



JOINT SELECT COMMITTEE ON

**THE REPRESENTATION OF THE
PEOPLE (AMENDMENT) (NO. 2)
BILL, 2020**
FINAL REPORT

THIRD SESSION (2022/2023) OF THE TWELFTH PARLIAMENT



Committee Mandate

Pursuant to resolutions of the House of Representatives on Friday November 11, 2022 and of the Senate on Tuesday November 8, 2022, a Joint Select Committee was established to adopt the work of the Joint Select Committee in the Second Session, Twelfth Parliament and report by March 31st, 2023.

Committee Membership

Mrs. Camille Robinson-Regis, MP	Chairman
Mr. Colm Imbert, MP	Member
Mr. Fitzgerald Hinds, MP	Member
Ms. Shamfa Cudjoe, MP	Member
Mr. Davendranath Tancoo, MP	Member
Mr. Saddam Hosein, MP	Member
Ms. Paula Gopee-Scoon	Member
Dr. Amery Browne	Member
Mr. Randall Mitchell	Member
Mr. Wade Mark	Member
Dr. Maria Dillon-Remy	Member
Mr. Deorooop Temal	Member

Secretariat Support

Ms. Chantal La Roche, Senior Legal Officer	Secretary
Ms. Allisia Williams, Legal Officer I	Assistant Secretary
Mrs. Susannah Gittens, Business Operations Assistant II	Administrative Support

Contact

Secretary

The Joint Select Committee on the Representation of the People (Amendment) (No.2) Bill, 2020
Parliamentary Complex, Cabildo Chambers

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Port of Spain, Republic of Trinidad and Tobago

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Date Laid in HOR:

Date Laid in Senate:

HOR Paper No.:

Senate Paper No.:

PARL No.: 14/3/86

MEETINGS

1. Since its appointment, your Committee has held six (6) meetings on the following dates:
 - Friday November 25, 2022;
 - Monday December 12, 2022;
 - Monday January 16, 2023;
 - Monday February 13, 2023;
 - Monday May 8, 2023; and
 - Monday May 22, 2023
2. Attendance records and minutes of the meetings are attached at **Appendix I**.

INTERIM REPORT

3. The Committee's Interim Report was laid in the House of Representatives on Friday April 21, 2023 and presented in the Senate on Tuesday April 25, 2023. Your Committee requested and was granted a five (5) month extension to Thursday August 31, 2023 in order to complete its work.

WORK TO DATE

4. Your Committee engaged in a consultation on the draft legislation with its selected expert, Professor Fernando Casal Bértoa. Professor Bértoa is an Associate Professor at the University of Nottingham, United Kingdom, with knowledge and experience in political party funding.
5. The consultation with Professor Bértoa spanned two Committee meetings, during which he provided a detailed clause-by-clause analysis of the Bill. Additionally, technocrats from the Law Reform Commission were present at the second meeting to contribute their expertise.
6. At the conclusion of the consultancy, your Committee received a written report from Professor Bértoa. This report contained his analysis of the Bill, including recommendations for enhancing the proposed legislation. of the Consultant's analysis of the Bill which included his actionable suggestions on how the legislation could be enhanced.

REPORT

7. The Committee wishes to report that additional time is required by the Committee to review the report submitted by the Consultant, conduct stakeholders' consultations, and complete the clause by clause analysis of the Bill for a proposed list of amendments to be compiled.
8. Consequently, in accordance with Standing Orders 114(1) and 104(1) of the House of Representatives and the Senate. respectively, your Committee wishes to report that due to the imminent prorogation of the Third Session of the Twelfth Parliament and notwithstanding

that your Committee has made significant progress, it is unable to complete its work on the Bill.

RECOMMENDATION

9. Your Committee therefore recommends the resumption of proceedings on the Representation of the People (Amendment) (No.2) Bill, 2020, in the Fourth Session, Twelfth Parliament.
10. Your Committee also asks that the House take note of the work achieved and the progress made by the Committee thus far and that a Committee be appointed in the Fourth Session to continue work on the Bill and adopt as part of its records, all work completed to date.

Respectfully submitted,

Sgd.

Mrs. Camille Robinson-Regis, MP

Chairman

September 7, 2023

Appendix I
Attendance Record and
Minutes of Meetings

JSC on the Representation of the People (Amendment) Bill, 2020
Third Session (2022/ 2023) Twelfth Parliament

MEETINGS	MR. COLM IMBERT,	MRS. CAMILLE ROBINSON- REGIS	MR. FITZGERALD HINDS	MS. SHAMFA CUDJOE	MR. SADDAM HOSEIN	MR. DAVENDRANATH TANCOO	MR. RANDALL MITCHELL	MR. WADE MARK	DR. MARIA DILLON-REMY	MR. DEORROOP TEMAL	DR. AMERY BROWNE	MS. PAULA GOPEE- SCOON
First Meeting 25.11.22	✓	✓	✓	EXCUSED	EXCUSED	✓	✓	EXCUSED	EXCUSED	✓	EXCUSED	✓
Second Meeting 12.12.22	✓	✓	✓	✓	✓	✓	✓	EXCUSED	EXCUSED	✓	EXCUSED	✓
Third Meeting 16.01.23	✓	✓	EXCUSED	✓	✓	✓	EXCUSED	✓	✓	EXCUSED	✓	✓
Fourth Meeting 13.02.23	EXCUSED	EXCUSED	✓	✓	✓	EXCUSED	EXCUSED	✓	✓	✓	✓	✓
Fifth Meeting 08.05.23	EXCUSED	✓	✓	✓	EXCUSED	EXCUSED	✓	✓	✓	EXCUSED	✓	✓
Sixth Meeting 22.05.23	✓	✓	✓	✓	EXCUSED	✓	EXCUSED	✓	✓	✓	✓	✓

JOINT SELECT COMMITTEE ON THE REPRESENTATION OF THE PEOPLE (AMENDMENT) (NO 2) BILL, 2020

MINUTES OF THE FIRST MEETING HELD VIA ZOOM VIDEO PLATFORM ON FRIDAY NOVEMBER 25, 2022 AT 10:00 A.M.

PRESENT

Mrs. Bridgid Annisette-George - Speaker of the House

Committee Members present

Mrs. Camille Robinson-Regis, MP - Member
Mr. Davendranath Tancoo, MP - Member
Mr. Fitzgerald Hinds, MP - Member
Mr. Deorooop Temal - Member
Mrs. Paula Gopee-Scoon - Member
Mr. Colm Imbert, MP - Member
Mr. Randall Mitchell - Member

Secretariat

Ms. Chantal La Roche - Secretary
Ms. Allisia Williams - Assistant Secretary
Ms. Megan Ali - Legal Research Officer

ABSENT/EXCUSED

Dr. Maria Dillon-Remy - Member
Mr. Wade Mark - Member
Mr. Saddam Hosein, MP - Member
Dr. Amery Browne - Member
Ms. Shamfa Cudjoe, MP - Member

COMMENCEMENT

- 1.1 The meeting was called to order by the Speaker of the House of Representatives at 10:02 a.m.

ANNOUNCEMENTS BY THE PRESIDENT OF THE SENATE

- 2.1 The Speaker of the House informed Members that Ms. Chantal La Roche would serve as the Committee's Secretary and Ms. Allisia Williams as Assistant Secretary.

ELECTION OF CHAIRMAN

- 3.1 The Speaker of the House advised that her role was to facilitate the election of a Chairman and invited nominations.
- 3.2 Mrs. Camille Robinson-Regis was nominated by Mr. Fitzgerald Hinds for the chairmanship and this nomination was seconded by Mr. Randall Mitchell.
- 3.3 There being no further nominations, Mrs. Camille Robinson-Regis was declared Chairman of the Committee. The Speaker of the House wished the Members productive and cooperative deliberations.

(The Speaker of the House of Representatives exited the meeting and Mrs. Robinson-Regis assumed her role as Chairman)

- 3.4 The Chairman thanked Members for electing her to serve as the Chairman.

QUORUM

- 4.1 The Chairman recommended a quorum of three (3) Members inclusive of the Chair and with representation from each House pursuant to the Standing Orders.
- 4.2 Discussion ensued and the Members agreed, that the quorum for meetings would be three (3) persons, inclusive of the Chairman with representation from each House.

TERMS OF REFERENCE OF THE COMMITTEE

- 5.1 The Chairman reminded Members of the Committee's mandate to consider and report on the Representation of the People (Amendment) (No. 2) Bill, 2020, and of its reporting deadline of March 31, 2023.
- 5.2 The Chairman also reminded the Members that the Committee was also mandated to adopt the work of the Committees established to consider the Bill during the First and Second Sessions.

DETERMINATION OF THE WAY FORWARD

- 6.1 The Chairman recommended and Members agreed that the Committee will meet fortnightly on Mondays at 3:00 p.m.
- 6.2 The Chairman then proposed, and the Committee agreed that its next meeting would be held on **Monday December 12, 2022 at 3:00 p.m.**

ADJOURNMENT

- 7.1 There being no other business, the Chairman thanked Members and adjourned the meeting to **Monday December 12, 2022 at 3:00 p.m.**
- 7.2 The adjournment was taken at 10:12 a.m.

I certify that these minutes are true and correct.

Chairman

Secretary

November 25, 2022

JOINT SELECT COMMITTEE ON THE REPRESENTATION OF THE PEOPLE (AMENDMENT) (NO 2) BILL, 2020

**MINUTES OF THE SECOND MEETING OF THE THIRD SESSION (2022/2023)
HELD VIA ZOOM VIDEO PLATFORM ON MONDAY DECEMBER 12, 2022 AT 3:00 P.M.**

PRESENT

Committee Members

Mrs. Camille Robinson-Regis, MP	-	Chairman
Mr. Davendranath Tancoo, MP	-	Member
Mr. Fitzgerald Hinds, MP	-	Member
Mr. Deeroop Teemal	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Mr. Colm Imbert, MP	-	Member
Mr. Randall Mitchell	-	Member
Mr. Saddam Hosein, MP	-	Member
Ms. Shamfa Cudjoe, MP	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Allisia Williams	-	Assistant Secretary
Ms. Megan Ali	-	Legal Research Officer

ABSENT/EXCUSED

Dr. Maria Dillon-Remy	-	Member
Mr. Wade Mark	-	Member
Dr. Amery Browne	-	Member

COMMENCEMENT

- 1.1 The Chairman called the meeting to order at 3:04 p.m.

CONFIRMATION OF THE MINUTES OF THE FIRST MEETING

- 2.1 The Committee considered the Minutes of the First Meeting held on Friday November 25, 2022.
- 2.2 The motion for the confirmation of the Minutes was moved by Mr. Randall Mitchell and seconded by Mrs. Paula Gopee-Scoon.
- 2.3 The Minutes of the First Meeting were approved.

SELECTION OF AN EXPERT

- 3.1 The Committee reviewed the qualifications and experience of the following experts recommended to assist the Committee during its deliberations on the draft legislation:
 - Mr. Charles Chauvel, UNDP;
 - Mr. Grant Masterson, EISA;
 - Maxine Henry-Wilson, former MP Jamaica;
 - Dr. Salvador Ignacio Romero Ballivian, International Republican Institute; and
 - Dr. Fernando Casal Bértoa; Venice Commission, ODIHR, UNDP
- 3.2 The Chairman then invited discussion on the selection of the most suitable to assist the Committee.
- 3.2 During its deliberations, the Committee agreed to rank the experts based on knowledge and experience in electoral reform and consequently selected Dr. Fernando Casal Bértoa as its preferred expert. The Committee also decided on Dr. Salvador Ignacio Romero Ballivian as the next most suitable consultant.

WAY FORWARD

- 4.1 Following a brief discussion, the Committee agreed that the Secretariat would:
 - i. circulate, via email, the draft Terms of Reference to Members for their feedback;
 - ii. receive amendments, if any, from Members by Thursday December 15, 2022; and
 - iii. send the finalized Terms of Reference, along with the Bill, to Ms. Samantha Montanari at the British High Commission who will forward these documents to the expert to ascertain his consultation fees.

ADJOURNMENT

- 5.1 There being no other business, the Chairman thanked Members and adjourned the meeting to **Monday January 16, 2022 at 3:00 p.m.**

5.2 The adjournment was taken at 3:29 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

December 13, 2022

JOINT SELECT COMMITTEE ON THE REPRESENTATION OF THE PEOPLE (AMENDMENT) (NO 2) BILL, 2020

**MINUTES OF THE THIRD MEETING OF THE THIRD SESSION (2022/2023)
HELD VIA ZOOM VIDEO PLATFORM ON MONDAY JANUARY 16, 2023 AT 3:00 P.M.**

PRESENT

Committee Members

Mrs. Camille Robinson-Regis, MP	-	Chairman
Mr. Davendranath Tancoo, MP	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Mr. Colm Imbert, MP	-	Member
Mr. Saddam Hosein, MP	-	Member
Ms. Shamfa Cudjoe, MP	-	Member
Dr. Maria Dillon-Remy	-	Member
Mr. Wade Mark	-	Member
Dr. Amery Browne	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Allisia Williams	-	Assistant Secretary
Ms. Megan Ali	-	Legal Research Officer

ABSENT/EXCUSED

Mr. Deorooop Teemal	-	Member
Mr. Fitzgerald Hinds, MP	-	Member
Mr. Randall Mitchell	-	Member

COMMENCEMENT

1.1 The Chairman called the meeting to order at 3:13p.m.

CONFIRMATION OF THE MINUTES OF THE SECOND MEETING

- 2.1 The Committee considered the Minutes of the Second Meeting held on Monday December 12, 2022.
- 2.2 The motion for the confirmation of the Minutes was moved by Mrs. Paula Gopee-Scoon and seconded by Mr. Saddam Hosein.
- 2.3 The Minutes of the Second Meeting were approved.

UPDATE ON EXPERT SELECTED TO ASSIST THE COMMITTEE

- 3.1 The Chairman informed the Committee of the following:
 - Via email correspondence dated December 19, 2022, the updated Terms of Reference and the Bill were forwarded to Ms. Samantha Montanari at the British High Commission for dispatch to the selected Consultant, Dr. Bértoa to ascertain his consultation fees and availability.
 - The Consultant's daily rate is £715, and he proposed a period of work of approximately 10 working days to thoroughly assess the Bill and undertake the relevant comparative analysis.
 - With regard to the consultancy, Dr. Bértoa proposed the following course of action:
 - ❖ Members should submit any specific areas of concern/focus before he commences his analysis;
 - ❖ the Committee should agree on a deadline date for the submission of a written report to the Committee; and
 - ❖ the Committee should set a date for the delivery of one virtual briefing session by the Consultant to discuss the report findings in depth.
- 3.2 The Committee, after careful extensive discussions, agreed to receive further comments from Members on the Terms of Reference by **Wednesday January 18, 2023 at 4:00 p.m.** before its finalisation and dispatch to the Consultant.
- 3.3 The Committee also agreed, pursuant to the Consultant's request, to submit any issues, questions and/or areas of concern with regard to the Bill prior to the commencement of the consultancy.

WAY FORWARD

- 4.1 Following a brief discussion, the Committee agreed that the Secretariat would:

- iv. circulate, via email, the Terms of Reference to Members for their feedback; and
- v. receive amendments, if any, from Members by **Wednesday January 18, 2023 at 4:00 p.m.**

4.2 Members also agreed to submit any issues, questions and/or areas of concern to the Consultant, for him to consider during his analysis of the Bill, at their earliest convenience.

ADJOURNMENT

5.1 There being no other business, the Chairman thanked Members and adjourned the meeting to **Monday January 30, 2023 at 3:00 p.m.**

5.2 The adjournment was taken at 4:14 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

January 17, 2023

JOINT SELECT COMMITTEE ON THE REPRESENTATION OF THE PEOPLE (AMENDMENT) (NO 2) BILL, 2020

**MINUTES OF THE FOURTH MEETING OF THE THIRD SESSION (2022/2023)
HELD VIA ZOOM VIDEO PLATFORM ON MONDAY FEBRUARY 13, 2023 AT 3:00 P.M.**

PRESENT

Committee Members

Mrs. Paula Gopee-Scoon	-	Member
Mr. Saddam Hosein, MP	-	Member
Ms. Shamfa Cudjoe, MP	-	Member
Dr. Maria Dillon-Remy	-	Member
Mr. Wade Mark	-	Member
Dr. Amery Browne	-	Member
Mr. Deeroop Teemal	-	Member
Mr. Fitzgerald Hinds, MP	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Allisia Williams	-	Assistant Secretary
Ms. Megan Ali	-	Legal Research Officer

ABSENT/EXCUSED

Mrs. Camille Robinson-Regis, MP	-	Chairman
Mr. Randall Mitchell	-	Member
Mr. Colm Imbert, MP	-	Member
Mr. Davendranath Tancoo, MP	-	Member

ELECTION OF CHAIRMAN FOR THE DAY

- 1.1 The Secretary informed members that the Chairman would be absent. Members were further advised that in the absence of the Chairman, the Committee was required to elect a Member to perform the duties of Chairman for the day's meeting in

accordance with Standing Orders 112(4) of the House of Representatives and 102(4) of the Senate.

- 1.2 The Secretary invited nominations for Chairman for the day. Mr. Teemal was nominated on a motion moved by Mr. Mark and seconded by Mr. Hosein. Mrs. Gopee-Scoon was nominated on a motion moved by Mr. Hinds and seconded by Dr. Dillon-Remy.
- 1.3 Mr. Teemal declined his nomination. Consequently, there being no other nominations, the Secretary declared Mrs. Gopee-Scoon the duly elected Chairman for the day.
- 1.4 Mrs. Gopee-Scoon assumed the Chair.

COMMENCEMENT

- 1.1 The Chairman called the meeting to order at 3:09 p.m.

CONFIRMATION OF THE MINUTES OF THE THIRD MEETING

- 3.1 The Committee considered the Minutes of the Third Meeting held on Monday January 16, 2023.
- 3.2 The motion for the confirmation of the Minutes was moved by Dr. Dillon-Remy and seconded by Mr. Hinds.
- 3.3 The Minutes of the Third Meeting were approved.

UPDATE ON CONSULTANCY

Funding

- 4.1 The Chairman informed the Committee that the British High Commission had received approval in principle for full funding for the consultancy, and that this approval was reliant on the Secretariat and the Consultant completing the requisite paperwork (i.e. the Terms of Reference and Consultancy Agreement) as well as the consultancy, before the end of March, 2023.
- 4.2 At this juncture, concerns were raised by some Committee Members about the funding of the consultancy. In response, the Secretary clarified the issue of the funding

of consultancy fees in support of the work of Joint Select Committees and noted that funding is solely managed by the Secretariat and approved by the Clerk of the House.

- 4.3 Members acknowledged and accepted the explanation provided¹ on the issue of funding and requested further information on the Westminster Foundation for Democracy from the Secretariat.

Agreement with the Consultant

- 4.4. The Chairman informed the Committee that the Secretariat has not yet finalised an agreement with the Consultant, Dr. Fernando Casal Bértoa

Upcoming meeting between the Secretariat and the Consultant

- 4.5 The Chairman informed the Committee that the Secretariat was scheduled to meet with the Consultant on **Monday February 13, 2023** to discuss the Terms of Reference to ensure that the Consultant fully understands the concerns of the Committee and the expectations of the engagement. The Chairman further stated that this meeting did not take place as scheduled and is now expected to be convened by Friday **February 17, 2023**.

Proposed Timeline for the consultancy

- 4.6 The Chairman informed the Committee that the consultancy would commence in early March, 2023, and that the Consultant will submit his written report on the Bill before the virtual briefing which is tentatively scheduled for **Monday March 13, 2023**.

WAY FORWARD

- 5.1 Following extensive discussions, the Committee agreed that the Secretariat would circulate, via email, further information on the Westminster Foundation for Democracy to Members on **Tuesday February 14, 2023** and receive feedback, if any, from Members by **Thursday February 16, 2023 at 4:00 p.m.**

ADJOURNMENT

- 6.1 There being no other business, the Chairman thanked Members and adjourned the meeting to **Monday February 27, 2023 at 3:00 p.m.**

- 6.2 The adjournment was taken at 4:14 p.m.

I certify that these minutes are true and correct.

¹ Appendix

Chairman

Secretary

February 15, 2023

Appendix I

- In relation to any request by a Joint Select Committee for expert assistance, the Secretariat seeks recommendations for expert assistance from reputable international organisations, including, but not limited to, United Nations Development Programme (UNDP), European Union (EU), Westminster Foundation for Democracy (WFD), Organization of American States (OAS) and Venice Commission.
- These organisations provide a roster of independent experts from which a Joint Select Committee may select, or alternatively, a Committee may issue a public call for experts or identify a specific expert.
- The identification of funding for and/or payments to identified consultants to assist Joint Select Committees, including via assistance from partner international organisations, is a matter that the Secretary of the Committee manages upon consultation with the Clerk of the House.
- From time to time, consultancies may be offered at no cost, via subsidized fees or as in the instance of Dr. Bértoa, via grant funding.
- If the aforementioned options do not arise, the Office of the Parliament will identify funding from its own budget once the proposed consultant fees are reasonable and in keeping with usual consultancy rates.
- The possibility of the availability of funding for Dr. Bértoa's consultancy was proposed during negotiations of the Terms of Reference and Consultancy Agreement as a consequence of the subject matter of the Bill (i.e. campaign financing) and the work of the Westminster Foundation for Democracy to assist countries with improving election processes and campaign financing legislation.

JOINT SELECT COMMITTEE ON THE REPRESENTATION OF THE PEOPLE (AMENDMENT) (NO 2) BILL, 2020

**MINUTES OF THE FIFTH MEETING OF THE THIRD SESSION (2022/2023)
HELD VIA ZOOM VIDEO PLATFORM ON MONDAY MAY 8, 2023 AT 3:00 P.M.**

PRESENT

Committee Members

Mrs. Camille Robinson-Regis, MP	-	Chairman
Mrs. Paula Gopee-Scoon	-	Member
Ms. Shamfa Cudjoe, MP	-	Member
Dr. Maria Dillon-Remy	-	Member
Mr. Wade Mark	-	Member
Dr. Amery Browne	-	Member
Mr. Fitzgerald Hinds, MP	-	Member
Mr. Randall Mitchell	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Allisia Williams	-	Assistant Secretary
Ms. Megan Ali	-	Legal Research Officer

ABSENT/EXCUSED

Mr. Saddam Hosein, MP	-	Member
Mr. Colm Imbert, MP	-	Member
Mr. Davendranath Tancoo, MP	-	Member
Mr. Deeroop Teemal	-	Member

COMMENCEMENT

1.1 The Chairman called the meeting to order at 3:09 p.m.

- 1.2 The Chairman advised that the following Members asked to be excused from the meeting:
- Mr. Saddam Hosein, MP
 - Mr. Colm Imbert, MP
 - Mr. Davendranath Tancoo, MP

CONFIRMATION OF THE MINUTES OF THE FOURTH MEETING

- 2.1 The Committee considered the Minutes of the Fourth Meeting held on Monday February 13, 2023.
- 2.2 The motion for the confirmation of the Minutes was moved by Dr. Browne and seconded by Mr. Hinds.
- 2.3 The Minutes of the Fourth Meeting were approved.

MATTERS ARISING FROM THE MINUTES

3.1 Per Item 4.1

The Chairman advised Members that the Secretariat has engaged the Consultant and that the consultancy is fully funded by the Westminster Foundation for Democracy.

3.2 Per Item 4.5

The Chairman informed Members that the Secretariat met with the Consultant on Thursday February 23, 2023. At this meeting, discussions were held in relation to the Terms of Reference and proposed timelines and outputs to ensure that the Consultant fully understands the nature of the engagement. The Consultant has accepted the Terms of Reference and has commenced the consultancy.

3.3 Per Item 5.1

The Chairman informed Members that, via email correspondence dated Tuesday February 14, 2023, the Secretariat circulated information on the Westminster Foundation for Democracy to Members for feedback, if any, by Thursday February 16, 2023 at 4:00 p.m.

3.4 The Secretariat received the following feedback:

- a request for information on the funding for the Consultant by Member Dillon-Remy; and
- a proposal for a local expert to work alongside the Consultant by Member Mark.

- 3.5 The Chairman reminded Members that the issue of funding was explained and ventilated at the Fourth Meeting of the Committee.
- 3.6 Additionally, the Chairman indicated that the Consultant has conducted extensive work on the topic of campaign financing in various jurisdictions, and as such, he is fully capable to do the consultancy based on his knowledge and experience. In the circumstances, the Chairman encouraged Members to give the Consultant the opportunity to work independently, initially, with the Committee.

The Consultant was invited to join the meeting.

PRELIMINARY MEETING WITH THE CONSULTANT

- 4.1 The Chairman welcomed the Consultant, Professor Fernando Casal Bértoa to the meeting and facilitated introductions.
- 4.2 Preliminary discussions on the Bill are summarised as follows:
- Professor Bértoa emphasized the importance of establishing benchmarks and guidelines to ensure that political parties operate in a transparent and accountable manner. He noted that while Trinidad and Tobago was not on the signatory list for the Venice Commission and the Office for the Democratic Institution for Human Rights, these institutions have produced recommendations on campaign financing, transparency and accountability that would be useful to the Committee's work.
 - Professor Bértoa stated that the proposed Bill is an improvement to the current legislation, but there are still areas for improvement. He focused his preliminary discussions on four main areas:

Registration and deregistration of political parties - Professor Bértoa advised that the criteria for parties to maintain registration is too restrictive and may deter participation in elections. He also expressed the view that the proposed law as drafted may also be intrusive and interfere with the internal affairs of political parties.

Public funding - Professor Bértoa expressed concern that the proposed electoral reimbursement of up to 40% of a candidate's expenditure, combined with the removal of the limit on spending, will result in increased expenditure by candidates. He also outlined that there was no consideration for gender-targeted funding measures.

Private funding - Professor Bértoa opined that while the proposed amendments are more extensive than the current law, consideration should be given to banning certain foreign, anonymous or corporate donations. Professor Bértoa proposed that corporate donations should be capped, and donations from corporations with public contracts should be limited with a longer cool-off period.

Sanctions – During his discourse on sanctions, Professor Bértoa proposed that deregistration of political parties should be limited to repetitive financial violations, and that the legislation should contain a maximum fine. He also felt that the Elections and Boundaries Commission should also have discretion to take into consideration the proportionality of the violation and impose a lower sanction.

4.3 On the completion of his preliminary presentation, Members posed questions which were summarily answered by Professor Bértoa in the following manner:

- **Freedom of the Press** - Professor Bértoa suggested that while the allocation of free airtime to political parties is a positive initiative, the draft legislation should ensure that it is equitably allocated and made accessible to persons with disabilities. He noted that the current clause may be interpreted as arbitrary since the Electoral Boundaries Commission has the final decision on guidelines for regulating media access.
- **Potential Conflict of Interest in the responsibilities of the Electoral Boundaries Commission** - Professor Bértoa stated that the proposed law which empowers the Electoral Boundaries Commission with certain oversight duties simply requires proper implementation. This means that implementation requires strict regulation to ensure the EBC maintains its independent character and that it must be allocated proper human and financial resources to carry out its functions.

WAY FORWARD

5.1 Following a brief discussion, the Committee agreed that the Secretariat would:

- i. circulate the video recording of the Fifth Meeting of the Committee;
- ii. circulate the Preliminary Report on the Bill submitted by the Consultant; and
- iii. invite the technocrats of the Law Reform Commission and Office of the Chief Parliamentary Counsel to attend the Committee's next meeting with the Consultant.

- 5.2 There was consensus that the Committee Members would submit any issues, questions and/or areas of concern in advance of the next meeting with the Consultant.

ADJOURNMENT

- 6.1 There being no other business, the Chairman thanked Members and adjourned the meeting to **Monday May 22, 2023 at 3:00 p.m.**

- 6.2 The adjournment was taken at 4:48 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

May 10, 2023

JOINT SELECT COMMITTEE ON THE REPRESENTATION OF THE PEOPLE (AMENDMENT) (NO 2) BILL, 2020

**MINUTES OF THE SIXTH MEETING OF THE THIRD SESSION (2022/2023)
HELD VIA ZOOM VIDEO PLATFORM ON MONDAY MAY 22, 2023 AT 3:00 P.M.**

PRESENT

Committee Members

Mrs. Camille Robinson-Regis, MP	-	Chairman
Mrs. Paula Gopee-Scoon	-	Member
Ms. Shamfa Cudjoe, MP	-	Member
Dr. Maria Dillon-Remy	-	Member
Mr. Wade Mark	-	Member
Dr. Amery Browne	-	Member
Mr. Fitzgerald Hinds, MP	-	Member
Mr. Colm Imbert, MP	-	Member
Mr. Deorooop Teemal	-	Member
Mr. Davendranath Tancoo, MP	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Allisia Williams	-	Assistant Secretary
Ms. Megan Ali	-	Legal Research Officer

ABSENT/EXCUSED

Mr. Saddam Hosein, MP	-	Member
Mr. Randall Mitchell	-	Member

COMMENCEMENT

1.1 The Chairman called the meeting to order at 3:09 p.m.

- 1.2 The Chairman advised that the following Members asked to be excused from the meeting:
- Mr. Saddam Hosein, MP
 - Mr. Davendranath Tancoo, MP

CONFIRMATION OF THE MINUTES OF THE FIFTH MEETING

- 2.1 The Committee considered the Minutes of the Fifth Meeting held on Monday May 8, 2023.
- 2.2 The motion for the confirmation of the Minutes was moved by Mr. Mark and seconded by Dr. Dillon-Remy.
- 2.3 The Minutes of the Fifth Meeting were approved.

MATTERS ARISING FROM THE MINUTES

3.1 Per Item 5.1

The Chairman informed Members that:

- via email correspondence dated Wednesday May 10, 2023, the Secretariat circulated the video recording of the Fifth Meeting of the Committee;
- via email correspondence dated Monday May 15, 2023, the Secretariat circulated the Preliminary Report on the Bill submitted by the Consultant, Professor Fernando Casal Bertoa; and
- via email correspondence dated Thursday May 11, 2023, the Secretariat invited the technocrats of the Law Reform Commission and Office of the Chief Parliamentary Counsel to attend the Committee's next meeting with the Consultant.

REVIEW OF THE PRELIMINARY REPORT ON THE BILL

- 4.1 The Chairman welcomed the Consultant, Professor Fernando Casal Bertoa to the meeting, as well as Ms. Tamara Dookran, Senior Parliamentary Counsel and Mrs. Paula Cross-Horton, Senior Legal Research Officer, technocrats from the Law Reform Commission, Ministry of the Attorney General and Legal Affairs.
- 4.2 The discussion of Professor Members proceeded to ask questions Professor Bertoa's report commenced and Members proceeded to ask questions responses are summarized below.

Discussion on general issues

Definition of Matching Funds- Professor Bértoa explained that the ‘matching funds system’ is a methodology of matching public funds given to parties to private donations or quantifying the sum based on the size of membership of a political party. For example, the more private donations a party attracts or the more members a political party has, the more public funds it receives (up to a prescribed limit). He stated that this system needs civil participation for it to be successful.

Payment of Public funding - Professor Bértoa expressed that, in the United Kingdom, only opposition parties are eligible for state subsidies and as a consequence, political parties are dependent on private donations. In other countries such as Switzerland, Malta, Monaco, Belarus and Italy, political parties do not receive any public funding. He also suggested excluding smaller or minor political parties from accessing financial assistance to prevent abuse by these parties.

Public funding for General and Local Elections- Professor Bértoa stated that public funding should be restricted to general elections only because general and local elections should be homogenized. This means that if a political party receives subsidies at the national level, it should use that money to support its party at the local level. He noted that this concept does not benefit smaller political parties participating in local elections only. He further stated that, with regard to oversight, finance reporting should be completed by political parties campaigning at the national level only. Therefore, political parties campaigning at the local level will not be under the control of the oversight authority.

Potential power overload of the EBC- Professor Bértoa opined that there should be no overconcentration or overload of power on the Electoral Boundaries Commission (EBC) once the EBC is independent and provided with sufficient resources to execute its obligations. However, he stated that the legislature may want to consider distributing powers over three agencies, where each agency will:

1. register political parties;
2. regulate elections to ensure that they are free and fair; and
3. oversee the finance of political parties.

He stressed that all agencies must be connected to ensure the proper regulation of elections and political parties because any gap in the coordination of the agencies may result in political parties avoiding fulfilling their obligations.

Reregistration of political parties- Professor Bértoa expressed the view that political parties should not have to re-register every six years or provide annual updates on membership. He believes that is an unnecessary requirement that would be onerous on the EBC. He further stated that political parties are voluntary associations and the lifespan of a party should be left to the voters and not controlled by the law. Therefore, the law should set a minimum registration requirement that has a common good objective.

Political parties' refusal to commit to regulations- Professor Bértoa stated that political parties, in the very least, must report on campaign spending and funding and need not report on their ordinary activities. He believes that reporting on finances is important for transparency and democracy.

Denying a party registration - Professor Bértoa advised that denying registration to a political party is connected to the historic legacies of the country. Possible grounds to deny a political party registration include:

- anti-democratic ideology, for example fascism or communism;
- not having a democratic internal organization; or
- opposing Constitutional order.

In the case of Trinidad and Tobago, if there are no negative historical legacies, the legislature does not need to include these as grounds to deny a political party registration. In this case, all political parties should be allowed to register and compete in elections so that the citizens can ultimately decide which political party should be successful.

Questions in relation to specific clauses

Clause 30AZ (7) - Professor Bértoa recommended that public funds allocated to political parties should be linked to the election date or date of parliament formation, as both subsidies for both the electoral reimbursement and subsidy for regular activities, depend on electoral support. He suggests that an advance payment system can be created for smaller parties, but only as an exception.

Clause 30AS – During the discussion on coalitions, Professor Bértoa advocated that coalitions should be registered with the EBC prior to elections to ensure

transparency and avoid confusion. He also advised that registering a coalition was essential as it would impact how public funds are distributed (based on the number and size of parties in the coalition).

Clause 43A- Professor Bértoa noted the lack of established guidelines for political advertisements in the media. He suggested that the EBC would be responsible for creating and maintaining guidelines via regulations.

Clause 161A (2b) - Professor Bértoa opined that specific regulations governing political parties should be included in the law to prevent politicization of the regulatory process.

WAY FORWARD

- 5.1 There was consensus that the Committee Members would submit any issues, questions and/or areas of concern arising from the Bill or the report submitted by Professor Bértoa.

ADJOURNMENT

- 6.1 There being no other business, the Chairman thanked Members and adjourned the meeting to **Monday June 5, 2023 at 3:00 p.m.**

- 6.2 The adjournment was taken at 5:12 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

June 2, 2023