each, and that could create deadlock. So therefore, 15 seats does not solve the problem we are trying to solve. Let me take you into the future, since they took us into the future because they know the PNM is going to win the election. Let me take you into the future too.

Three parties, each winning five seats, and the deadlock. If a Motion is put by one of those parties with five seats and another one with five seats vote against it, that is five and five. And if the other one with five votes against it, 10 is bigger than five, there is no deadlock. If a Motion is put by one of them and they vote for the Motion, and the other five vote with that Motion, that is 10. There is no

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deadlock; that is a majority. So how could 5:5:5 guarantee a deadlock? That is the thesis from the Siparia senior counsel.

Madam Speaker, I have heard from my colleagues on the other side today, and I simply want to ask them a question: Are you saying that the boundaries that are before us in this Motion today, are boundaries that were drawn by Members of the Government, the Cabinet or the Prime Minister, or are you prepared to accept that there is an independent commission with a board, a number of commissioners with management staff, and it is they who went on the instruction of this Parliament and did what had to be done with respect to preparing those boundaries?

Madam Speaker, the only answer to that can be that nobody in this Government had anything whatsoever to do with any one of those boundaries. So, all they attempt today to create doubt, all of it does not change the fact that what has been put before this House is the work of the independent commission without direction, let or hindrance from the Government, the Cabinet or the Prime Minister. So go with your doubt elsewhere, and continue to misrepresent and misinform the country to create doubt.

Madam Speaker, I trust that this enthusiasm of my colleagues on the other side, talking about Suratt and talking about Constitution and all that, would reflect itself in some interest in Tobago when an election is called, because an election has to be called to allow the people of Tobago to stop a deadlock that is taking place and to elect a functioning Assembly in Tobago. I trust they will take part in that, with the same enthusiasm that they took part today in the debate, and with the same result.

Madam Speaker, to come here and talk about a law being passed by a simple majority, in the context that something is wrong with a simple majority, every law

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that is passed in here by a simple majority is properly passed, unless there is a fundamental loss of certain constitutional rights that require that such change in the Constitution be passed by a higher majority. What in this Bill is taking away any freedom from anybody, any fundamental right, so it requires a special majority? What? Nothing. So therefore, that was just using up Parliament time to say nothing.

It appears as though the Opposition is very convenient. Today, one of my colleagues went over there and spoke passionately, “We are the Opposition of Trinidad and Tobago”, and said silently, “Except when there is an election in Tobago.” [*Laughter*] The only time you are not the Opposition in Trinidad and Tobago is when an election is called in Tobago and you are absent. You rather to be the puppet master than to be the candidate. [*Desk thumping*] Stay in Trinidad and pull strings in Tobago, whether “is” TOP, bottom, PDP, whoever, pull strings, and then come to the Parliament when there is a matter before the Parliament and talk about you are the Opposition in Tobago. Well, since you are in the Opposition in Trinidad and Tobago, please to meet you in Tobago anytime, anywhere, anyhow. [*Desk thumping*]

Of course, Madam Speaker, talks about cherry-picking; talks about cherry-picking, and my colleague from Barataria/San Juan “make” a long song and dance that this came to the Parliament in the wrong time frame, because the 15 seats were mentioned before the election results and, therefore, it could not be as a result of the Joint Select Committee work.

Madam Speaker, this matter of 15 seats for the Tobago House of Assembly goes back to 2014; 2014, in consultation Tobagonians speaking to Trinidad and Tobago in Tobago, and the matter that came before the Parliament is recommendations. And I would dare say, it is said that the EBC in December last

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year said that there was no need for any additional seat. Firstly, even though the EBC is an independent body, the function of the EBC is to make recommendations to this House, and any recommendation they make to this House can be changed by this House. So do not come here and waste the Parliament time, and talk about what they said last year, when the Parliament in February said what is going to happen by law, lawfully passed.

You know, Madam Speaker, we need not detain ourselves here any longer, you know. That written red thesis of the colleague from Siparia about going to court, I trust that you will go to court because the PDP also promised to go to court based on the advice of the UNC in January. The whole country; the whole country—

Mr. Hosein: 48(6)—

Hon. Dr. K. Rowley:—was told by the PDP—

Mr. Hosein: Madam Speaker, 48(6).

[Madam Speaker motions to the Prime Minister to continue]

Hon. Dr. K. Rowley: The whole country was told by the PDP that they were going to go to court on this lots matter. Madam Speaker, let me clarify for senior counsel for Siparia why there is a lacuna. In the matter that they quoted from liberally, “all de *Hansard* dey quote, wha Imbert say, wha Rowley say, wha dis one say”. We were talking about the law as it applies to the parliamentary elections. I want to draw to the attention of self-appointed senior counsel from Siparia, that there is a Tobago House of Assembly Act that specifically spells out how things should be done in the THA. Therefore, when you talk about follow the rules of the Parliament to draw lots, that can only happen if there is in Tobago no provision for certain things to happen.

In this case there is a provision for how you appoint and select a Chief

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Secretary, and how you appoint a presiding officer, so there is no question of no provision being made, and it is because there is a provision that you could not draw lots. That is why the PDP disregarded the advice of their leaders and did not go to court as they had threatened, because some other lawyer pointed out to them that there is a provision for electing a presiding officer, and if you all cannot agree to elect a presiding officer, that is not a problem. It is for you to elect. It says how you can do it, and if you choose not to do it, because they could have done at any point—on any day they could have done it. Their 6:6 and they could not get a seventh person and be a 7:5, and because you could not do that, that did not vitiate the law. So when you are going to give yourself silk, you have to understand the law in its detail. [*Desk thumping*]

It is precisely because this is the situation why we are here today and why the Chief Secretary from January “still” in office today legally, because as long as they could not elect a presiding officer in the way that the law provided, they could remain there for four years until the next election comes after the time has expired, and we do not want that. We are saying that they should go back to the polls and fix it, so that they could have a proper functioning arrangement in Tobago. That is all.

So, this coming here and trying to read law to confuse us, words, words, words, and no meaning and are of no effect; of no effect, Madam Speaker. Because I do not understand how my colleagues could prepare to come and take part in an important debate like this, and not make a single valuable point, not one. [*Desk thumping*] All about accusations, accusations, accusations. [*Desk thumping*]

And to think that—Madam Speaker, let me not be unkind, eh. I simply say in simple English, the THA Act does not make provision for drawing lots, for if it had been so, others would have gone to court a long time. Since we are proceeding

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today with the support of the Government to pass this matter, I expect that all those who boast that they have courthouse clothes, you would go to the court and see if you can get the court to agree with you because your colleagues in Tobago did not agree with you. [*Desk thumping*]

Madam Speaker, I am quite pleased that we are this far along. Tobago has been without a properly constituted Assembly for all of this year. We have taken the steps through the Parliament to amend the Act, to direct the EBC, to do what has to be done, and it has been done. We are here today—we are here today—we are here today to approve a Motion. I have no doubt; I have no doubt that what is happening here is that the minority is saying that the view of the majority is something bad, “is” the Cabinet and the Government want to do it. The fact that you do not agree does not make it bad, it means that you are the minority. [*Desk thumping*] You have had your say and now the people of Tobago will have their way. [*Desk thumping*] Madam Speaker, I beg to move. I beg to move.

Mr. Hinds: [*Inaudible*]

Madam Speaker: Member for Laventille West, you are not being recognized.
[*Laughter*]

Question put.

Hon. Member: Division!

Madam Speaker: Hon. Members, a division has been called for. We will wait for three minutes to allow for Members to make their way to the Chamber. As we are familiar with now, Members who are not in their seats when their names are called will still be allowed to vote once the count has not been taken. So now we await the three minutes. [*Pause*] The division will now commence. Members are reminded that even if the Clerk has already passed the Member in the usual voting sequence, once a Member is present in the Chamber before the division is

announced, he or she will be allowed to vote.

The House divided: Ayes 21 Noes 18

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Beckles, Hon. P.

Hinds, Hon. F.

Deyalsingh, Hon. T.

Forde, E.

Cudjoe, Hon. S.

Gadsby-Dolly, Hon. Dr. N.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

Cummings, Hon. F.

Richards, K.

Manning, Hon. B.

Leonce, Hon. A.

Morris-Julian, Hon. L.

de Nobriga, Hon. Symon.

Scotland, K.

Munroe, R.

NOES

Lee, D.

Persad-Bissessar SC, Mrs. K.

Ameen, Ms. K.

Charles, R.

Moonilal, Dr. R.

Paray, R.

Indarsingh, R.

Bodoe, Dr. L.

Hosein, S.

Padarath, B.

Haynes, Ms. A.

Tancoo, D.

Mohit, Ms. V.

Benjamin, Ms. M.

Rambally, D.

Ram, A.

Seecheran, Dr. R.

Ratiram, R.

Question agreed to.

Resolved:

That the draft of the Election and Boundaries (Local Government and Tobago House of Assembly) Order, 2021 be approved. [*Desk thumping*]

Madam Speaker: Leader of the House.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you, Madam Speaker. I beg to move that this House do now adjourn to a date to be fixed.

Adjournment

Wednesday, September 15, 2021

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.22 p.m.