

SENATE*Tuesday, April 30, 2019*

The Senate met at 1.30 p.m.

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

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Dennis Moses, Sen. The Hon. Paula Gopee-Scoon and Sen. Avinash Singh, all of whom are out of the country.

SENATORS' APPOINTMENT

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

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Paula-Mae Weekes

President.

TO: MR. HARVEY BORRIS

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

UNREVISED

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, HARVEY BORRIS, to be temporarily a member of the Senate, with effect from 30th April, 2019 and continuing during the absence from Trinidad and Tobago of the said Senator Dennis Moses.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 30th day of April, 2019”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND
TOBAGO

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

/s/ Paula-Mae Weekes

President.

TO: MR. WAYNE A. M. INNIS

WHEREAS Senator Paula Gopee-Scoon is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

UNREVISED

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, WAYNE A. M. INNIS, to be temporarily a member of the Senate, with effect from 30th April, 2019 and continuing during the absence from Trinidad and Tobago of the said Senator Paula Gopee-Scoon.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 30th day of April, 2019”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND
TOBAGO

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

/s/ Paula-Mae Weekes

President.

TO: MR. AUGUSTUS THOMAS

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

UNREVISED

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, AUGUSTUS THOMAS, to be temporarily a member of the Senate, with effect from 30th April, 2019 and continuing during the absence from Trinidad and Tobago of the said Senator Avinash Singh.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 30th day of April, 2019"

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Harvey Borris, Wayne A. M. Inniss and Augustus Thomas.

1.40 p.m.

REGIONAL PARLIAMENTARIANS

(WELCOME)

Madam President: Hon. Senators, I would ask that you join me in welcoming to our Parliament some of the regional parliamentarians and other persons from international organizations who have participated in a two-day Regional Caribbean Parliamentary Workshop which was hosted by Parliamentarians for Global Action.

Among our guests are the Hon. Pearnel Charles, Speaker of the House of Representatives from the Parliament of Jamaica; [*Desk thumping*] the

Hon. Andy Glen Daniel, Speaker of the House of the Assembly of St. Lucia; [*Desk thumping*] and may I also recognize the presence of the Hon. Joseph Xavier Hew, Minister of Commerce, Planning and Infrastructure from the Cayman Islands. [*Desk thumping*] So may I welcome all of our colleagues to the Senate of the Republic of Trinidad and Tobago. [*Desk thumping*]

PAPERS LAID

1. Ministerial Response of the Ministry of Finance to the Twelfth Report of the Public Administration and Appropriations Committee, Third Session (2017/2018), Eleventh Parliament on an Examination into the Administration of Disaster Relief in Trinidad and Tobago. [*The Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]
2. Annual Audited Financial Statements of MIC-Institute of Technology (MIC-IT) formerly Metal Industries Company Limited, for the financial year ended September 30, 2016. [*Sen. The Hon. A. West*]
3. Annual Report of First Citizens Bank Limited for the year ended September 30, 2018. [*Sen. The Hon. A. West*]
4. Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2018. [*Sen. The Hon. A. West*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2018. [*Sen. The Hon. A. West*]
6. Ministerial Response of the Ministry of Finance to the Twentieth Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Report of the Auditor General. [*Sen. The Hon. A. West*]

7. Ministerial Response of the Ministry of Social Development and Family Services to the Twentieth Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2017. [*The Minister Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
8. Ministerial Response of the Ministry of Foreign and Caricom Affairs to the Twentieth Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2017. [*Sen. The Hon. F. Khan*]
9. Ministerial Response of the Ministry of Education to the Twentieth Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2017. [*Sen. The Hon. F. Khan*]
10. Ministerial Response of the Ministry of Health to the Thirteenth Report of the Public Administration and Appropriations Committee, Third Session (2017/2018), Eleventh Parliament on an Examination into the Administration of Special Health Care Programmes in Trinidad and Tobago. [*Sen. The Hon. F. Khan*]
11. Ministerial Response of the Ministry of the Attorney General and Legal Affairs to the Tenth Report of the Joint Select Committee on Human Rights, Equality and Diversity, Fourth Session (2018/2019),

- Eleventh Parliament on the Treatment of Detainees at the Immigration Detention Centre. [*Sen. The Hon. F. Khan*]
12. Ministerial Response of the Ministry of National Security to the Tenth Report of the Joint Select Committee on Human Rights, Equality and Diversity, Fourth Session (2018/2019), Eleventh Parliament on the Treatment of Detainees at the Immigration Detention Centre. [*Sen. The Hon. F. Khan*]
 13. Annual Administrative Report of the Office of the Prime Minister for the year 2016 to 2017. [*Sen. The Hon. F. Khan*]
 14. Ministerial Response of the Ministry of Education to the Twentieth Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year 2017. [*Sen. The Hon. F. Khan*]
 15. Ministerial Response of the Ministry of Energy and Energy Industries to the Twentieth Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2017. [*Sen. The Hon. F. Khan*]

JOINT SELECT COMMITTEE REPORT

(Presentation)

Public Accounts (Enterprises) Committee

Caroni (1975) Limited

Sen. Wade Mark: Thank you, Madam President. Welcome back, Ma'am. Madam President, I have the honour to present the following report:

UNREVISED

Eighteenth Report of the Public Accounts (Enterprises) Committee, Fourth Session (2018/2019), Eleventh Parliament on the Examination of the Audited Financial Statements of the Caroni (1975) Limited for the years ended June 30, 2010 to 2018.

SPECIAL SELECT COMMITTEE REPORT

(Presentation)

Sexual Offences (Amdt.) Bill, 2019

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you. Madam President, I have the honour to present the following report:

Second Interim Report of the Special Select Committee established to consider and report on the Sexual Offences (Amdt.) Bill, 2019 in the Fourth Session (2018/2019), Eleventh Parliament.

URGENT QUESTION

Upsurge in Violent Crimes

(Steps Taken to Address)

Sen. Wade Mark: Thank you, Madam President. To the Minister of National Security: Given recent reports that at least 10 persons were shot, with six confirmed dead from Sunday to Monday, can the Minister indicate whether any urgent countermeasures are being taken in light of this upsurge in violent crimes?

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young): [*Desk thumping*] Thank you very much, Madam President. Madam President, as is pointed out by the question, these deaths were committed via use of firearms.

The Government is intending to bring, in very short measure, particular legislation to deal with the scourge of illegal firearms in Trinidad and Tobago, and we are putting the people on notice now that this legislation is specifically fixed to deal with those who want to carry illegal firearms, to deal with the taking away of their rights to bail for being in possession of illegal firearms, to carry up the fines and sentences for those held with illegal firearms. This legislation will require the support of a special majority, so at that stage the country will see who is prepared to really take the fight to the criminals to deal with illegal firearms. [*Desk thumping*]

Madam President: Sen. Mark.

Sen. Mark: Can the Minister indicate to this Senate what interim measures are being taken by his Ministry and the Government to deal with this upsurge in criminal activities?

Madam President: Minister.

Hon. S. Young: Thank you very much, Madam President. Madam President, upon returning to the country late on Saturday night, I held an emergency meeting with the Trinidad and Tobago Police Service, defence force and our intelligence services on Sunday afternoon into the evening.

Yesterday also I met with all of the heads of the divisions in national security including the Trinidad and Tobago Police Service, the defence force, our intelligence services, our prison services and other areas in national security to deal specifically with the launching of a number of intelligence-driven operations to deal with what we are seeing now. I will not get into the specifics of what is intended to be done.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate what assurances he

can give the population having regard to the fear that has been now injected into their bloodstreams and their veins at it relates to this upsurge in criminal activities in Trinidad and Tobago? What assurances can the Minister provide pending these intelligence-driven actions and legislation?

Madam President: Minister.

Hon. S. Young: Thank you very much, Madam President. Madam President, the assurances that can be given are that we are a responsible Government, we are not cancelling OPV contracts, we are not dismantling SAUTT, we are not getting rid of facial recognition, we are not getting rid of all of the technology that was being use to fight crime that the UNC Government dismantled and got rid of between 2010 and 2015. To remind the population that they are the ones that took helicopters and used them as a personal maxi-taxi instead of using them for operations to fight crime; and as they steups and as they sigh, that is what this Government can give the assurance of. [*Desk thumping*]

Madam President: So may I just remind Members of the decorum that is required in this Senate.

ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, the Government is pleased and proud to announce that it will be answering all of the questions on notice on this extended version of the Order Paper. [*Desk thumping*] We will also be fielding answers to question 194 for written response, and we ask for a deferral of question 213 for two weeks.

WRITTEN ANSWER TO QUESTION

Kallco Contracts

UNREVISED

(Details of)

194. Sen. Wade Mark asked the hon. Minister of Works and Transport:

Having regard to the Ministry's contracting of Kallco, for the period January 01, 2016 to February 28, 2019, can the Minister advise as to the following:

- i. the value of each contract awarded to the company through the Central Tenders Board (CTB) over the period;
- ii. the value of each contract awarded to the company without the involvement of the CTB;
- iii. the total amount of monies paid to the company in relation to (i) and (ii) above and/or through any other means, inclusive of emergency works during the period January 2016 to the present time; and
- iv. any outstanding balances due to the company in relation to (i) and (ii) above?

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS**Immigration Department****(Religious/Cultural Practices Policy)**

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

In light of reports that a woman conducting business at the Point Fortin Immigration Office was instructed to wipe the sindoor (red spot) off of her forehead, can the Minister indicate the following:

- (i) what is the policy of the Immigration Department regarding the balancing of immigration requirements and religious/cultural practices; and
- (ii) what steps have been taken to ensure that this and similar matters will be appropriately addressed?

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):

Thank you very much, Madam President. Madam President, the Immigration Division adheres to international civil aviation organization requirements as it applies to the issuance of machine-readable passports.

The ICAO guidelines for passport photographs “are as follows:

- (i) The image should be 2 inches by 2 inches;
- (ii) The image must have adequate brightness and contrast;
- (iii) The skin tone should be natural. In case of over-exposure or under-exposure of the photo, the skin is either too dark or too light, photo will not be not acceptable;
- (iv) It should show a close up of the head and (partial) shoulders;
- (v) The image should be straight looking, centred with neutral expression;
- (vi) Face should be in sharp focus and clear with no ink marks/creases/lines;
- (vii) The face (from forehead edge to bottom chin) should be 70 to 80% of the photo or one inch height;
- (viii) The eyes must be open and no hair obscuring the face;
- (ix) Prescription glasses if worn should be clear thin framed, should not have flash reflection or obscure the eyes;

- (x) Head coverings, hair, head-dress or facial ornaments should not obscure the face;
- (xi) The photo must have plain light background;
- (xii) There must be no other people or object in the photo;
- (xiii) The lighting must be uniformed with no shadows on the face or behind;
- (xiv) Red eyed photos are not allowed;
- (xv) No lines are allowed.
- (xvi) The photo should ideally be printed by professional photo studio with continuous tone; and good resolution. Polaroid photos or photos printed with ordinary printers are not suitable.”

The Immigration Division is respectful of all religious and cultural practices. However, it should be noted that:

“Passport application with photos that do not match the ICAO specifications are liable to be rejected by foreign immigration authorities, and could result in the extreme inconvenience to the passport holder. Passport applicants are advised not to submit photos with any of the defects listed above.”

With regard to the incident that allegedly occurred at the Point Fortin passport office, it should be noted that the female passport applicant was asked by the interviewing officer to adjust the sindoor on her forehead as it extended beyond her hairline. She was not instructed to remove the sindoor as reported by the media.

The Immigration Division has undertaken a sensitization programme to reiterate and remind officers to be culturally aware of the religious practices

across Trinidad and Tobago, whilst at the same time adhering to ICAO requirements for photographs in the submission of passport applications.

Madam President, as soon as this matter was brought to my attention I got on to the Immigration authorities immediately, and we contacted the particular individual in question and asked her to return to the passport office on the Monday. I was contacted on the Sunday, and she was facilitated because everything was adhered to and there was no removal of her religious symbol. [*Desk thumping*]

Madam President: Sen. Mark.

Sen. Mark: Can the hon. Minister through you indicate, why in the first instance, Immigration authorities had instructed the particular individual to wipe off her sindoor? Could he indicate to this Parliament, what were the reasons given at that time, and whether it is a normal practice, Madam President, for this kind of action to be taken against citizens wearing symbols?

Madam President: Sen. Mark, I will not allow that question because the answer given by the Minister contained information on what you just asked.

Sen. Mark: Can I ask the hon. Minister, the sensitization policy identified earlier, can he share with this Senate, when this particular sensitization policy has been effected, or should I rephrase it and ask, when was this sensitization policy effected, Madam President?

Madam President: Minister.

Hon. S. Young: I am a little unsure as to which question he wants me to answer as he rephrased it in between. As I said, the sensitization programme has already been undertaken, so it has already been implemented. And the fact that we have had no further reports of such incidents, I would like to

suggest that it is, in fact, working.

Madam President: Sen. Mark. Next question. Sen. Obika.

Sen. Obika: Thank you very much, Madam President. Just for clarification from the hon. Minister, thanks for the detailed response. Could the hon. Minister indicate if on return if the mark was in a similar place as it was when she first went for the picture?

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

National Insurance Board

(Measures to Address Benefit/Contribution Gap)

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

In light of reports that some 26,000 persons have dropped out of the National Insurance Board database, can the Minister indicate what measures will be taken to address the widening gap between benefit expenditure and contribution income?

The Minister in the Ministry of Finance (Sen. The Hon. Allyson West):

Thank you, Madam President. Madam President, the main source of the widening gap between the National Insurance Board benefits expenditure and contribution income is the ageing population. This phenomenon has resulted in a growing number of persons qualifying for pension due to increasing life expectancy which ultimately translates to an increasing level of expenditure.

Additionally, historical declines in fertility rates and changes in the macroeconomic environment are also affecting the contribution base. Despite these cultural challenges, the National Insurance Board remains committed to maximizing its contribution collection.

Employers who are in breach of the law by their non-payment of NIS contributions on behalf of their employees will remain a key focus to the National Insurance Board. In the last financial year, the board received \$437 million in respect of contribution income in arrears. This compliance effort will be intensified in the future, but will not be sufficient to offset the impact of the ageing population.

Reform of the national insurance system by way of recommendations outlined in the actuarial reviews is now critical to the long-term sustainability of the national insurance system. In particular, the ninth and tenth actuarial reviews have proposed the following: increases in the contribution rate; freezing pensions until they meet international norms; and adjustments to the retirement age over a gradual period of time. These major reforms require considerable public sensitization and national dialogue to determine the way forward.

In July 2016, legislative amendments allowed the National Insurance Board to increase the contribution rates from 12 per cent to 13.2 per cent as an immediate short-term recommendation, this measure positively impacted the National Insurance Board in the short-term, but a longer term solution is required.

Since receipt of the ninth actuarial review in 2014, the National Insurance Board has met with all major stakeholder groups representing business and labour. It has hosted seminars and they have appeared on radio and television to educate the general population about the need to reform the NIS; the dialogue will continue. Thank you, Madam President.

Madam President: Sen Mark.

Sen. Mark: Through you, Madam President, can the Minister indicate what

role, if any, did the retrenchment of thousands of workers play in the disappearance or removal of some 26,000 persons from the NIB database?

Madam President: Minister.

Sen. The Hon. A. West: Madam President, the persons who contribute and on whose behalf contributions are made to NIS are persons employed. So that as persons ceased to be employed or as persons come on the roll, the numbers before the NIS will change.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate whether there is any intention, given the recommendations of the report referred to, is there is any intention to have NIB contributions increased in the immediate or short-term period?

Madam President: Minister.

Sen. The Hon. A. West: Madam President, as I indicated in my original response, that is certainly one of the recommendations raised in the actuarial report, and it is the subject of dialogue that has already started and will continue.

Madam President: Sen. Mark.

Sen. Mark: As it relates to adjusting the retirement age, can the Minister explain or provide this Parliament with some idea as to the status of these discussions that are being held as it relates specifically, Madam President, to adjusting the retirement age from 60 to 65? Could you share with us what has been the thinking based on those consultations?

Madam President: Minister.

Sen. The Hon. A. West: Madam President, that is indeed another one of the recommendations raised in the actuarial report, and as I indicated they

are the subject of stakeholder consultations that have already started and will continue. Sen. Mark.

Sen. Mark: No. I am good.

Tobago Tourism Agency Limited
(Investigation into Plagiarism)

115. Sen. Wade Mark asked the hon. Minister of Tourism:

Given reports that the newly formed Tobago Tourism Agency Limited has been accused of plagiarism through the promotion of a tag line, can the Minister inform the Senate whether the Government intends to launch an investigation into this matter?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): [*Desk thumping*] Thank you very much, Madam President, and I thank you Sen. Mark for this opportunity to clear up any misconceptions, misinformation and mischief.

Madam President, the investigations sought by Sen. Mark in the questions was immediately launched and the findings are as follows: One, the Division of Tourism, Culture and Transportation has advised the Minister that the rebranding process for Tobago started in April 2018, when select companies were invited to submit bids. Following an evaluation exercise, submitted bids were evaluated and a company was selected to conduct the rebranding exercise.

Two, Madam President, the brand was launched domestically in Tobago in October 2018, and in November 2018, it was launched at the World Travel Market which is the leading business event for the global trade travel industry.

It should be noted that the Caribbean Tourism Organization which is

the organization responsible for tourism development in the region, and which provides marketing support to members countries was present at the launch of the Tobago designation brand at the World Travel Market and did not express any concerns with the use of the particular tagline.

Three, the Division of the Tourism, Culture and Transportation has indicated that the new Tobago beyond identity and “Tobago Beyond Ordinary” strapline came out of core truths uncovered as part of the brand development process. The strapline was developed to emphasize the main messaging which unwraps the unspoilt, untouched and undiscovered nature of Tobago.

In addition, Madam President, it should be noted that Internet research conducted by the Ministry of Tourism revealed that the chairman of the Anguilla tourist board in an article in the Anguilla newspaper dated December 10, 2018, that is after the Tobago launch, indicated that on December 11 and 12, 2018, the board will be rolling out its “Beyond Extraordinary” campaign the USA and Canada, that is after the Tobago launch, Madam President.

The CTO Caribbean Tourism Organization has advised that the Anguillan tourist board launched its “Beyond Extraordinary” designation campaign in New York City on Tuesday, December 11, 2018—in New York—that is after the Tobago launch.

And, finally, Madam President, you will be happy to know that further enquiries by the Ministry of Tourism with the Division of Caricom and Caribbean Affairs Unit of the Ministry of Foreign and Caricom Affairs have also revealed that the Ministry of Foreign and Caricom Affairs has not received any complaints on the this matter from the beautiful island or

Anguilla or the Anguillan tourist board.

Madam President, I hope that that clears up. I thank Sen. Mark, again, for the question and the opportunity to clear up all the misinformation and to place truth on the record.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the hon. Minister indicate when was the investigation into this matter launched?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, as I said in my opening, immediately upon the allegation, the misinformation and the mischief being launched, the investigation was launched almost simultaneously.

Madam President: Sen. Mark.

Sen. Mark: Can the Minister provide this honourable Senate with a copy of that particular investigation report?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, I am pleased to advise that I have just provided the Senate and the country with a report. I have just identified the three findings of the report, and I have given two additional bits of information which covers the Anguillan angle. And I believe that I have been truthful and forthcoming in the response. I thank you very much.

[Desk thumping]

Madam President: Sen. Mark.

Sen. Mark: I am very happy that he has done this, but would you be so kind enough to provide the formal copy of that report to this honourable Senate? *[Desk thumping]* Could you tell us when that will be done?

Madam President: No. Sen. Mark, you have just repeated your second

supplementary question, so you have one more.

Sen. Mark: No. I am just asking through you—

Madam President: But now you are doing it again. The Minister—Sen. Mark, the Minister gave a response to your request, so I will allow you your last supplementary question.

Sen. Mark: No. I shall proceed. Next question, Sen. Hosein.

Sen. S. Hosein: Thank you very much, Madam President. Through you to the hon. Minister, can the Minister state the persons who would have been the ones conducting this investigation? Who were the persons conducting the investigation?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, the investigation was commissioned by the Minister of Tourism, and was conducted by the officers in that particular Ministry. Thank you.

Madam President: Sen. Hosein.

Sen. S. Hosein: Is that the last supplemental or is there more?

Madam President: You may ask another if you wish.

Sen. S. Hosein: Thank you very much, Madam President. In light of this matter being one of plagiarism, can the hon. Minister indicate whether or not the Intellectual Property Office also forms part of this investigation?

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

**San Fernando General Hospital
(Investigation of Death of Mother)**

116. Sen. Wade Mark asked the hon. Minister of Health:

In light of recent reports of the death of a mother after giving birth at the San Fernando General Hospital, can the Minister indicate the following:

- (i) whether an investigation has been launched into this matter; and
- (ii) if yes, what were the findings of said investigation?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam President. Part (a): in accordance with our adverse events policy an investigation was, in fact, launched by the South-West Regional Health Authority.

Answer to part (b): a preliminary report was submitted by the South-West Regional Health Authority to the Ministry of Health. The Ministry of Health in collaboration with the Pan American Health Organization, PAHO, is in the process of conducting an independent investigation into the matter.

Madam President: Sen. Mark.

Sen. Mark: Can the hon. Minister indicate to this Senate, when will this matter be investigated by the agencies outlined? He said that—

Madam President: No. You mean, when will it be determined?—the investigation, because he has said that, the Minister, that there is an investigation. So is it that you want to know when will the investigation be concluded?

Sen. Mark: Yeah. Well, first of all, I am glad that you interrupted, that you intervened, Ma'am. I would like to ask the Minister if he can share with this Senate the members of the team that investigated this report, this particular incident. And would you be able to share with us—

Madam President: Well, those are two questions, Sen. Mark. So let us go

with one first.

Sen. Mark: Well, I am asking, first of all, if he can share with us the names of the individuals that made up this particular team that investigated this matter.

2.10 p.m.

Hon. T. Deyalsingh: Madam President, I said clearly that the South-West Regional Health Authority conducted the first report, so obviously, it is officials of the South-West Regional Health Authority which would include the medical chief of staff, head of nursing and so on. Then PAHO is conducting their own independent report. But, Madam President, I want to put on record, that since coming into office maternal mortality rates in Trinidad and Tobago have decline precipitously from when the UNC was in office. When the UNC was in office, mothers were dying by eight, nine or 10 per annum. We have gotten that down to First World status, and by 2016 we were down to First World status of not having more than four to six women die in childbirth. We have therefore calculated that because this Government is in office, between 15 to 20 mothers are now alive because we have dropped maternal mortality rates to First World status in one year. [*Desk thumping*] We achieved it in 2016 under my tenure as Director of Women's Health, we maintained it in 2017, and we continue to maintain it in 2018. So good is it, Madam President, that Jim Yong Kim, President of the World Bank group, in a letter dated September 13, 2018 said:

On behalf of the World Bank I congratulate you and the Government of Trinidad and Tobago for achieving the maternal and child health Sustainable Development Goals for the region of Americas well ahead of the target of 2030. [*Desk thumping*]

They failed to achieve the MDG Goals of 2015, and now they have the audacity to bring this matter into the Parliament. We achieved what they could not achieve, and by 2016 we achieved our SDG Goals 14 years ahead of schedule [*Desk thumping*] in the area of maternal mortality and infant mortality. Thank you very much, Madam President.

Madam President: Sen. Mark, any further supplementals?

Sen. Mark: I think that the Minister is taking credit where credit is not due to him. You are basing your—

Madam President: Sen. Mark, a question please.

Sen. Mark: I think I have the next question I would like to go on to.

Madam President: Okay. Sen. Mark, next question.

Housing Development Corporation Home in Maloney

(Measures to Retrofit Building)

117. Sen. Wade Mark asked the hon. Minister of Housing and Urban Development:

In light of a recent incident where an eleven (11) year old girl sustained injuries after falling from the balcony of her Housing Development Corporation (HDC) home in Maloney, can the Minister inform the Senate whether any measures are being taken to retrofit the HDC building?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. I answer this question on behalf of the Government and on behalf of the Minister of Housing and Urban Development. The Social and Community Services Department of the Trinidad and Tobago Housing Development Corporation conducted a site visit at the home in Maloney Gardens and provided an

investigative report. Following this, it was determined that the child's fall was not a result of any building insufficiency, but rather a domestic issue. The case has been referred to the Ministry of Social Development and Family Services. Additionally, the Social and Community Services Department of the HDC continues to communicate with the family.

Madam President: Next question, Sen. Obika.

Hyatt Regency Hotel

(Taxes and Dividends Collected)

132. Sen. Taharqa Obika asked the hon. Minister of Housing and Urban Development:

Can the Minister advise as to the amount of taxes and dividends collected from the Hyatt Regency Hotel (Trinidad and Tobago) for each year during the period 2015 to 2018?

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):

Thank you very much, Madam President. On behalf of the Minister of Housing and Urban Development, I wish to advise that the total taxes collected from the Hyatt Regency Hotel Trinidad and Tobago, during the period 2015—2018 was \$56,668,319.05. The Senate is asked to note that this total is comprised of VAT and PAYE. The VAT was \$25,365,828.05, PAYE was \$31,302,491. Further, I am to advise that no dividends were paid during this period to the Urban Development Company of Trinidad and Tobago Limited, UDeCOTT, on behalf of the Government of the Republic of Trinidad and Tobago since UDeCOTT is not a shareholder of the Hyatt Regency Hotel Trinidad and Tobago or any of its affiliates.

Sen. Obika: Thank you very much, Madam President. Given the

Minister's response, I thank him for the response, however, given the fact that no dividends were paid, can the hon. Minister indicate if Hyatt Regency posted profits after tax?

Hon. S. Young: Ma'am, I cannot indicate whether Hyatt Regency posts profits after tax. My understanding is that they probably do. And the way money is paid to the Government from the Hyatt Regency is through surplus on operations, and when you get a surplus on operations it is then a percentage that comes to the Government.

Sen. Obika: I thank the hon. Minister for that clarity. Can the hon. Minister indicate, through you, Madam President, if any surplus on operations was paid to the Government in the period he has outlined?

Hon. S. Young: Yes.

Sen. Obika: Thank you very much, Madam President. Can the hon. Minister indicate how much in dollar value, TT dollar value, was paid to the State in the period?

Hon. S. Young: Madam President, I do not have that specific information present here with me. If the Senator asks the question through the appropriate channels he would be provided with the information.

Madam President: Next question Sen. Hosein.

US Lobbyist: The Group DC LLC

(Fulfilment of Contract)

173. Sen. Saddam Hosein asked the hon. Prime Minister:

Can the Prime Minister indicate whether the US Lobbyist, 'The Group DC LLC', has met the objectives under the contract signed with the Government of Trinidad and Tobago in October 2016?

The Minister of National Security, Minister of Communications

and Minister in the Office of the Prime Minister (Hon. Stuart Young):

Thank you very much, Madam President. Madam President, the Government's US lobbyist, the Group DC LLC, has met its contractual obligations. The firm has provided very valuable services to Trinidad and Tobago, and has performed satisfactorily.

Sen. S. Hosein: Madam President, can the Minister outline some of those objectives specifically that were met by the Group DC LLC?

Hon. S. Young: Thank you very much, Madam President. Madam President, the firm, the Group DC LLC increased the visibility of Trinidad and Tobago by working directly with leaders of the Senate and congressional committees and Senators and Congressmen who represent areas that constitute important matters and other interests for Trinidad and Tobago.

- They monitored legislative issues affecting Trinidad and Tobago in the United States Congress.
- They conducted research and formulated a proposed economic diversification strategy that would establish Trinidad and Tobago as a corporate outsourcing jurisdiction.
- They engaged Citigroup to discuss with GORTT the possibility of establishing a financial hub in Trinidad and Tobago, specific options for diversification and additional risk mitigation initiatives that would support this effort.
- They identified opportunities and strategies to engage multinational corporations to potentially increase commercial shipping and dry dock construction in Trinidad and Tobago.
- They promoted Trinidad and Tobago's economic diversification

efforts related to the proposed expansion of gaming in a regulated and taxed environment.

- They facilitated discussions between the Government of Trinidad and Tobago, our Ambassador to the United States, with US members of Congress, on Trinidad and Tobago's economic diversification efforts with a view to increasing US foreign direct investment in Trinidad and Tobago.
- They held discussions with senior staff of the US Foreign Affairs Committee on various issues of concern to Trinidad and Tobago, including—
 - the de-risking phenomenon in the Caribbean and Latin American Region;
 - the economic and national security challenges posed by the lack of correspondent banking relations in the region; and
 - the establishing of Trinidad and Tobago as a regional banking hub, the US/TT economic relationship and national security partnerships. The Caribbean Basin initiative. The Caribbean Basin security initiative.
- They discussed a proposed engagement strategy between the US Commerce secretary, Trinidad and Tobago's Ambassador to enhance bilateral trade investment and economic opportunities between the United States and the Republic of Trinidad and Tobago.
- They participated in discussions with senior GORTT officials on securing Department of Homeland Security airport preclearance designation for the Piarco International Airport,

and met with House of Representatives Homeland Security staff on the airport preclearance programme.

- They collaborated with the Trinidad and Tobago Embassy on special projects such as—
 - Trinidad and Tobago diaspora engagement events;
 - Economic development initiatives that would stimulate trade and investment opportunities in the United States for Trinidad and Tobago's manufacturing sector.
- They formulated communications strategies with the Office of the Prime Minister around establishing a spotlight on Trinidad and Tobago's energy sector to complement the GORTT's efforts to achieve more favourable energy sector agreements for the Republic.
- They secured additional interest by US officials in participating in official travel to Trinidad and Tobago.
- And they discussed strategies for the engagement in future events of the Congressional Black Caucus Annual Legislative Conference to expose the conference attendees and the broader American public to the diversity of the Republic's citizenry.

These strategies have served to strengthen the ties between the Government of the Republic of Trinidad and Tobago and members of the US Congress.

Sen. S. Hosein: In light of the contract sum being US \$2.4 million for a two-year period, and all of the objectives that the Minister outlined that will boost Trinidad's economy, can the Minister then indicate in dollars and cents how much money did Trinidad earn because of this contract?

Hon. S. Young: Madam President, it is impossible to quantify based on that long list that was given. But if we use one area alone, the continued empowered negotiations currently taking place between the Government of Trinidad and Tobago and BP and Shell, and other multinational companies in the oil and gas sector, they have earned us billions of dollars by participating in their role of participation in those empowered negotiations which we will soon be able to announce, have earned enhanced revenue for Trinidad and Tobago in the sums of billions of dollars for Trinidad and Tobago.

Sen. S. Hosein: Madam President, in light of one of the obligations under the contract between the Group DC and the Government of Trinidad and Tobago, that the Group DC has to provide an initial report, monthly status reports and a final report, can the Minister indicate whether or not these reports were provided to the Government of Trinidad and Tobago by the Group DC?

Hon. S. Young: These reports have been provided and continue to be provided.

Sen. S. Hosein: Can the Minister indicate whether or not these reports will be available to the public?

Hon. S. Young: No.

Madam President: Next question, Sen. Hosein.

Special Reserve Police Officers

(Promotion of)

174. Sen. Saddam Hosein asked the hon. Minister of National Security:

Can the Minister indicate the number of Special Reserve Police

Officers who have been promoted in the Trinidad and Tobago Police Service for the period September 30, 2015 to January 31, 2019?

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):

Thank you very much, Madam President. Madam President, according to the information provided by the Commissioner of Police there were no promotions of Special Reserve Police Officers, SRPs, within the Trinidad and Tobago Police Service during the period of the 30th of September, 2015, to the 31st of January, 2019. At that time, the most recent promotion of SRPs in the Trinidad and Tobago Police Service occurred in 2008. However, Madam President, I am happy to say that within the last month the Commissioner of Police has promoted 88 SRPs.

Sen. S. Hosein: Madam President, I do not know if the Minister is aware, but today there was an article in the newspaper where the Commissioner of Police announced that 90 SRP officers were promoted. Can the Minister confirm whether or not that figure is accurate, or is it 88?

Hon. S. Young: Madam President, the official correspondence in my hand from the Trinidad and Tobago Police Service is that 88 were promoted, and that is what I will go by.

Madam President: Next question, Sen. Hosein.

**Trinidad and Tobago Police Service
(Contracting of Retired Police Officers)**

175. Sen. Saddam Hosein asked the hon. Minister of National Security:

Can the Minister indicate the following:

- i. the current number of retired police officers engaged on contract

by the Trinidad and Tobago Police Service; and

ii. the ranks of said officers?

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):

Thank you very much, Madam President. Madam President, according to the information provided by the Commissioner of Police, 412 retired police officers are currently engaged on contract by the Trinidad and Tobago Police Service as SRPs, Special Reserve Police Officers. The breakdown of their ranks is as follows: senior superintendents, two; superintendents, five; assistant superintendents, six; inspectors, 69; sergeants, 126; corporals, 130; constables, 74. Coming to a total of 412.

Sen. S. Hosein: Madam President, can the Minister indicate the reason for hiring so many retired police officers in the service, please?

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

DNA Kits

(Details of)

176. Sen. Saddam Hosein asked the hon. Minister of National Security.

Can the Minister indicate the following:

- i. whether the 15,000 DNA kits expected in Trinidad and Tobago have arrived; and
- ii. if the answer to (i) is in the affirmative, what is the total cost per kit?

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):

Thank you very much, Madam President. Madam President, there are the 15,000 DNA kits were received in June 2018. The cost of delivery including VAT was \$314,250 which means that the cost of each DNA kit was \$20.95.

Madam President: Sen. Hosein.

[Sen. Chote SC stands]

Sen. S. Hosein: I would—

Madam President: Sen. Hosein first. I will allow Sen. Chote after.

Sen. S. Hosein: Thank you very much, Madam President. Can the Minister indicate whether or not the police service are using these DNA kits having regard to them being in Trinidad?

Hon. S. Young: Madam Speaker—

Sen. S. Hosein: President.

Hon. S. Young: Sorry. Madam President, the DNA Regulations were recently passed in the Parliament so they are now in the process of implementing and preparing for the implementation and use of these DNA kits, so I do not believe they are currently in use by the police service.

Madam President: Sen. Chote.

Sen. Chote SC: Thank you. Madam President, through you, may I enquire when these kits are in use and samples taken, where will these samples be tested?

Madam President: Sen. Chote, that question does not arise from the question asked and answered.

Sen. Chote SC: Well, perhaps I can—can I ask another?

Madam President: You can ask another, yes.

Sen. Chote SC: Where will they be stored?

Madam President: Sen. Chote—

Sen. Chote SC: Will the samples be stored?

Madam President: Yes, but the question does not arise based on the question that was posed and the answer received.

Sen. S. Hosein: Madam President, having regard to the Minister's answer, these DNA Regulations have been passed a considerable amount of time, and the kits have been here since June last year, can the Minister then indicate what is the delay in the police service using these kits?

Hon. S. Young: Madam President, I am sure that the parliamentary records would reflect that the Regulations were not passed in any lengthy period of time. They were recently passed. For the proper implementation and use of DNA there are a number of things that have to be put in place including the labs, et cetera. All of this is being structured and put in place, and I am sure that very shortly the DNA kits will be put to use and DNA will become part of the landscape in crime solving and crime fighting in Trinidad and Tobago.

Sen. S. Hosein: Can the Minister indicate, Madam President, who was the contractor who was selected to provide these DNA kits to the Government?

Madam President: That question does not arise. Next question, Sen. Obika.

Governor of the Central Bank

(Compensation Package)

196. Sen. Taharqa Obika asked the hon. Minister of Finance:

Can the Minister provide a breakdown of the compensation package paid to the Governor of the Central Bank of Trinidad and Tobago?

The Minister in the Ministry of Finance (Sen. The Hon. Allyson West): Thank you, Madam President. [*Desk thumping*] The Central Bank Act, Chap. 79:02 contains very strict confidentiality provisions with which

the Central Bank is obligated to comply. In particular, section 56 of the Act states as follows:

“Except in so far as may be necessary for the due performance of its objects, and subject to section 8 of the Financial Institutions Act, every director, officer and employee of the Bank shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of the Bank, any financial institution or person registered under the Insurance Act or of any customers thereof that may come to his knowledge in the course of his duties.”

Subsection (2) states:

“Any such director, officer or employee who communicates any such matter to any person other than the Board or an officer of the Bank authorised in that behalf by the Governor or suffers or permits any unauthorised person to have access to any books, papers or records relating to the Bank, any financial institution, or persons registered under the Insurance Act, is liable on summary conviction thereof to a fine of six thousand dollars and to imprisonment for two years.”

Subsection (3) says:

“No director, officer or employee of the Bank shall be required to produce in any Court any book or document or to divulge or communicate to any Court any matter or thing coming under his notice in the performance of his duties under this Act except on the direction of the Court or in so far as may be necessary for the purpose of carrying into effect the provisions of this Act, or for the purposes of any criminal proceedings.”

In the circumstances, Madam President, having regard to the strictures

of the secrecy provisions under this Act, the Ministry of Finance must maintain the confidentiality provision. I thank you, Madam President.

[*Desk thumping*]

Madam President: Next question, Sen. Obika.

Central Bank Inspector of Banks

(Details of)

197. Sen. Taharqa Obika asked the hon. Minister of Finance:

As regard the Inspector of Banks, Central Bank of Trinidad and Tobago, can the Minister advise as to the following:

- i. the qualifications and experience required to hold the office;
- ii. the reason why to date the post remains vacant?

The Minister in the Ministry of Finance (Sen. The Hon. Allyson West): Thank you again, Madam President. Madam President, as regards the Inspector of Banks, Central Bank of Trinidad and Tobago—sorry, Madam President, appointments to the position of the Inspector of Banks are made in accordance with section 7(1) of Financial Institutions Act, Chap. 79:09, which states that:

“The President shall, upon the recommendation of the Governor, appoint a fit and proper person to be Inspector of Financial Institutions who shall be an officer of the Central Bank.”

Madam President, the post of Inspector of Financial Institutions is not vacant, and has been continually occupied since the inception. Thank you, Madam President.

Sen. Obika: Thank you very much, Madam President. Can the hon. Minister indicate if the person in the seat is acting or is in a substantive post?

Sen. The Hon. A. West: Madam President, the current holder of that

position is acting, but he is a senior manager of the bank, and has been with the bank for 20 years.

Sen. Obika: Given the fact that the person is acting, can the Minister give this House the assurance that he has the required qualifications given that he is not a substantive holder of the post of Inspector of Financial Institutions?—Inspector of Banks, sorry.

Madam President: Sen. Obika, I will not allow that question. Any more, Sen. Hosein?

Sen. S. Hosein: Madam President, having regard to the Inspector of Banks holding an acting position, are there going to be any advertisements for the filling of this vacancy for Inspector of Banks?

Madam President: I also will not allow that question. It does not arise. Sen. Obika.

Sen. Obika: Thank you very much, Madam President. Given the importance of the legislation just passed regarding FATF and CFATF and so on, can the hon. Minister indicate how long has this position been occupied by someone in an acting position?

Sen. The Hon. A. West: Madam President, I do not have that information.

Madam President: Next question, Sen. Deonarine.

San Fernando General Hospital

(Relocation of Carnival Judging Point)

204. Sen. Amrita Deonarine asked the hon. Minister of Community Development, Culture and the Arts:

In light of reports that newborn babies at the San Fernando General Hospital (SFGH) were negatively affected by the loud music at a judging point for the 2019 parade of bands located opposite the

hospital on Harris Promenade, can the Minister indicate whether consideration has been given to moving said judging point from Harris Promenade to a different location?

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam President. With respect to question 204, it should be noted, the Mayor of San Fernando and the San Fernando Regional Carnival Committee have responsibility for mas competitions and judging points in the City of San Fernando. The route used by the J'ouvert bands in San Fernando between 6.00 to 11.00 a.m. on Carnival Monday, which was in the vicinity of the San Fernando General Hospital was not the route suggested by the carnival committee. For the other parades on Carnival Monday and Tuesday, this route was in fact revised. A stakeholders meeting has been planned to conduct a comprehensive review of the issue, and this meeting should be held in the month of May. [*Desk thumping*]

Madam President: Next question, Sen. Deonarine.

San Fernando General Hospital

(Regulation of Loud Music at Carnival)

205. Sen. Amrita Deonarine asked the hon. Minister of Planning and Development:

In light of reports that patients at the San Fernando General Hospital (SFGH) were negatively affected by the loud music coming from a nearby judging point during the Carnival 2019, what is being done to regulate loud music being played in the vicinity of the hospital?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. I answer this

question on behalf of the Government and specifically on behalf of the Minister of Planning and Development. Generally, when music trucks and steel bands approach the vicinity of hospitals during the Carnival, there was a general understanding to tone down the volume. In Port of Spain all music is in fact turned off, stopped in the defined area in front of the Port of Spain General Hospital. With respect to the Senator's concern about loud music in the vicinity of the San Fernando General Hospital, as the Minister with responsibility for the environment I will direct the EMA, the Environmental Management Authority to coordinate with the San Fernando City Corporation and the Trinidad and Tobago police force to institute a no-play zone as obtains in Port of Spain and the vicinity of the San Fernando General Hospital. This will be put in place for Carnival 2020.

Madam President: Next question, Sen. Chote.

Sentencing Commission Annual Report

220. Sen Sophia Chote SC asked the hon. Attorney General:

Has the Honourable Attorney General received an Annual Report from the Sentencing Commission?

Sen. Chote SC: Thank you, Madam President, in accordance with Standing Order 27(17), may I seek to withdraw this question?

Madam President: Yes. Question No. 220 is withdrawn.

Question, by leave, withdrawn.

DEFINITE URGENT MATTER

(LEAVE)

Water Shortage throughout T&T

(Government's Failure to Manage)

Sen. Wade Mark: Thank you, Madam President. Madam President,

in accordance with Standing Order 16, subsection (2), I hereby seek your leave to move the adjournment of the Senate for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government in managing the water shortage throughout Trinidad and Tobago.

The matter is definite as it refers to a critical situation resulting from a poor and inconsistent supply to a complete lack of pipe borne water in all areas of Trinidad for moreover a month, leaving entire communities with little or no option for an alternative water supply. The matter is urgent as an innumerable portion of the population continues to suffer daily with no relief in sight, especially in providing such a basic and vital necessity as that of pipe borne water. The matter is of public importance since the prolonged and widespread lack of an acceptable level of water supply to conduct simple basic daily routines has resulted in the closure of schools and businesses, and has left communities prone to public health hazards.

Madam President, I thank you for your consideration of this critically important matter.

Madam President: Hon. Senators, I have considered the Motion of the Senator, and I am satisfied that this matter qualifies [*Desk thumping*] to be raised as a Definite Matter of Urgent Public Importance. This matter requires the leave of the Senate. Is the Senate prepared to grant the leave?

Assent indicated.

Madam President: Hon. Senators, leave having been granted, the debate of this Motion will stand over until 6.00 p.m. today. [*Desk thumping*]

SPECIAL SELECT COMMITTEE

Sexual Offences (Amdt.) Bill, 2019

(Extension of time)

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, having regard to the Second Interim Report of the Special Select Committee established to consider and report on the Sexual Offences (Amdt.) Bill, 2019 in the Fourth Session 2018/2019, Eleventh Parliament, I beg to move that the Committee be granted an extension of time to May 31, 2019, to complete its work and submit a final report.

Question put and agreed to.

2.40 p.m.

ELECTIONS AND BOUNDARIES COMMISSION

(PARLIAMENTARY SCRUTINY OF)

Sen. Wade Mark: Thank you very much, Madam President. Madam President, I beg to move the following Motion standing in my name:

Whereas it is established by section 71(1) and (12) of the Constitution of the Republic of Trinidad and Tobago, that there shall be an Elections and Boundaries Commission that in the exercise of its functions shall not be subject to the direction or control of any person or authority;

And whereas the Elections and Boundaries Commission is responsible for holding free and fair elections throughout Trinidad and Tobago;

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

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

Madam President, a critical reason for accountability is that it is an essential safeguard against official corruption, misuse of public funds and the abuse and misuse of public power. Madam President, without effective mechanisms to make state administrative authorities account, can lead to the growth of arbitrary and dictatorial exercise of public power. The more open and transparent the decision-making process is, the greater the opportunity to hold public officials accountable for their actions.

Madam President, Ministers of Government are politically responsible for the administration of Service Commissions, and therefore accountable for their administration. So we know that the Minister of Public Administration is responsible for the Public Service Commission in terms of political accountability in this Parliament. We know that the Attorney General is accountable to this Parliament for the administrative actions of the Judicial and Legal Service Commission, as examples. And therefore, Madam President, the whole concept of parliamentary democracy is for those who exercise administrative or state administrative power to account to the people. And, Madam President, that is the reason that I have brought this matter, this Motion, for your attention and for the attention of this

honourable Senate.

There are no sacred cows in our country. No institution should be sacrosanct. All exercise power on behalf of the people and they derive their authority on behalf of the people, Madam President. It has been said by Lord Acton, that:

“Power corrupts and absolute power corrupts absolutely.” [*Desk thumping*]

It is the pathology of power to be abused and misused if controls and checks on the exercise of power are not established, Madam President.

Madam President, there must be accountability for the exercise of power since all power is based on the people's trust. Every power holder, be it in the Legislature, the Executive or in the Judiciary, is ultimately accountable to the people. All power is derived from the people. The people constitute the source of all power and therefore this Motion deals with accountability and accountability constitutes an essential component of power.

Madam President, what is being proposed in this Motion is not designed in any way to remove the independence of the Elections and Boundaries Commission. That is in the Constitution. We recognize that. They have independence. It is not about reviewing the decisions arrived at by the Elections and Boundaries Commission. But, Madam President, the Elections and Boundaries Commission should be scrutinized in its administrative functions. Independence of this particular Commission does not mean that the Commissioners are not accountable to the people; it does not mean that they are not accountable to the people. And it is said that

critical scrutiny of policy and administration is perhaps the most important function of any Parliament.

Madam President, what we are addressing in this Motion is in fact the rights of the citizens and the people of our country. But, Madam President, I am not very hopeful for any support whatsoever from the Government on this matter.

Sen. Khan: You are right.

Sen. W. Mark: When the Government introduced and piloted a Bill in 1994 to amend the Constitution, that was in 1999, they sought to provide a legal framework; to provide the rights of the people. When we introduced that, that is the UNC, when we introduced that, we sought to provide the legal framework to promote the rights of the people and to have their representatives in the Parliament, both elected and nominated, have the right to scrutinize executive and state administrative action.

The PNM, this backward party, voted against that measure in 1999; every single one of them in the House of Representatives voted against the measure of giving the people the right to scrutinize executive action and to scrutinize any state administrative action. So we do not expect them to support us or to support this Motion, but we have a duty and a responsibility to bring to this Parliament on behalf of the people, measures that we consider to be critical to advancing and promoting democracy and the rights of our people.

Madam President, you would know, even though the Bill that they rejected and they got their allies to reject—Madam President, you would recall in 1999 when this Bill was introduced, six eminent citizens; four

former Chief Justices lined up and two former Presidents and they opposed the actions and the measure that was being taken by the United National Congress and they defended the Service Commissions at that time. I have all the records to show that they defended it; that is the PNM. But you know what, Madam President? This Bill which is now law has been fully operationalized and the citizens of this country would witness on a weekly basis parliamentarians scrutinizing and enquiring into the operations and administrative actions of state enterprises, Service Commissions, Government Ministries and people are more knowledgeable today than ever before because of that legislation that was passed by the UNC, Madam President.

So, Madam President, we know that the PNM will defend the status quo because we know that the PNM knows about how to interfere from an executive point of view and from a political point of view in the running and the activities of independent institutions in our country. So that is why, for instance, they would not support that.

Madam President: Sen. Mark, Sen. Mark—

Sen. W. Mark: Yes.

Madam President: I want to caution you on what you have just said. I am cautioning you now and I am asking you, please, as you continue with your contribution to be very careful, okay.

Sen. W. Mark: Madam President, I want to make it very clear that this Motion does not address in any way interfering with decisions of the EBC. It does not deal with scrutinizing the exercising of its decision-making power. That is not what this is about. What this Motion is about is how do

we as a Parliament seek to exercise our responsibilities as it relates to this particular institution exercising its administrative authority or power.

And, Madam President, as I said, we know that in Trinidad and Tobago we are calling for an oversight mechanism to look and examine into the administrative actions of the Elections and Boundaries Commission. We have not taken the step as yet; when we assume office we will deal with that. We want to follow the route of Jamaica; we want to follow the route of Guyana; we want, for instance, Madam President, to have an Elections and Boundaries Commission in which the political parties are represented on the Commissions. In Jamaica two members of the JLP sit on the Electoral Commission in Jamaica. *[Interruption]* No, I am saying that when it comes. Today's Motion, Madam President, is not about that. Today's Motion is very simple, where we asking this honourable Senate to consider the establishment of a mechanism of a committee of Parliament in which this Elections and Boundaries Commission can report on its administrative activities.

Madam President, every Service Commission as you know, the Public Service Commission, the Police Service Commission, the Teaching Service Commission, they appeared before these Joint Select Committees. Initially, the Judicial and Legal Service Commission had some queries, but, Madam President, you would know and I would know, that today I see the Judicial and Legal Service Commission through the head of administration in the courts of this country, call the Court Administrator, the Chief Court Administrator appearing before a JSC. That is a positive development for our country and for our Parliament. So, in other words, Madam President,

no institution is sacred in the context of being sacrosanct. None will not escape the scrutiny of the Parliament and this is what this Motion is about. It is about seeking to get the Parliament to agree to the establishment of a specialized Joint Select Committee that will bring that body before it.

Madam President, I do not know if you are aware, but I can tell you that in this country, Trinidad and Tobago, we have a situation where, Madam President, you have an institution, like the EBC, that is in fact—over the last few years has spent, according to the information I have researched, between 2007 to the present time, 2019, they have spent over \$1.1 billion; \$1.1 billion between 2007 to the current fiscal 2018/2019 period. And, Madam President, outside of the Auditor General auditing those books, why can the Parliament not look into the spending of the taxpayers' money as it relates to efficiency; as it relates to effectiveness; as it relates to economy. That should be a role of the Parliament, to deal with these matters.

Madam President, you recall that the House of Representatives invited the Police Service Commission to justify why they did X and why did they Y. Why did they go about selecting X and not A, and they were brought to this Parliament and, Madam President, further, it went live. Who invited them here? Who supported that in the main? Who drove that particular decision? It was the Government. The Government brought the Police Service Commission before a Special Select Committee of the House of Representatives.

So, Madam President, if you could bring the Police Service Commission to explain why and how and what criteria were used to select a Police Commissioner, then I am suggesting on behalf of the UNC we can

bring the EBC before a joint select committee of the Parliament so that they can explain how they have reviewed boundaries in this country. [*Desk thumping*] How, Madam President, they have reviewed boundaries, because you do not know, Madam President, and I do not know the rationale for what they have done, but when you look at the literature you are seeing an unmistakable advantage being given to a party as opposed to another party.

Madam President: No. Sen. Mark, Sen, Mark, I want to just caution you to not go down that particular path, okay. Your Motion is clear but I would ask you to steer clear of the innuendo, okay?

Sen. W. Mark: Madam President, this is the highest decision-making body of the people and we should not be fearful of speaking when it comes to the rights of the people. We must defend the people [*Desk thumping*] and we must protect their interest. [*Interruption*] No, I am not impugning “nothing”. When I have to impugn that we know there is a place called the courthouse and we would deal with that.

Madam President: Sen. Mark, Sen. Mark—

Sen. W. Mark: And the platform.

Madam President: Sen. Mark, please!

Sen. W. Mark: Yes.

Madam President: Two things. I would ask you to address me.

Sen. W. Mark: Yes.

Madam President: And I would also ask you to perhaps lower your voice a little bit because—

Sen. W. Mark: Yes, I agree with you. Because I think I am going to get down, the tone.

Madam President: Thank you. [*Interruption*]

Sen. W. Mark: Well, no, I—

Madam President: Sen. Mark. [*Crosstalk*]

Sen. W. Mark: Madam President, you know I am a very passionate person like you. [*Laughter*] So I am very passionate. But, Madam President, I want to tell you that this is an issue that is very critical to the people. And as I said, I have data which the library did some research for me on, showing that between 2007 and 2019, this institution spent over \$1.1 billion. And I am saying we are taxpayers, we want to know how that money was spent. And therefore we have a right to bring such a body before us. And why it is the Police Service Commission, the Public Service Commission, the Teaching Service Commission, the Judicial and Legal Service Commission can all appear before Parliament but the EBC appears to be a sacred cow? The EBC appears to be sacrosanct in terms of it not being able to be exposed.

Madam President, this is 2019, not 1956; this is 2019, not 1976; and the people are wiser and we know about openness, accountability and transparency and therefore it is in our interest to ensure that whatever is being done we must be able to interrogate decisions, not to say you want to stop decisions, Madam President. But, Madam President, just as how we brought the Police Service Commission to explain their decisions, I am suggesting you bring the Elections and Boundaries Commission to the Parliament so that they could explain their decision.

Madam President, if we do not take our Parliament and use it for that purpose then we will have to use the public platform and we will have to use

the courts if it becomes necessary. I believe it is better for us to discuss it internally. [*Crosstalk*] Forget what we win, we have a right to go and we have a right to test and we will win when it becomes necessary. That is why this party called the UNC will never, ever, agree to the abolition of the Privy Council. We will support the Privy Council until.

Madam President, so let me continue. So this is a matter, as I said, that deals with accountability and the mechanisms that we should employ in order to pursue this particular objective. Madam President, I have looked at New Zealand and in New Zealand there is in fact what is called a Justice and Electoral Committee, that the Electoral Commission would face, report, submit reports to, and they appear before that committee. So, it is not to say that this is something that is unusual, whether it is in New Zealand, whether it is in the United Kingdom, whether it is in Canada, whether it is in Jamaica—imagine Jamaica, Jamaica has a committee of Parliament that brings before the Parliament of Jamaica the Electoral Commission as it relates to reports. They do that.

So if Jamaica has reached that stage, why can we not, Trinidad and Tobago—I want to tell you something, Madam President, our situation is more serious, you know. Our situation is more serious, eh, than Jamaica. And I do not understand why we would not want to agree to such an arrangement as it relates to bringing a body like that before this honourable Parliament. And why is the Senate left out? Every time a report comes from the Elections and Boundaries Commission it lands on the desk of the House of Representatives. Are we not lawmakers too? The Elections and Boundaries Commission must report to both Houses of Parliament. So we

should amend the Constitution to ensure that both Houses of Parliament are involved in this exercise as it relates to the EBC.

I want to go to the Constitution and to tell you what section 71(1) says, and I want to be very clinical and surgical in what I am about to say. Madam President, subsection (1) establishes, 71(1) that is, eh, of the Constitution which the EBC falls under, it talks about what the EBC shall do:

- “(8) ...regulates its own procedure.
- (9) It—“...shall be provided with a staff adequate for the efficient function or discharge of its functions.
- (10) ...salaries and allowances of the staff...shall be a charge on the Consolidated Fund.
- (11) The registration of voters and...conduct of elections in every constituency shall be subject to the direction and supervision of the Commission.”

It is subsection (11), Madam President, and now subsection (12) says:

“In the exercise of its functions under this section...”—71(1) to (12)—“the Commission shall not be subject to the direction or control of any other person or authority.”

Madam President, that is under section 71 of our Constitution, and it cannot mean that under this section the Elections and Boundaries Commission is above the law.

Section 71 cannot mean that the Elections and Boundaries Commission is above the law and is above the Parliament and, therefore, it cannot be accountable to the Parliament.

3.10 p.m.

So, Madam President, let me just hold it again; bring it down, as you would tell me. Right? So, Madam President, all I want to ask is simply this: Why is the Government fearful of scrutiny? Why is the Government fearful of accountability? Why is the Government fearful of openness? Does the Government have something to hide? What is the Government protecting? Who is the Government protecting, why they would not want to do what we are proposing or suggesting?

Madam President, the days of just simply and meekly accepting, like lambs, like sheep, reports coming from the EBC, I want to tell you, Madam President, we put the Government and everyone on notice, those days are over. Those days are over. Those days are long gone, because we have discerned a trend in this country. And, Madam President, you would know that there was a court matter involving this agency, this institution, which was completed and is now on public record for you and for everyone to read, where they unilaterally, illegally, unconstitutionally, extended voting hours in this country by one hour, and they had no authority. They had no legal basis. They had no constitutional basis for doing so.

Madam President, if we had a parliamentary committee, we could have brought that body before us, as a joint select committee and let them explain to this Parliament and to this joint select committee, “Why did you do what you did?” But because we do not have a joint select committee, what we have to do? And which is something I would not like to do but what we are forced to do, because there is no mechanism in this country outside of going to the courts for us to grieve. Without a mechanism

available to the Opposition, Madam President, so that we can grieve and we can bring our grievances forward, we have to go to the public, and it is something that I, as a member of the UNC, and we, in the UNC, would want to have avoided. But because of the fact there is no mechanism—and this is why I have brought this Motion. I have brought this Motion because I am saying to the Government of Trinidad and Tobago, let us understand the importance of this commission. Madam President, this Elections and Boundaries Commission determines free and fair elections. They are charged under the Constitution to conduct free and fair elections. There must be impartiality; there must be fairness; there must be neutrality.

Hon. Senator: “All yuh” win election under this—[*Crosstalk*]

Sen. W. Mark: Madam President, no. And I know of a Motion, Madam President—my friend who is talking on the other side—

Madam President: I am not—no, no, no.

Sen. W. Mark: Okay, Madam President.

Madam President: You are speaking, Sen. Mark, and I would ask you to focus on speaking to me.

Sen. W. Mark: Thank you, Madam President. Madam President, the PNM, under the former Member for Diego Martin West who is now Prime Minister, brought a Motion in the Parliament in 2000. He brought a Motion attacking the EBC and as soon as they got into power, what did they do? They established a Commission of Enquiry under Deyalsingh. [*Desk thumping*] They attacked the EBC. They accused the EBC of engaging with the UNC in voter-fraud, in voter-padding and every case they brought against [*Desk thumping*] the UNC and the EBC, they lost. So do not come

here, Madam President, and play holier than thou, when you are guilty of undermining the EBC in this country.

So, Madam President, we have a right, as the alternative government, to ensure that there are free and fair elections in this country and nothing is going to stop us from ensuring that there will be free and fair elections in this country. [*Desk thumping*] And I want to put the PNM on notice, we have all your tricks—all the tricks that you have up your sleeve. [*Interruption*]

Hon. Senator: Very disturbing—

Sen. W. Mark: All right, Madam President.

Hon. Senator: It is not you. It is the Minister disturbing.

Madam President: Minister, please, allow Sen. Mark to finish his contribution. Sen. Mark.

Sen. W. Mark: We want to put them on notice, the PNM, this will not be 2015 when you got somebody in the EBC to extend the voting hours.

Madam President: Sen. Mark—

Sen. W. Mark: All right. All right.

Madam President: No, please. Please withdraw that statement, please, and continue.

Sen. Baptiste-Primus: Yes, withdraw. Withdraw.

Sen. W. Mark: I withdraw, but I want to tell you I will say that on the platform.

Madam President: Sen. Mark—

Sen. W. Mark: But I withdraw. I withdraw.

Madam President: Yes. Withdraw it without any further—

Sen. W. Mark: Thank you.

Madam President: Yes.

Sen. W. Mark: Madam President, you know, I always bow to your ruling.

Hon. Senator: Really?

Sen. W. Mark: Yes. That is my friend, you know, Madam President. We fought in a place called Pointe-a-Pierre and I got “licks”. [*Crosstalk*] I got “licks.” I must tell “yuh”, she—so I know Madam President, you know. Madam President, I know you very well [*Interruption*] and we know each other very well.

Madam President: Sen. Mark, could you please not draw the Presiding Officer into the debate?

Sen. W. Mark: Yes, sorry.

Madam President: Sen. Ameen, please. Yeah? Sen. Ameen, please? Continue, Sen. Mark.

Sen. W. Mark: Madam President, I am sorry. Please forgive me. Madam President, you know that when we had the Crown Colony system, there were three in one: The Crown had legislative power, had executive power and judicial power. But we do not have the Crown system any longer. We have an independent republic in which is entrenched in our Constitution the principle of the separation of powers. We have that. And, Madam President, I give you the assurance that we will ensure that the separation of powers under our Constitution is never tampered with again. It was done in the past. It will never be done in the future. That is why I put the Government of the ruling party on notice, we know of your game plans. [*Desk thumping*] We have everything that you plan to do, and brothers and sisters—Madam

President, I want to tell you, it will not take place. We will ensure that what happened in 2015 never happens in Trinidad and Tobago again. [*Desk thumping*]

Madam President: Sen. Mark, I had previously cautioned you on that statement. I will ask you not to repeat it, please.

Sen. W. Mark: Okay. Thank you. So, Madam President, as I said—I am going to cool down, Madam President, with your leave. Madam President, we know that the EBC, under the Constitution, is an autonomous commission. We know that there are provisions to secure its independence from both the Executive and the Legislative arms. You know how this is done? By ensuring that no Member of Parliament, no Senator or no person with political office could sit on the EBC. We know this. We know this. But we know, in 1994, the then Patrick Manning—may his soul rest in peace—brought legislation in '94 in order to put the Minister of National Security on the Police Service Commission. We know that. That is there, when you brought the Constitution (Amdt.) Bill to change and to reconstitute—

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

Sen. W. Mark:—the Police Service Commission. And therefore, what we will not allow is for that institution called the EBC to become either a tool or a stooge of any political party in this country. We will not allow the EBC to become a stooge or a tool of any political party in this country. And, therefore, we are bringing, and we have brought this Motion; we have brought it because we believe that the time has come for greater scrutiny of the EBC, greater accountability on the part of the Parliament in relation to the EBC.

We would like, like the Police Service Commission, for the EBC to come before this Parliament to explain several of its decisions it has taken so that we can better understand the rationale for those decisions. Madam President, we operate under an old law. It is called ROPA. You know when that law was passed, Madam President? In 1967. This is the law that governed elections in Trinidad and Tobago, Chap. 2:01, Act 41 of '67. Madam President, the time has come for us to revise, review, revisit, what we do in this country. This law is dated. We should have many, many, more constituencies in south and central Trinidad. We should have many, many more constituencies in south and central Trinidad. But we ask the question: Why it is that is not happening? Why it is that the lower 90 per cent and the upper one-tenth per cent is showing signs of bursting at its seams? Why has the EBC not taken decisions to extend the number of constituencies in T&T? There are questions that we would like to ask them. And, Madam President, as I said, there would come a time when we would be able to deal with this, because we have evidence to show certain things that have taken place. We have seen in some of these reports that we have before us, certain trends in those reports, certain little shifts, certain manipulations, gerrymandering here and there. We have seen—

Madam President: Sen. Mark—

Sen. W. Mark: All right, I withdraw this one.

Madam President: Please.

Sen. W. Mark: I withdraw. I withdraw.

So all we say to the Government of Trinidad and Tobago, the days of you, Government, the PNM Government, doing their own thing and we

remaining very cool and quiet—the last time that happened was in 2015—it will never happen in Trinidad and Tobago again. [*Desk thumping*] Never! And I want to serve notice on them so that they will understand.

Madam President, in closing, let me just quote from a very important text called Judicial Review of Administrative Action, and it says:

Critical scrutiny of policy and administration is perhaps the most important function of our Parliament. Criticism is seldom effective unless it is backed by accurate information about the facts lying behind the shaping and execution of policy.

So we have a responsibility to hold the EBC accountable for taxpayers' dollars. We need to hold the EBC accountable for its administrative action and the most effective way that the people's right can be protected and safeguarded is by a system of accountability and responsibility by those who exercise state administrative powers. Madam President, if we are to prevent and expose official abuse of power, misuse of power, and official acts of corruption, we need accountability in this country and in this Parliament.

With these few words, Madam President, I beg to move. [*Desk thumping*]

Madam President: Someone needs to second the Motion.

Sen. Khadijah Ameen: Thank you very much, Madam President. I beg to second the Motion and reserve my time to speak later in the debate.

Question proposed.

ARRANGEMENT OF BUSINESS

Madam President: Before I call on the speaker to respond to the Motion, may I, with your leave, revert to Item 3 on the Order Paper?

SENATOR'S APPOINTMENT

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

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Paula-Mae Weekes

President.

TO: MR. BRIAN BAIG

WHEREAS Senator Gerald Ramdeen is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, BRIAN BAIG, to be temporarily a member of the Senate, with effect from 30th April, 2019 and continuing during the absence of Senator Gerald Ramdeen by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and

UNREVISED

Tobago at the Office of the President, St.
Ann's, this 30th day of April, 2019"

OATH OF ALLEGIANCE

Senator Brian Baig took and subscribed the Oath of Allegiance as required by law.

ELECTIONS AND BOUNDARIES COMMISSION

(PARLIAMENTARY SCRUTINY OF)

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan: [*Desk thumping*] I will remain standing, Madam President. Madam President, I know this Motion was read twice, once by the mover, once by yourself. But I also want to read it out in its entirety.

"Whereas it is established by section 71(1) and (12) of the Constitution of the Republic of Trinidad and Tobago, that there shall be an Elections and Boundaries Commission that in the exercise of its functions shall not be subject to the direction or control of any other person or authority;

And whereas the Elections and Boundaries Commission is responsible for holding free and fair elections throughout Trinidad and Tobago;

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

And be it further resolved that the Senate call on the Government to take urgent steps to introduce legislation that would make the Elections and Boundaries Commission accountable to the citizenry of Trinidad and Tobago by allowing parliamentary scrutiny of its

administration, the manner of the exercise of its powers, methods of functioning and any criteria adopted by the Commission in the exercise of its powers and functions.”

Madam President, as Leader of the Senate, Government side, I have always attempted to be fair, balanced and tried to build consensus and compromise where necessary. You have seen our action as a Government on a lot of Private Members’ Motions in that regard, but this afternoon I will be blunt, frank and brutal. The Government cannot, and will not, support this Motion, [*Desk thumping*] for cogent and justifiable reasons.

The Elections and Boundaries Commission is a creature of the Constitution. The Constitution, which is the ultimate law of Trinidad and Tobago, provides for various institutions, and one of the reasons why, probably, Trinidad and Tobago has not advanced as a society the way it should have is because we do not protect and cherish our institutions: Elections and Boundaries Commission; the Office of the Director of Public Prosecutions, the Ombudsman—when last you hear about the Ombudsman?—the Service Commissions.

If we continue to support and build our institutions—no society can survive without institutional strength, you know, whether it is in the United States, or in Western Europe, or in India, or in Australia, or in New Zealand, or in Africa. And the protection of institutions is paramount to our success as a society. If I should say so myself, I think of all the institutions that I have outlined there under the Constitution, if there is one success story in this country it is the Elections and Boundaries Commission. [*Desk thumping*] I make no apologies for that. I have been in the politics for quite

a long time, and it really hurts my heart—and “yuh know meh heart had a little problem”. I am a serious person but “ah smile plenty”. That is the paradox of Franklin Khan.

But the UNC has a tendency—and let me repeat that. The UNC has a tendency to destroy, or attempt to destroy everything that is good about this country. [*Desk thumping*] Sen. Mark, “yuh want talk? Yuh will get talk today.”

Sen. S. Hosein: Madam President, I would just like to raise a Standing Order, 46(6). When Sen. Mark raised a similar comment, he was cautioned.

Madam President: No. Sen. Hosein, may I just tell you that is the absolute wrong way to invoke a Standing Order? Okay? You could talk to Sen. Mark about how to invoke a standing Order. Minister, be careful with how you continue with your contribution.

Sen. The Hon. F. Khan: And, Madam President, and I will show that the EBC has performed in a way over the decades that every single Trinidadian should be proud of, and I will be quoting some examples. In 1971, the PNM won 36:nil on an election supervised by the Elections and Boundaries Commission. Conversely, in 1986, the NAR won 33:3.

Sen. Baptiste-Primus: “One Love.”

Sen. The Hon. F. Khan: It was a wave that swamped the country. I remember in '86 when the PNM lost, Mr. Manning, as Leader of the Opposition, with two Members with him: Muriel Donawa-McDavidson and Morris Marshall, it was a very lovely story he tells. It has not been broadcasted much in Trinidad. And he said, when he came to the Parliament and sat in the Leader of the Opposition chair for the first time, Prime

Minister ANR Robinson said to him: “San Fernando East, I see you have been elected leader.” He said, “But leader of what, may I ask?” Today, look at where the PNM is, [*Desk thumping*] largely because of the hard work of Patrick Mervyn Augustus Manning, continuing in the legacy as we now have Dr. Keith Christopher Rowley. [*Desk thumping*] Because a party is an institution and that is what the Opposition Bench does not understand. If you do not have institutional structure, you cannot go to the long haul. You cannot have longevity on your side. But I am not here to advise them.

So 1971, 36:0; 1986, 33:3. What happened in 2001? 18:18. The EBC has spanned the entire spectrum. For those of you who did physics, from ultra violet to x-rays and beyond, including visible light, which is the 18:18. So I am quite confident on the performance of the EBC. As an independent state, the EBC, in its various incarnations, has served this country with credibility and distinction, playing the critical role of fostering and preserving our democracy. As an institution that always managed to maintain its independence and continues to this day to have the trust and confidence of the citizens of this country as well as the international community. I will quote from a report from the Commonwealth Observer group that came to observe the 2015 election, and this is a quote from their report:

We were particularly struck by the high level of trust the people of Trinidad and Tobago have in the electoral system and in particular, the Elections and Boundaries Commission.

Hon. Senator: And yet you set up a Commission of Enquiry.

Sen. The Hon. F. Khan: 2015. There is absolutely no reason to accuse the

EBC of anything untoward. And I will deal with that later on, with all these foolish headlines about trying to steal election, and rig election and—how you call it?—gerrymandering. “Doh even go to gerrymandering”, you know. My daughter lives in Belfast, Northern Ireland. Do you know what “gerrymandering” is about? “Gerrymandering” was named after a Northern Irish politician called Gerry, and he was in charge of boundaries, and he did, in fact, gerrymander the boundaries. That is where the phrase originated.

But we have come nothing close to that and I will explain later on how the boundaries changed because they have the formula of no more than 110 per cent and no less than 90 per cent of the average of voters per constituency.

3.40 p.m.

The EBC has performed well. There is another quote here from the Economist Intelligence Unit, Democracy Index 2018 report. According to the 2018 Democracy Index, Trinidad and Tobago ranks 43rd in the world of 167 countries and fourth in Latin America. In the index, we, which means Trinidad and Tobago, scored 9.58 out of a possible 10. Everybody talks about your corruption index when it is low, your ease of doing business when it is low, you never see this on the papers. And the preservation of democracy, probably save and except the provision of national security of citizens, is the most aspect of any government.

I will now show what are the issues that is causing this whole “harbar”, to use a Hindi word. Election coming and it is the intention of the Opposition to bring any institution into disrepute to serve their own purpose. [*Crosstalk*] So let us start from the beginning. A polling division or two was switched from San Fernando East to San Fernando West. The formula

indicates—and I will quote it. It is here in the Constitution, “eh know”.

“In Trinidad and in Tobago, respectively, the electorate in any constituency shall not be more than one hundred and ten per cent nor be less than ninety per cent of the total electorate of the island divided by the number of constituencies...”

So if you have a constituency with adjoining constituency, one constituency, in this case, was San Fernando East, had more than the 110 per cent of the average number of voters per constituency and the adjacent constituency, which is San Fernando West, has less than 90 per cent. Obviously, you cannot take one from Couva and put it there, because it must also be contiguous. That is what the geography states. That is what a constituency is all about. It is not proportional representation we have. So it must be contiguous. So the EBC, in its wisdom, looks at the figures but they also look at the constraints in which they operate and that is the basis why this so-called PNM polling division or two went across from San Fernando East into San Fernando West. There is no conspiracy behind that. That is the fact of life. That is driven by the data.

The EBC has been responsible for changing up constituencies. The classic example I like to use—I was part of the fallout of that—was Ortoire/Mayaro. I hold the record as the last sitting MP of the constituency of Ortoire/Mayaro. Victor Campbell was the first. He was my neighbour in Mafeking Village, Mayaro. And I was the last in Mafeking Village, Mayaro. On the eastern seaboard, there were three constituencies. One-third of the geography of Trinidad and Tobago was situated in three constituencies: Toco/Manzanilla, Nariva, Ortoire/Mayaro. Ortoire/Mayaro

spread from Guayaguayare, the Texaco oilfields straight to Marac in Moruga. It would take me three hours, listen to this eh, three hours to drive from Guayaguayare to Marac. Because you have to drive from Guayaguayare to Mayaro, then you have to drive from Mayaro to Rio Claro, then you have to drive from Rio Claro to Petit Cafe Junction. Then you have to take the Moruga Road to Gran Chemin and then from Gran Chemin to Marac. If you drive three hours from Diego Martin West, even before that time, you already reach Sangre Grande. That was the size of the constituency. You had Toco/Manzanilla, you had Nariva.

What the EBC did in its wisdom—it hurt the PNM a little—is that they disbanded the Nariva constituency, they split it into two. One became Toco/Sangre Grande, which was the southern part of Nariva linked with the northern part of Toco/Manzanilla and then they formed one called Cumuto/Manzanilla. They took Ortoire/Mayaro, split it in two. The western portion, which was the Moruga component, linked up with some polling divisions in Princes Town and they called it Moruga/Tableland and then they had what remained as Mayaro. Clarence “fight” Mayaro—sorry, I mean the Minister for Agriculture, Land and Fisheries. From the numbers, the so-called two UNC seats that came out of that—I am not saying they will remain UNC seats but for the time being, let us call them UNC seats—are Mayaro and Cumuto/Manzanilla. But two PNM seats came out of it too which was Toco/Sangre Grande and Moruga/Tableland. So if you want evidence to prove that the EBC is fair, to me, that is a classic example of fairness in the governance of the electoral process in Trinidad and Tobago.

So let me just speak a little about the EBC. As I said, I respect the

EBC, I have admired their work over the years. I just want to call the names of the past chairmen of the EBC to show that Trinidad has produced—

Sen. Baptiste-Primus: Men of substance.

Sen. The Hon. F. Khan: Men of substance, men of impeccable character; and women. The first chairman of the EBC was Sir Alan Reece, top jurist in Trinidad. Am I right, Madam President? The second replacing Sir Alan was Sir Isaac Hyatali.

Sen. Baptiste-Primus: Top of the line.

Sen. The Hon. F. Khan: They do not come much better than that you know, and they have guided the EBC over the decades. Then came Mr. Oswald Wilson, less known but my understanding from research is a man of similar integrity and character and then Dr. Norbert Masson who served for many years, probably without a blemish. And today, he recently started his term but I wish him well and I know he will do well, is Mr. Mark Ramkerrysingh. These men have offered themselves to serve the country. They have served us well and as citizens and as a Parliament and as lawmakers, we are supposed to give them the recognition [*Desk thumping*] and give the institution the recognition that they deserve.

It is all well and good to try to pull down an institution for your own ulterior motives because this is politics and I will go into the various systems of who should have oversight on who and who should have politicians on the board and who should not have politicians on the board. But let me say it categorically now. If there is one institution in this country that politicians should stay far from is the Elections and Boundaries Commission. [*Desk thumping*] Jamaica could do it, America could do it, the United Kingdom

could do it, New Zealand could do it, Australia could do it, India could do it, but I caution Trinidad to stay away from that because some of the few institutions that we are left with that have some credibility will be also destroyed and that is a serious, serious point. It is all well and good to come here and argue. Sen. Mark argues everyday about parliamentary oversight: “Yuh accountable to the people”, but the people who are represented by parliamentarians came through a process that is set up by the EBC. “Yuh cyah merge dat.” That is what you call mutually exclusive events in set theory. Sen. Teemal knows what I am talking about. And we have to be careful when we bring Motions, when we say these outrageous things and understand for every wild statement that you make, there are serious consequences to it.

Madam President, in doing the research, in most countries of the world where regular elections are held with institutional oversight, there exists five main patterns of the electoral structure. The whole was looked at, it divided into five. In order of frequency, the first model is an electoral commission or tribunal that is independent of the Executive and has full responsibility for the direction and management of the election. It is the most widespread. You could call Jamaica. This is the most widespread system in the world for democracies. It is an electoral commission or tribunal that is independent of the Executive and has full responsibility for the direction and management of the election. That is where Trinidad falls. Other countries in that category too are: Fiji, Sri Lanka—no, sorry. Independent electoral commissions: Canada, Malta, Belize, St. Lucia, Trinidad and Tobago, Australia, Bangladesh, Papua New Guinea, India,

Pakistan, Ghana, Kenya, Malawi, Lesotho, Namibia, Sierra Leone, South Africa, Tanzania, Uganda and Zimbabwe. So the independent electoral commission is by far the globally recommended model, but each society has their unique idiosyncrasies, their unique political evolution that they may not adopt this method and it may still work but we cannot academically look at models and just try to adapt them to the Trinidad culture.

The second pattern, the Government manages the elections with an oversight or collective body composed of judges and members of the legal profession, political parties' representatives or a mixture of both. That is probably what Sen. Mark was alluding to. You have an oversight of the EBC. Some countries have it made up of politicians, judges, lawyers and what have you. Everybody can work out their own system, nothing is perfectly right or perfectly wrong, but what I am saying, through you, Madam President, we have an electoral system. It is one of the few things that we can boast about, tried, tested and successful over the years, through thick and thin. And every time an election time comes around, you have this convolution of things starting to unfold.

The third type are elections entirely managed by the Government "eh know". Government runs the elections: Antigua and Barbuda, Grenada, St. Vincent, Fiji, Sri Lanka, Singapore, Seychelles and Groningen, probably works for them.

And then there is a fourth type which usually involves two organizations, one of which is responsible for election administration and the other serves as a regulatory and supervisory authority. You have that in Botswana, Chile, Colombia, Mozambique, and Peru.

And the fifth and final one is a highly decentralized electoral system and that, believe it or not, is the United Kingdom.

So, Madam President, I think I have attempted to show that we have been successful. There is no basis in law, in logic, in common sense or even in democratic principles to interfere with the Elections and Boundaries Commission and any political party who so thinks, will feel the wrath of the population. Sen. Mark was brave enough to say this is only the start “eh know”. When they get into power in 2030, they will bring legislation to make sure—like Jamaica, you have two JLP and two PNP persons, I guess here they will say two PNM, two UNC, if UNC survives that long. It is a wrong road to traverse.

Let me just deal now, Madam President, with what is making the headlines. I mentioned the moving of the one or two polling divisions from San Fernando East to San Fernando West and I think there is one other, according to the UNC, contentious one in Otaheite/Rousillac that could have an impact on the local government elections. Out of those small issues comes a headline:

“Kamla accuses PM of plan to rig national poll”

“Sham Elections”

Check the language. Sen. Richards is a reporter of high standing. [*Crosstalk and laughter*] Because you see, there is a subliminal message being sent here. How can a political party—stop me if I am coming out of my crease, Madam President. Do not stomp me, just stop me. [*Laughter*] If a political party has a plan to rig an election in the Trinidad context, for that to be a credible and meaningful and a plan to check, you must have collusion

with whosoever the election commission is, whether it is the EBC or whatever name it is. So by accusing the PNM, the corollary to that statement is that you are sending an undercover accusation to the governing body of elections. But let them go on with the charade.

I just want to quote from an article here by a former Independent Senator dated Sunday April 28th, Sen. Helen Drayton, the *Guardian*, where she indicated that the EBC is one of the few institutions of the State that produces all their reports on time and have conducted their work in a manner that can stand scrutiny and she warned the political parties not to go down the road of making spurious accusations against the EBC. So you have “Sham Elections”. Hear the ridiculousness of the UNC. The Minister of National Security had to respond a couple of weeks. One Venezuelan “get” a false ID card. That is always possible. “It have” false US passport, they have false Trinidadian, false Guyanese, there are false UK passports because people try to beat the system for one reason or the other.

Right now, I guess there is some value to a Trinidadian ID card, economic value, to certain groups of people and we have to plug the holes that causes that to happen. But that morphed into a narrative pioneered by the Front Bench there that—sorry. It morphed into a false narrative that the PNM is bringing in Venezuelans in Trinidad to vote in the next election. One fake ID card “eh know”. Nobody has evidence beyond that and the EBC was the first to respond and say that that has not been part of the database, that is a forged copy of some form or fashion and that captured the headlines in Trinidad and Tobago, I think, for three consecutive days. I saw when the hon. Senators, including Sen. Saddam Hosein and Sen. Ramdeen,

met with the EBC and Sen. Mark. I guess even they, with their hard-core values, came out sounding a little better but that would not last for long, eh, because the hierarchy of the party is what is driving this whole thing, and with all due respect to this Bench, they do not form any part of the hierarchy of the United National Congress.

Then we move on now to the—the matter has been dealt with in the appeal court. I think they filed some motion to tell me if it is something—

Madam President: Minister, you have five more minutes.

Sen. The Hon. F. Khan: Five more minutes. They are going to some judge or something. But the extension, you know, somebody raised the point to me and said in most countries of the world where people file motions against an election commission, it is because the commission has been deemed to deny people the right to vote. In this case, the commission lawfully did because the courts ruled on that, extended the time by one hour because of the weather. In the court matter, it was shown that the number of people who voted in the last hour could not, even if they voted for the UNC, could not have swayed the outcome of the election. So the mathematics of it is also ridiculous. But they love the court and they have a lot of lawyers who work pro bono. I am sorry Sen. Ramdeen is not here because I wanted to see his face.

And then to show you how the EBC is fair, I will quote one last personal example, personal experience, before I take my seat. In the 2000 election, which is the first election I fought, we had given evidence to the EBC that Winston “Gypsy” Peters had dual citizenship, the famous “Gypsy”/Chaitan matter. Everybody saying “Frankie, yuh win ah ready, yuh

ha nothing to worry about. Go and get yuh balisier tie, yuh going in the Parliament.” Good. “Ah get licks in the polls”, first election, no shame in that, fought a good fight. After nomination day when we were expecting them to disqualify “Gypsy”, they said the procedure is you have to file an election petition after the election results are announced. “Gypsy” took his seat in the Parliament. The Government did not last because of three men called Trevor Sudama, Ralph Maraj and Ramesh Lawrence Maharaj. The Government collapsed. Next election, 18:18, moral and spiritual values and the rest is history of Trinidad and Tobago.

But I make the point from two personal experiences: the election petition against Winston Peters, the splitting up of the Ortoire/Mayaro seat into Moruga/Tableland and Mayaro and by extension, Toco/Sangre Grande and Cumuto/Manzanilla to show without the shadow of a doubt that if there is one fair and just institution in Trinidad and Tobago, it is the Elections and Boundaries Commission. I thank you, Madam President. [*Desk thumping*]

Sen. Paul Richards: Thank you, Madam President, for the opportunity to join the debate on a Motion by Sen. Mark which states that:

“Whereas it is established by section 71(1) and (12) of the Constitution of the Republic of Trinidad and Tobago, that there shall an Elections and Boundaries Commission that in the exercise of its functions shall not be subject to the direction or control of any other person or authority;

And whereas the Elections and Boundaries Commission is responsible for holding free and fair elections throughout Trinidad and Tobago;”

And I stress free and fair elections throughout Trinidad and Tobago.

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

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

Let me start by saying, Madam President, that you know, there are a lot of elements in the Motion brought by Sen. Mark that I agree in principle with. Although there is no evidence that the Elections and Boundaries Commission, in its history in Trinidad and Tobago, has not performed creditably and as a matter of fact, above creditably, superbly, in the protection of the sacred electoral process in Trinidad and Tobago, and I heard, through you, Madam President, Minister Baptiste-Primus say “if it aint broke, do not fix it”.

Sen. Baptiste-Primus: Sir Ellis Clarke said that.

Sen. P. Richards: Sir Ellis Clarke then, a proper attribution: “If it ent broke, doh fix it” but that does not mean that there cannot be some mechanism in place and I am not necessarily in agreement with the parliamentary route as espoused by Sen. Mark, but some mechanism can be put in place to oversee possible improvements and suggestions and

recommendations to improvements, especially in the particular direction I intend to outline in my contribution.

4.10 p.m.

Because, if I can quote the Representation of the People Act, which functions to protect what I would describe as our most sacred of democratic processes on the rights of the electorate, and I quote:

“An Act to re-enact and amend the law which provides for the registration of electors to vote at elections of Members of the House of Representatives, of Municipal Councils and the Tobago House of Assembly, and for the regulation of the holding of such elections; for the disqualification of the holders of certain specified offices and appointments for membership of the above-mentioned bodies; for the determination of questions as to membership of Parliament and of Municipal Councils and of the Tobago House of Assembly; for the registration of other persons; and for other purposes connected therewith.”

And I want to, Madam President, through you, underscore Minister Khan’s comments about the importance of respecting and upholding the integrity of institutions. Because I know, in my day growing up, there were certain institutions that were beyond reproach in Trinidad and Tobago, that were not questioned. And these are the foundations upon which our democracy, and later on, our Republic, have been built. And I think it is important that younger generations coming up have that same sentiment toward these institutions, inclusive of the EBC, especially in light of the fact that there is, as I said before, there is no evidence to suggest that the EBC

has not performed creditably and lawfully.

And what is the function of the EBC? To oversee and govern and protect the processes in elections including the voters list, register and monitor political parties, registration, candidates, officials, campaign laws, rules, regulations, information and communication. And Parliament's role, to quote from Sen. Mark's Motion, it also has a critical role in the promotion of democracy. So they really operate in the same direction: good governance, lawmaking, representation, oversight functions and the development and implementation of laws and policies that promote democracy and good governance.

And Walter—I know I am going to mispronounce this word, but is it “Bajayhot”, focused on four relationships.

Sen. Mark: Bagehot.

Sen. P. Richards: Bagehot, thank you, Sen. Mark.

“The relationship between deputies and citizens: The Representation and the articulation of interests.

The relationship between Parliament and the Government: The Controlling function”—of Parliaments.

“The relationship to the needs of society:”—and the citizenry and—

“The relationship between Parliament and the Government:”—in its—
 “recruiting function”

—and in particular referenced to the Representation of the People Act in relation to the EBC.

In Part II, “Franchise and Registration”, the registration process. In Part IV, making of contracts through its election agents, payment of

expenses through election agents; personal expenses of candidates and petty expenses; prohibition of expenses not authorised by election agents; limitation of election expenses; time for sending in and paying claims. Also in offences relating to election campaign, false statement in relation to candidates; no payment of expenses except through elections agent; expenses not authorised by the agent; expenditure in excess of maximum; and also offences on polling days. Under the auspices of the Elections and Boundaries Commission also loudspeakers, banners, favours, badges, prohibition of these; persons not to congregate near polling stations; influence of electors to vote for any candidate.

The main concerns I have, in relation to Sen. Mark's Motion and where I think some merit lies, and I have to keep saying I am conflicted on this, is that when the Representation of the People Act was drafted and the powers conferred on the EBC, there was no concept, no imagining of the elections in the digital age, none. So, I have to ask myself, and this is a question. It may be something that is being eagerly considered by the EBC and provisions being put in place: Are all our election processes and protocols, based on what happened, what the original drafting was, covered under present circumstances?

In the digital age, given the present remit, legally, of the Elections and Boundaries Commission and resources where information rolls around the world and a country in seconds, are all provisions and protocols in place in the digital age for elections to be truly free and fair, as opposed to what would have occurred before the digital age? And what is at stake, really, when you think about it? The integrity of the electoral process? The

confidence and trust of the people of Trinidad and Tobago, and the very same confidence as espoused by Minister Khan. And there are so many jurisdictions around the world, including the European Union, that are taking definitive steps in the digital age to protect their electoral processes.

It may be happening behind the scenes but I am not hearing from a public perspective, the general public, of the education and public awareness systems being put in place and systems behind the scenes, that I will outline in a short while, being instituted in a digital sense, in a digital age, to ensure that the elections, our elections, remain free and fair. And the hon. Prime Minister has already indicated that local government election would be held before the end of this year and we have a general election due in just about 18 months.

So, based on what I am about to outline, I hope the systems are in place, vis-à-vis the EBC and why I think there are elements of Sen. Mark's Motion that have merit, in terms of some oversight body working alongside the EBC, certainly not to discredit the EBC or drag the EBC down into the political dichotomy of Trinidad and Tobago, but supporting the EBC with recommendations to continue its evolution to fulfil its mandate of facilitating free and fair elections.

There are a number of appropriate checklists and case studies that offer practical guidelines in the digital age. One of the examples I would give is the European parliamentary elections and the importance of universal development of security principles; election technology, including testing and auditing; security measures specific to elections; voter and candidate registration and databases; election tools used in gathering or aiding the

gathering of votes; digital tools to transmit, process and count votes; and the security of these databases, so that the function during election cannot be questioned; systems in place to publish and communicate election results.

Now, we may think we have been accustomed in Trinidad and Tobago to, well, we have media houses and we have election days and we trust the information coming out of media houses. And, for the large part, we have. But add the digital age to that and look at the impact misinformation can have on voting patterns on election days or time leading up to elections, in terms of the suggestion that: well party A has a safe seat here and the polls and the interpretation of the polls running up to elections, pointing in a particular direction, which may be inaccurate and swaying a vote for or a reduction of vote or mitigating a vote in a particular direction, based on misinformation. And there are serious implications to these, in the context of the EBC, putting its own systems in place that the public can trust, in terms of information, not only on election day, but leading up to the elections in the digital realm.

Because we have all heard about the paradigm of fake news, Cambridge Analytica AIQ and what those entities and the impact those entities possibly had on our elections in the past.

One of the documents I want to quote from is one called:

“Renovating Democracy for The Digital Age”

Again, this is all in the context of, through you, Madam President, the EBC and my questions about whether or not we are prepared and ready for an election in the digital age that remains free and fair. And I am not saying the EBC is not. I am just saying these are ideas and questions to ponder as we

move forward.

“Renovating Democracy for the Digital Age

Emerging Solutions Framework”—quoted—“August 2017”

—by the Berggruen Institute. I will quote:

“Lies, mischaracterization, and bias interpretation are not new problems in politics, but the speed and distance with which social media and digital technologies allow them to travel is unprecedented, making it an outsized threat to the development of the well-informed citizens that democracy requires.

‘For our democracies to thrive, citizens must have access to high-quality information and opportunities for deliberative political discourse.’

‘Governments, educators, and civil society must undertake to educate citizens now in how to recognize questionable content, avoid falling prey to bots and trolls, and establish norms and behavior that sustain democratic systems.

‘Hacking and doxing are the new normal.’”

And I would go on to define those later on.

“While most advanced security measures must continue to be rigorously applied, the possibility of breaches must be assumed and considered in all digital communications.”

Especially where election systems are concern in any jurisdiction.

“Protecting the integrity of the democratic process:”

—is the sacred trust of the EBC.

“from cyberattacks, both from within and without.”

Overt and subversive. It is very important. Fake news, which is described as:

“Misleading news and propaganda that is disseminated in order to undermine electoral processes.”

Twitter bots, which are:

“Computer generated accounts, that are used to increase the visibility of dubious stories on social media.

Highly targeted advertising: Ads that are targeted to individuals”—and groups—“using personal information harvested from social media sites.

Attacks on voter registration lists Either for voter suppression or to harvest information for targeted political messages.

Hacking

Of email servers to steal private information held by and for political parties.

Doxing

The publishing of compromising private information timed to disrupt political campaigns.”

Are all these elements of the new digital age and electoral paradigms globally being considered and mitigated for in Trinidad and Tobago? Because in other jurisdictions, particularly the developed world, through you Madam President, the elections commissions do not start to mitigate the effects of these, because of their possible impact on elections a week or two before elections. They start months, and in some instances years out, because of the possible impact on what should be free and fair elections in

any jurisdiction. And I am asking myself if our Elections and Boundaries Commission is already in step with what is now global best practice, in terms of conducting, monitoring and supervising free and fair elections in Trinidad and Tobago? I am asking the question because I do not know.

I want to go to another document:

“The Modern Campaign - Data and Democracy in the Digital Age -
by Stephanie Hankey, Julianne Kerr Morison and Ravi Naik

In modern political campaigns, data on voters is an essential asset. Used effectively, data can help a party better understand the concerns of voters, more efficiently use its resources and directly speak to citizens on the issues that matter to them the most. As such, the collection, analysis and use of personal data is now an inevitable part of the democratic process.”

Who is securing the rights of citizens where this is concerned? In many jurisdictions the developed world, their elections commissions, are doing that and ensuring that.

“The history of political campaigning is necessary to understand the current framework...

Data as a Political Asset: data collected on potential voters, accumulated by parties exchanged between political candidates acquired from national repositories, sold or exposed by those who want to leverage them such as voter data, consumer data and data processed from the open internet.”

Needs to be protected in any jurisdiction serious about maintaining free and fair elections.

“Data as Political Intelligence: data on individuals collected and interpreted by political campaigns to learn about voters’ political preferences, to inform campaign strategies and to test and adapt campaign messaging, such as ‘digital listening’ tools for monitoring social media discussions and extensive ‘...testing’ for honing and testing thousands of different messages.”

—to be targeted at particular voters. Is our Elections and Boundaries Commission on top of that? I do not know.

“Data as Political Influence: how individual”—and groups—“data is analysed and used to target and reach potential voters, with the aim of influencing their views or votes, such as micro-targeting (tailored advertising to the individual”—or group—“level) geo-fencing (dynamically targeting citizens based on their location) and ‘search influence’.”

Is our Elections and Boundaries Commission on top of that, because of its possible impact on the democratic process in an election?

The other issue I want to cover, through you, Madam President, in terms of Sen. Mark’s Motion on possible oversight mechanisms, and as I said before, that will insulate the EBC from political interference for politicians, naked politics, and maintain its integrity and independence is paramount, even if we have to consider this and provide support systems and mechanisms for the continued evolution and proper function of the EBC is why I am raising these points. Because I think in principle that aspect has some merit where I am very cautious and concerned, is any mechanism, inclusive of Parliament, that can possibly facilitate subtle interference or

dragging the EBC into the political domain, I do not think it is productive.

Some of the information coming out, and I would try to end at the teatime.

“Case Study:

Collecting and Verifying National Results for the Hemicycle”

In—“...2014: In the months preceding election night, the European Parliament, together with an external contractor selected on the basis of a public call for tender, produced internal projections based on an ongoing voting intentions monitoring in all Member States. The same procedure will be enacted for the 2019 elections. Moreover and in addition to the work of collecting and sourcing both voting intention data and actual election results through its network of institutes, the tenderer will be required to contact and communicate with the official national bodies...”

What came out of that is a document that can be used called the:

“Compendium of Cyber Security of Election Technology”

Published in the third month of 2018 for:

“Universal Development and Security Guidelines as Applicable to”

Election Technologies, which are:

“established methodologies on the selection and implementation of security controls for IT-based processes.”

—which are now part and parcel of any system in our lives, including elections, which must be protected and systems must be put in place to ensure that the integrity remains.

Setup phase; assets, party registration and candidate registration.

Examples of threats of this is fabricated signatures of sponsors digitally, campaign registration issues causing people to miss deadlines and tampering with the registration themselves; setup of electoral rolls, identifying of fraud during voter registration and deleting of or tampering of data and systems to suppress voters; Campaign IT, hacking candidate laptops for email accounts, hacking campaign websites, misconfiguration of websites and leaks of confidential information; Government systems: hacking and misconfiguration of government servers, communication networks or endpoints to sabotage or make a particular administration look negative leading up to an election, overload of government websites by bots and trolls outside to make systems crash; Voting: Election technologies: tampering with DoS or voting and/or voting confidentiality during or after the elections, software bugs altering election results, tampering with logs and journals, breach of voter privacy during and casting of votes and communication links used to transfer results to official endpoints, media houses and also putting systems in place to monitor that the information disseminated by the media houses are in sync with what was sent by the Elections and Boundaries Commission and not twisted in a particular way, which may influence election results, and also public communication campaigns, hacking of systems by the media or press and media communication links and overload of websites to use for publication of the results. There is also a risk assessment and management protocol that the EBC and other election-based entities should be engaging.

I want to end, Madam President, by focusing on the start of my contribution, which is really the Motion by Sen. Mark, and ask the question:

In the digital age, with what has possibly happened in 2015, some may suggest even 2010, and what we see is best practice around the world, are we ready for an election that is going to be free and fair in this information digital technology age? Are all the systems in place to ensure that, given all that I have outlined and so many other considerations that out there, internal agents, external agents, et cetera? Two more seconds.

And I am not sure, because I have not had the information, and in other jurisdictions, the public is made very aware of these threats so they can be mitigating against them personally and groups, and we are but a couple months from a local government election and 18 months from a general election and in most other jurisdictions the public awareness campaigns would have started already and systems may be put in place and people know how to access these systems in the interest of securing the integrity of our election processes in this jurisdiction. With those few words, Madam President, I thank you. [*Desk thumping*]

Madam President: Hon. Senators, we will suspend the sitting at this juncture and return at one minute past five.

4.30 p.m.: *Sitting suspended.*

5.01 p.m.: *Sitting resumed.*

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

Sen. Khadijah Ameen: Thank you very much, Mr. Vice-President. And I welcome you to the Chair this afternoon. Mr. Vice-President, as we contribute to this debate, I want to first of all thank Sen. Wade Mark for bringing a debate on the oversight for the Elections and Boundaries Commission. In Trinidad and Tobago we have two elections close by. We

have the local government election which is due shortly and we have a general election in 2020. That would be a deciding factor for all citizens in Trinidad and Tobago and we want to be sure. In fact, we are not the only ones in the UNC. All citizens would want to be sure that we have a free and fair election and an election free from fear in Trinidad and Tobago. And so I think it is very timely for us to look at the oversight mechanisms utilized, or the absence of oversight mechanisms where our election and boundaries is concerned.

And there is an ongoing debate over what a single universal definition of “electoral integrity” is. But it can generally be defined as any election that is based on the democratic principles of universal suffrage and political equity, equality as reflected in international standards and agreements and is professional, impartial and transparent in its preparation and administration throughout the electoral cycle.

Mr. Vice-President, without electoral integrity leaders in our country and officials will lack the accountability to the public. The confidence in the election must be strong and the confidence in the results of the election must be strong in order for the public to have trust in the officials who are elected in the process. It gives legitimacy to a government.

Electoral integrity allows for peaceful resolution of conflict for open dialogue for debate for information-sharing among leaders and the public. And integrity depends on public confidence in the electoral and political processes. To ensure that elections have integrity, there are other factors outside of the electoral institutions themselves that need to be taken into account and strengthened. Election officials, judges and courts must have

the independence and the protection that is respected by the citizens, by the public, as well as from persons who are from the international community.

Mr. Vice-President, I am concerned that the debate is going into one side sounding as though they are defending themselves. But we have only heard from one speaker on the Government Bench, so I trust that that is not the direction.

But I want to just correct for the record a reference made by the Leader of Government Business—I am sorry he is out of the Chamber now—and it was in reference to the term “gerrymandering”. It was named after—I know he made some reference to an Irish official or an Irish politician. In fact it moved, the process of gerrymandering moved to Ireland much later. Gerrymandering refers to the drawing of lines to secure partisan advantage, and it was named after a former Governor of Massachusetts who served in 1812. His name was Elbridge Gerry. And the term was the combination of his last name Gerry and the word “salamander”, which is a type of snake, because of the eventual shape of one of the electoral districts that was just impossible, if you really considered natural lines. And this is registered in the Smithsonian, in terms of history, and so on, and there is a lot of discussion and academic papers with regard to gerrymandering. And for a government or politicians to be inclined towards gerrymandering is something that is discussed in many nations when you deal with fair elections and boundary controls. So, I just wanted to bring that on the record for the benefit of the Member, and I am sure he did not mean to mislead or anything.

But, Mr. Vice-President, I also noted that, and I was a bit surprised, I

do not know if the Leader of Government Business in responding was sharing his own personal opinion as opposed to their party's position on oversight for the EBC by Parliament, which is what this Motion asked for. I want to quote present Minister of Finance, Colm Imbert. This quote comes from a *Hansard* of March 23, 2001, and on behalf of the PNM Bench at the time Mr. Imbert said, and I quote:

“I am sorry, I am afraid I have absolutely no confidence in the Elections and Boundaries Commission. Himself cannot improve himself. I have no confidence in the Elections and Boundaries Commission to do any countrywide electoral registration unless it is done under the scrutiny of the political parties”—whether it be—the People's National Movement, the NAR and every other political party.”

That is an absolute opposite to what was stated a short while ago by the Leader of Government Business. They are claiming that the PNM has, in all of its history, absolute confidence in the Elections and Boundaries Commission. He is either uninformed or telling an untruth. And, Mr. Vice-President, the record will state the position of the PNM when it is convenient to them, when it is convenient to them. [*Desk thumping*]

Mr. Vice-President, the Elections and Boundaries Commission, as with any other institution in Trinidad and Tobago, must be empowered. It must be protected, but it must also be accountable to the people of Trinidad and Tobago. [*Desk thumping*] The EBC is funded by taxpayers' dollars, and this Motion asks for the EBC to account to an independent body, this Parliament, the highest office of the land, on behalf of the people of Trinidad

and Tobago. That is what this Motion calls for.

This Motion, Mr. Vice-President, cannot turn a blind eye to the fact that the employees of the EBC are human beings. Human beings are prone to errors. Human beings are also prone to corruption. We cannot accuse or defend the members of the EBC if we do not have transparency and accountability. [*Desk thumping*] It is not impossible, Mr. Vice-President, for any staff member of the Elections and Boundaries Commission, as with a member of any other service commission or any other state enterprise or any other place where human beings function, to become corrupt. It is not impossible.

So we cannot pretend that the EBC cannot possibly have corrupt officials in its ranks.

5.10 p.m.

And, Mr. Vice-President, we also have to look at the history of errors that lead to the need for accountability and scrutiny. Up to this day, Mr. Vice-President, no one can answer as to who requested the one-hour extension in the 2015 general election; who approved it; and on what basis it was approved—an illegal decision, a decision that the court indicated was unconstitutional. [*Desk thumping*]

Sen. S. Hosein: A unilateral decision.

Sen. K. Ameen: Mr. Vice-President, that is not the only example. We are still awaiting answers. And a joint select committee or an enquiry that would allow the Elections and Boundaries Commissioners, senior staff members, to come before Parliament, would have allowed an explanation, would have allowed questions from the public, questions from the members of the panel

to air that matter. We do not have that mechanism in place and that is something that this Motion asks for.

I do not see why the members of the Government need to object to such a request. Why would they object to greater transparency and accountability for the Elections and Boundaries Commission that the Leader of Government Business claims they have full confidence in? If you have full confidence in the Elections and Boundaries Commission you will have no problem with it accounting to the Parliament of Trinidad and Tobago.

[Desk thumping]

Mr. Vice-President, the Leader of Government Business also mentioned the issue that came to the public's attention recently with regard to a fake ID card. And I am a bit disappointed that he sounded as though he felt it was something trivial. But, Mr. Vice-President, I want to just expand on the issue and say why it cannot be taken lightly and it should not be swept under the carpet.

First of all, it was thanks to social media, it was thanks to the UNC, and thanks to the Leader of the Opposition highlighting this matter on a public platform that it came to the public's attention, and elicited a response by way of a statement from the Elections and Boundaries Commission, to say that there was no such record of that person on their database. And that no card was issued in that name. And, Mr. Vice-President, that was the end of that. It is our view that this matter must be thoroughly investigated and it should not be swept under the rug with an overnight investigation and a dismissal by a typewritten statement issued to the public.

It also brings another issue to the forefront. We cannot, Mr.

Vice-President, have himself investigating himself and then declaring himself innocent or not guilty of any wrongdoing. And that is, I suspect, what the hon. Colm Imbert in 2001 was referring to when he indicated that we must have scrutiny for the Elections and Boundaries Commission.

Who determines what type of investigation should take place into any allegation in the Elections and Boundaries Commission, a few people?—to exonerate themselves, or when I say themselves, not themselves personally but the organization. That is something we have to guard against. Especially when, Mr. Vice-President, you can have profound effects on the outcome of an election and the composition of the Parliament based on what goes on there.

Mr. Vice-President, I think there is need for a serious investigation into that matter; I want to say that for the record. I think there should be a forensic investigation. I also personally suspect that that may not be the only case—that is not the only case of fake ID. And I think there are other people in the public domain who have alluded to the fact that there have been instances of fake ID card. A press release, Mr. Vice-President, saying that an investigation has been done is not enough. [*Desk thumping*]

This Motion calls for accountability. When is that report due? What is the mandate? This is a matter about public confidence in one of the most critical institutions in this country. If we have to take a closer look at the—I want to take a closer look at the ID card issue and tie it in—because early, Mr. Vice-President, in my opening remarks, I spoke about connection to other things with regard to that could impact on the electoral process, but it is not only under the full control of the Elections and Boundaries

Commission and why we must have transparency.

So this ID card was issued to a Venezuelan national. On the back of the ID card where there are the details and so on, it says that the ID card was issued on the 10th of August, 2016 and it lists the person as living in Chaguanas. When we look at the passport bio-page which was publicized of that same person, Juan–Luis Marcano Navarro, the passport is a Venezuelan passport that was issued on the 21st of June, 2016. So it became very clear and apparent to those who saw the publication. And they would have asked, how does a Venezuelan national, who has a bona fide Venezuelan passport, which lists his birthplace as Venezuela, now hold a Trinidad and Tobago identification card with his birthplace being listed as Chaguanas?

But it goes further, Mr. Vice-President. On the political platform, as political parties do, the hon. Prime Minister was heard in Chaguanas East saying that the PNM is looking to capture the marginal constituency of Chaguanas East. Is this, Mr. Vice-President—

Mr. Vice-President: So, I am listening, and I am picking up the argument that you are making and where you were tying it to the Motion that is before us. But the comments that you are making now, and if I am extrapolating as to where it is going, be very careful.

Sen. K. Ameen: Certainly.

Mr. Vice-President: Because it will breach imputation of improper motives. So, I understand exactly what you are trying to say, it is a breach of the Standing Order in relation to imputing improper motives. So move on from that.

Sen. K. Ameen: Thank you, Mr. Vice-President. Every political party even

those who lost their deposit go on the platform and they claim that they are going to win the election, they claim that they are going to win. So, every political party could make that claim. But, Mr. Vice-President, when we look at the bigger picture, questions arise and we must find ways to have those answers ventilated properly, and that is where our Motion come in with the need for oversight.

Mr. Vice-President, Sen. Khan also asked in his contribution—

Mr. Vice-President: Minister.

Sen. K. Ameen:—Minister Khan—how could the PNM steal the elections?

Sen. S. Hosein: Quite simple.

Sen. K. Ameen: And I just want to refer to another matter that does not fall under the purview of the Elections and Boundaries Commission directly, but has an impact on the registration process and again we have no mechanism to ask questions or to have oversight.

At the beginning of this year, January 19, 2019, *Sunday Express*, there was an exposé of persons selling birth certificates; we know that birth certificates are one of the key documents you need to register with the Elections and Boundaries Commission. And the article spoke about Venezuelan nationals being provided with false birth papers at the cost of \$3,500. Two days later in the Parliament there was an answer to a question from the Opposition, where the Attorney General indicated that investigations were in fact launched and subsequently we found out that staff from that unit had been reassigned. So we are yet to hear, Mr. Vice-President, what has become of that case? How many birth certificates in this country have been sold? Who has been held accountable? Many of

those persons with birth certificates could have gone to the EBC and be registered legitimately with these falsely issued birth certificates. That would not show up as a fake ID.

The Attorney General has disputed only some of the information. He has indicated that staff has been reassigned, but not whether there is an investigation, whether it is complete, whether those persons who have faced wrongdoing are going to face the law. And we have to ask ourselves, with this racket that seems to be continuing, how many other cases of Juan-Luis Marcano Navarro are there in Trinidad and Tobago? We have to connect the dots, Mr. Vice-President, we cannot pretend that all is well because an institution is supposed to be independent. We have to allow the scrutiny. *[Desk thumping]*

Mr. Vice-President, the Minister of Energy and Energy Industries, the Leader of Government Business, referred to the case of San Fernando East/San Fernando West. In that area the EBC moved four polling divisions from San Fernando East into San Fernando West, and in my personal view it benefits the PNM. Mr. Vice-President, and I am saying that based on my knowledge of the data from the election results, all right? These two polling divisions were moved prior to the 2015 general election and there are two more in a recent report that are proposed to be moved for the 2020 general election.

There are three polling divisions from the Oropouche East that were moved into San Fernando East, and then two from San Fernando East that were moved into San Fernando West prior to the general election 2015. So I just—and, Mr. Vice-President, I am creating a scenario to further endorse

the fact that we have no way of getting an input or getting answers.

So San Fernando East had too many voters, based on the regulations that indicate the maximum and the minimum number of electors per constituency. San Fernando West had too many voters. Oropouche East is closer to the higher limit that is permissible in the law and quite frankly there are many scenarios that could have been recommended to the Commissioners for them to make a decision in terms of how to change the boundaries. And this is where, Mr. Vice-President, I want to be very clear, I am not accusing the Commissioners of any partisan wrongdoing, I want to be very clear. I am creating a scenario for us to acknowledge the fact that there is room for criticism, there is room for us to ensure that the decisions, the recommendations made, even though they may have some technical backing, the fact is that they are subjective, the fact is that they could go either way.

But the eventual decision of the EBC—the EBC could have moved—and I hope—and people who live in that area will follow. They could have moved one polling division from Oropouche East into San Fernando East, and two polling divisions from Oropouche East into San Fernando West and rectify the situation and have all those three constituencies fall within the recommended amount. But instead—[*Interruption*—what happened, they are neighbouring, they share the same boundary. As I said, those who are familiar with the area would know that they share the same boundary, right?

But another scenario could have taken place, Mr. Vice-President; instead they moved three polling divisions from Oropouche East into San Fernando East, and then moved two of the strong PNM PDs and I am

saying, well let me rephrase, two of the PDs that the PNM has a history of winning, from San Fernando East into San Fernando West. That is the decision they have ended up taking, and I know that the Commissioners will indicate they do not make decision based on the election results but the fact is that the election results happen by polling division.

Sen. S. Hosein: What about Barataria?

Sen. K. Ameen: So the question could be asked, the EBC could have instead moved the polling divisions from Oropouche East directly into San Fernando West. Those polling divisions that the UNC usually wins could have gone into San Fernando West, because they share a border; those two seats share a border. Is it that their decision was not—well if I ask the question, it is not making an accusation. But is it that those two polling divisions are two strong UNC polling divisions?

So the Oropouche voters in San Fernando East, they put Oropouche voters in San Fernando East where it would not disturb the majority by which the PNM wins San Fernando East. It does not disturb the PNM safe seat, and they put a strong PNM PD from San Fernando East into San Fernando West and that, Mr. Vice-President, will—whether it was the intention of the EBC or not—help to strengthen the PNM's outcome in San Fernando West. That is what it does essentially. And there was no cause, in my humble view, to place an extra two PDs from Oropouche East into San Fernando East and then go and take out the same number of PDs from San Fernando East to put it into San Fernando West.

Mr. Vice-President: I am understanding what you are saying, and you are utilizing the report that you mentioned and what is stated in the report. What

is starting to happen is that that particular point you are making is starting to get extended as much as you are indicating what polling divisions are moved where, and in your opinion what is happening and why. What starts to happen is that that point starts to get drawn out. So I will ask you to wrap up that point, because as much as the report itself does tie into what the Motion says, the entire debate cannot be just on that report. Understand what I am saying? Continue.

Sen. K. Ameen: Certainly, this is only—but thank you, Mr. Vice-President. This is only a small part of my contribution but I thank you for allowing me to take the opportunity to explain clearly the scenario, and I really tried to compact it as much as I could. But I think I have sufficiently and clearly explained the bias that I have seen, and why we need to have the EBC come before Parliament so that they could answer questions concerning the scenarios that are possible and why they did not take—[*Desk thumping*]

Mr. Vice-President, I have also examined the report with regard to the local boundary changes, and there are a number of concerns I have for the recent seat that was recently fought in Barataria; I will not go into the specifics. The UNC recently won the Barataria seat in the by-election; it is now to experience a boundary change; there is a new seat in San Juan East. In Siparia Regional Corporation there is another area where one seat—that is a corporation where the UNC has a one-seat majority. And again the changes there are of concern to me because there are several scenarios that do not necessarily have to interfere with what the outcome in terms of the results could be, but it could level the electoral population as is required by the EBC's regulations. So you could attain the objective of levelling the

number of electors without significantly interfering with the voter outcome.

So, Mr. Vice-President, along with this, I mean, we are going into an election period, we have had major accusations, we have had commissions of enquiries, we have had investigations of other types into other matters which impact on influencing election results. And we spoke about the things that EBC is directly responsible for, such as the boundaries, such as the registration of persons; we spoke about the birth certificates—I spoke about the birth certificates. But there are also instances of and accusations of house padding, using resources of the State, the registration of non-national voters which I spoke about. And, Mr. Vice-President, all of those things exist as hard stubborn facts, and we cannot be ignorant and pretend that they do not exist. We must connect the dots and we must bring things to the fore and let there be transparency.

Mr. Vice-President, I have also several recommendations that I just want to quickly put on record; first of all, I think we could all as legislators, as persons who experience the electoral process in some way, acknowledge the fact that the Representation of the People Act which governs the Elections and Boundaries Commission and the electoral process is quite dated. There have been some amendments over the years, but I think Minister Khan could agree that there is need for review of that legislation. And that is actually something that I think the Commissioners are also in support of. And we must have proper consultation with the legal recommendations coming forward.

I got the impression that the Minister Khan felt that, I do not know, you made a comment, you said “leave it so”. I do not think you were

referring to the legislation. Were you? You know, that the existing legislation that it has been working so we should leave it so.

Sen. Khan: It is a complement to the subject of this Motion.

Sen. K. Ameen: So I think basically you are saying that the process, not just the legislation, but that the process has been working; you have an independent Elections and Boundaries Commission; that you do not have oversight; and that you see no problem with that; and you should leave it so.

[MADAM PRESIDENT *in the Chair*]

But I beg to differ, I strongly beg to differ. But despite the possible political ramifications of the process and the fact that the majority of the world's countries undertake periodic changing of their electoral boundary, very little or nothing by way of recommendations or international standards has been proposed by the other side in this debate. And it is important, Madam President, for us to have standards. Let us start with using international standards, seeing what is suitable to Trinidad and Tobago, because they will direct public expectations. They will serve as a target for reformers, for legal recommendations to aspire to when we have a benchmark for the stakeholders in the electoral process in this country to gauge the fairness of any change in boundaries, or any changes in the practices that presently govern elections.

Just for the record, some international election standards have been proposed by regional and non-governmental organizations to guide that—what they call delimitation process which is the process of changing boundaries. And these organizations include the OSCE, the European Commission for Democracy through Law, the Commonwealth Secretariat

and the Electoral Institute of Southern Africa. The proposed international standards for delimiting electoral boundaries provide a list of the standards and guidelines suggested by these entities. I am sure that the officials at the Elections and Boundaries Commission would have had sight of these recommendations, may have had some sharing of thoughts with regard to its suitability in Trinidad and Tobago.

But, Mr. Vice-President—Madam President, I acknowledge the change in the Chair. Madam President, there is no space, there is no room for that change, that recommendation for change to come. A number of the proposed guidelines are in fact narrowly focused and less than universally applicable; in other instances important guiding principles have been neglected. Many of these proposed standards have fundamental principles that I am sure all of us in this Senate— Government, Opposition and Independent Bench—would agree to. So that is a place of common ground for us to start.

Impartiality: the boundary authority, the Elections and Boundaries Commission must be independent, it must be professional. Equality in terms of the population of constituencies, that it should be equal, as equal as possible to provide voters with equality of voting strength. Representativeness: constituencies should be drawn taking into account cohesive communities, defined by such factors as administrative boundaries, geographic features and community interest.

This, Madam President, is actually a passion of mine because I believe in communities and keeping communities together. And I have identified a number of areas where changes in boundaries actually separate

communities so badly by polling division and then one polling division ends up in one electoral district where that community has no social connection and the rest of the community is in another electoral district. And, Madam President, that is something I think we must be, or any authority, changing boundaries must be mindful of.

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

Sen. K. Ameen: Thank you. Nondiscrimination: delimitation process should be devoid of electoral boundary manipulation that discriminates against voters on account of race, colour, language, religion, or related status. We can all agree to that.

Then, Madam President, I am sure we can then also all agree to transparency. The delimitation process should be as transparent and accessible to the public as possible and that is what this Motion asks for. So it is not a Motion for the PNM or the Government members to come and defend themselves against any accusation that they are in cahoots with anyone to steal any election or anything. If you, as I say, if you have nothing to hide, then you have no problem with transparency. No impartial body: I agree that we should maintain the independence of the Elections and Boundaries Commission or whoever authority. It must be independent, it must be professional, it must not be aligned with any particular political party. But being impartial does not mean that you are above the law or beyond accountability.

There are other schools of thought that you should have representatives of political parties sit on the board as—well there are different suggestions in terms of being members, in terms of being

non-voting members, but being able to sit with the board and contribute to decisions or discussions. So there are models that are available that would allow greater input. At present our system, whether it is a political party, or a citizen, a general citizen, while you can make an objection to the EBC, it still is that the EBC decides on the eventual outcome—himself unto himself—that is not fairness, that is not justice.

5.40 p.m.

There are a number of other instances that I wanted to share, but I just want to mention two. There are many countries including Australia, Canada, India, New Zealand and the UK, where members of the Judiciary are also represented on boundary commissions in those countries. There are some countries who do not allow legislators or representatives of political parties on their boundary commissions at all, because they want to maintain the political neutrality which is what the essence of our Trinidad law is, but New Zealand is one exception that I want to mention where two political appointees: one is a representative for the governing party and one is for the opposition. So those are models that are available to us. I am sorry I do not have time to go into it, but I want to dispute vehemently an accusation made by the Leader of Government Business.

He cried that the UNC has intention of mashing up things, of destroying independent bodies in this country, independent institutions, and I want to call for him a list—and I am sorry I do not have time to call more things on this list—a list of things that the UNC destroyed. If you want to properly accuse the UNC, the UNC destroyed the fake oil scandal that was going. [*Desk thumping*] The UNC destroyed the secret wire transfers.

[*Desk thumping*] The UNC destroyed the sex scandals involving senior Government officials that are yet to come out [*Desk thumping*] where the investigations are yet to come out. [*Desk thumping*] The UNC also exposed and destroyed the rental of a building by senior Government officials in Trinidad and Tobago. [*Desk thumping*] The UNC will continue to stand, Madam President, for transparency, for fairness and for accountability. [*Desk thumping*] We will not be intimidated, we will not be intimidated by anyone accusing the UNC of whatever you are trying to—it seems to me—accuse us of.

I think, Madam President, when we shy away from criticizing agencies that are supposed to be impartial, we allow ourselves to be intimidated from speaking up for fairness, and I am not, and the UNC is not going to be intimidated by the PNM and their accusations. [*Desk thumping*] The Elections and Boundaries Commission is not above the law, and I am in full support of this Motion that simply calls for transparency. I thank you. [*Desk thumping*]

Sen. Foster Cummings: Madam President, I thank you.

Sen. Obika: “That meeting in Couva bring yuh out boy.”

Sen. F. Cummings: I thank you for this opportunity to join this debate on this Motion. I am from Couva, Madam President.

Sen. Obika: We had a nice 30th anniversary there.

Madam President: Sen. Cummings. Please, do not be shouting across the floor. Okay? Sen. Cummings continue.

Sen. F. Cummings: Thank you, Madam President. As I was saying, I am from Couva. The UNC had its headquarters there. I think they were

evicted. I understand the UNC very well. [*Crosstalk*] You had your time, be quiet please. [*Laughter*] Madam President, when I read this Motion, what I can see in this Motion is panic, is excuse and a clear indication that the advisors to the UNC have advised them to start to make early excuses, [*Desk thumping*] early excuses for what is likely to be another defeat for them at the polls. [*Desk thumping*]

What are the facts, Madam President? The EBC, one of the institutions that have served us well? I mean, Sen. Mark knows this. Sen. Mark has contested several elections in Trinidad and Tobago, has not been very successful at it, but the fact is he took part in a process, and even in defeat at those elections, I cannot remember Sen. Mark claiming that the EBC was not conducting free and fair elections in Trinidad and Tobago, and that is what we are about discussing, Madam President. I would not go way back, I am just going to 1986. We have had elections in this country time and time again, managed by the Elections and Boundaries Commission which, according to the Constitution, should not be subject to the direction or control of any person or any authority. And, in that model, we have had free and fair elections time after time after time in this country. Governments have changed peacefully, as the country accepted the results given at each election.

In 1986, the PNM, which was—we were in power for decades, and in 1986 an election was held. The PNM lost those elections, 33:3, demitted office. The UNC was—well then the ULF was part of the coalition that won. I did not hear them complain that the elections were not free and fair. They were happy to go into office. Government changed hands in 1991 and

the PNM came back into power. In 1995, we held general elections, 17:17:2. The UNC went into office in an accommodation; no complaint about the EBC. In 2000, the UNC won the elections and accepted the results; no complaint about the EBC. In 2001, 18:18, well they cried about that, but they did not complain about the EBC. In 2002, the PNM won the elections. The UNC demitted office and went peacefully into Opposition, and no complaint about the EBC. In 2007, the PNM won again, and the UNC continued in Opposition, no complaint about the EBC, Madam President. In 2010, the UNC won the elections and went into government, did not perform too well, so in 2015 they were voted out again. No complaint about the EBC.

We have full confidence in the Elections and Boundaries Commission. As an institution that has served the people of Trinidad and Tobago well, the PNM has full confidence and the people of Trinidad and Tobago has full confidence in the EBC, but not only locally. Let me draw your attention, Madam President, to the Commonwealth Observer Group, headed by Sir Paul Tovua in 2015, and on their arrival here is what the Chairman had to say:

“Trinidad and Tobago”—this is September 2015—“has a track record of credible elections, and the Commonwealth is committed to continuing its support of the country’s democratic processes. Commonwealth observers were deployed to the country’s General Elections in 2000.”

—as well. He goes on to say.

“We will assess whether the elections have been conducted

according to the standards for democratic elections to which Trinidad and Tobago has committed itself...”

Madam President, this observer group was here and took part as a mission to observe the processes involved in the conduct of general elections, supervised by the Elections and Boundaries Commission of Trinidad and Tobago and, in its report, in the foreword of its report for that election in 2015, here is what the observer group had to say about the last general elections supervised by the very Elections and Boundaries Commission.

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

Our overall assessment is that these elections met all the key benchmarks for democratic elections.”

That is the Commonwealth Observer Group. And, Madam President, before I move off the Commonwealth Observer Group, in its recommendations and conclusions, here is what they had to say:

“Polling was well-managed and conducted peacefully and in accordance with the laws of Trinidad and Tobago.”

But hear this, Madam President:

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

That is the Commonwealth Observer Group that observed the 2015 elections, reporting on the conduct of free and fair elections in Trinidad and

Tobago, accepted by all parties involved.

What I do recall is that after the elections some persons filed election petitions. You know, we have a scenario in Trinidad and Tobago where we refer to certain seats as “marginal seats”. It might surprise you, Madam President, that whilst those persons from the UNC filed petitions in respect of five of those so-called marginal seats that were won by the PNM on the basis that the EBC extended the voting hours after 6.00 p.m. for one hour because of bad weather, and although the facts would show that even if we give all of the votes cast after 6:00 p.m. to the UNC, it still would not have changed the result of the election. The PNM is well elected into office.

However, the two marginal seats that the UNC won, they accepted those results. [*Laughter*] You understand the hypocrisy, Madam President? So for the two seats that they won, it is no problem. The EBC’s decision is fine, but the five seats they lost, it is a problem, and it is the same sort of logic espoused by Sen. Ameen, that where boundary changes are concerned, if the changes, according to her analysis, might benefit the PNM in an election, then the changes are no good. But where the changes placed are benefits that she perceives might be a benefit for the UNC, those changes are in order. It is hypocrisy in the highest. It is either it is good or it is bad. You cannot take some and leave the other. [*Desk thumping*]

So in Debe, for instance, where a new seat is created and they expect that they would win that seat, it is fine, no problem—the EBC is a nice bunch of people. In Barataria/San Juan where a new seat is created and they expect that they would win that new seat, nice EBC—continue “tra la la”, but where in the Siparia corporation you find a change that might cause you

to have some problems—so I would tell you, we will win that seat whether the EBC change that polling division or not. [*Desk thumping*] When it is convenient for the UNC, the UNC would make excuses when they know they are going to lose at the polls, and this is what this Motion is all about.

Madam President, you know, I listened. I expected a Motion like this because when you listen to the campaign rhetoric coming from the UNC you know where they are heading. So when you hear the leader of the UNC talking about plans to thief elections and so forth, you expect something like this to come to the Parliament, but “thief” which elections?

The PNM has participated in every single election pre and post-independence in the Trinidad and Tobago—has contested every single seat at both general, local and THA elections—and we can teach the UNC a thing or two about electioneering. What we know is that the Elections and Boundaries Commission has conducted itself above board in a professional manner and has conducted elections in a way that free and fair elections are held in Trinidad and Tobago, and the only bunch of persons who do not know that now is the UNC, nobody else, nobody else. [*Crosstalk*]

Madam President, parliamentary oversight. That is the point made by the Motion. Madam President, we received in this Parliament reports from the Elections and Boundaries Commission. I think the UNC should be aware of that by now. The reports prepared in terms of boundary changes are laid in this Parliament. It is the Parliament where these reports are laid. As a matter of fact, the EBC has appeared before parliamentary committees in this Parliament. [*Crosstalk*] Right?

Madam President: Sen. Obika, I am hearing and I have asked Members to

desist from making comments across the floor. Okay? Continue Sen. Cummings

Sen. F. Cummings: Thank you, Madam President. I understand the panic of the UNC because, you see, to come up against the PNM is no easy feat and, therefore, I expect you to be jittery, but I expect you to be responsible. I do not expect recklessness, and when you want to attack an institution as the Elections and Boundaries Commission, what the citizens of Trinidad and Tobago, observing you are saying is that clearly you have lost your way. Because everyone knows based—where is the evidence?

A reporter called me over the weekend to make a comment on a statement by the Leader of the Opposition that there is some plan by the PNM “to thief” an election. I had to say to the reporter, you know, the PNM is not about stealing elections. We have an election machinery. We beat all comers. So that we do not have time. We spend our time trying to make sure that we stay in Government, not by stealing any election. We know how to win elections. So where is the evidence? You know, you throw things out into the atmosphere in the hope of creating panic and mayhem and confusion in the society. Where is the evidence? Not one bit of evidence. Where is the evidence? If you go to the police to report a crime then you have to present some sort of evidence. Where is the evidence? No, the election is going to be stolen. Election is not a mango on a tree. You do not just climb up and pick it and run away with it. There are several processes involved.

At every step of the way, on polling day, you have observers from both sides. Votes do not run down the road and one grab one and throw it in

a bag. How do you steal an election?

Sen. Obika: You tell us.

Sen. Ameen: You tell us. [*Crosstalk*]

Sen. F. Cummings: But because—I listened to absence of logic for 40 minutes, I made no complaint [*Desk thumping*] but when you place the truth on the agenda, they get panicky. The fact remains, Madam President, that this Motion, I will not say it is a waste of time, but this Motion is not well placed. Sen. Mark is a very experienced politician, a very experienced person in the politics, and he knows that the EBC is one of the institutions in this country—we might be able to look at one or two others that need some adjustments—that have proven themselves and withstood the test of time. If it were not so, on occasions in the past when the UNC did not perform too well at the polls, that would have been their first defence, but at no time have we heard any evidence of the UNC before or even now with all of these accusations flying all over the place, that there is some credible evidence and that is the point I make, Madam President.

Madam President, you know, Trinidad and Tobago is a model country in the Caricom and in the Commonwealth. When you travel throughout the Caribbean region, people look to Trinidad and Tobago and model their conduct and their behaviour and their governance after a lot of things that we do here. The news from Trinidad and Tobago is Caribbean news. Sometimes you go to a Caribbean country, you get news that you did not even leave here knowing. They pay keen attention. So when we make statements as leaders, we have to take into account how we might be damaging the reputation of our country and we cannot be selfish about our

comments. I mean, if you have evidence, as I said before, bring it forward, but in the absence of that stop creating confusion.

The EBC is an independent body and the EBC has had several commissioners over time, several members of staff, et cetera, but one thing you know is that the Constitution guarantees protection in this country for the Elections and Boundaries Commission against interference from outside elements. That is a guarantee in the Constitution. What is this new request that is being made? It is against the backdrop that in the second paragraph, the Elections and Boundaries Commission is responsible for holding free and fair elections in Trinidad and Tobago.

ARRANGEMENT OF BUSINSS

Madam President: Sen. Cummings. Hon. Senators, at this stage, we will now move on to the Urgent Matter of Public Importance. May I remind Members it is for one hour. The first speaker, the mover of the Motion, has 20 minutes. The first person to respond has 20 minutes and, thereafter, every other speaker has five minutes. Sen. Mark. [*Desk thumping*]

DEFINITE URGENT MATTER

Water Shortage Throughout T&T

(Government's Failure to Manage)

Sen. Wade Mark: Thank you very much, Madam President. Madam President, the patience of the people has dried up. [*Desk thumping*] It has dried up in the south, in the central and it will soon dry up in the north. [*Desk thumping*] Madam President, there is no doubt that there is a major water crisis in our country and this crisis continues to cover dark clouds over our south and central communities, in particular. We all recognize that

water is a basic human right and all efforts must be made to ensure that people have a regular supply of this vital commodity. The people in several communities in our country, particularly in the south and central, are no longer prepared to accept excuses from WASA and from the Minister of Public Utilities. These excuses are weak, they are lame and they are outdated.

Madam President, this is an island that gets rain consistently for six months of the year and, Madam President, we are surrounded by water, yet our citizens are without water and they are crying out for basic water to maintain their livelihoods. Madam President, if I were to take you to Mayaro Regional Corporation, there is only one water truck, yet no money to pay contractors. Even if they get additional trucks, WASA is unable to supply additional water. Madam President, WASA has one truck in Mayaro for 41,000 citizens, no money for more trucks. Contractors are not getting paid, Madam President and, therefore, what we are experiencing in our country today is unprecedented. Whether you are in Ortoire, Guayaguayare, Grand Lagoon, Mafeking, Union, Ecclesville, Liberville, Poole Valley, Poole Valley Bristol, the cries are the same, no water. Madam President, how long can people continue with this kind of arrangement?

Madam President, in places like Tableland, for the last two months, New Grant, Worrell Road, there has been no pipe borne water. For the past month in Matilda, Fairfield, Hindustan, St. Mary's and Petit Morne, there has been no water, Madam President. Schools have been shutting down classes and sending pupils home, for example, the Princes Town Presbyterian No. 1 and No. 2 schools. Businesses are being severely impacted, especially farmers in the Tableland area. Madam President,

farmers are losing thousands and thousands of dollars in crops and livestock. Today, Madam President, in that part of the country, Corosan and Petit Morne, you have two Government Ministers but they are absent from their constituencies—Moruga/Tableland, San Fernando East—Madam President, and there are water issues. Madam President, poultry shops and chicken farms are going under since they have to purchase water on a daily basis to operate and sanitize their business premises. Why is this happening?

Madam President, we knew in advance that there was going to be a water crisis because of the drought that was coming. We were told, expect a drought, a dry season for 2019. What did the Minister do? We have 27,000 leaks. Madam President, 50 per cent of our water is lost as a result of leaks in the system. What have we done? When the PNM came into office, one of the first things that they did, under this Minister, was to get rid of all the contractors involved in the truck borne water supply business. They say they saved money as a result of that, Madam President, and they got a local crew from within WASA in order to continue the work that those contractors were doing. But, Madam President, there has been a gap and the Government has not been able to fill that gap.

Madam President, would you believe that citizens of our country have been called upon by these contractors—those persons rather, who are supplying water to them in the south—they are paying \$500, \$600, \$800 and \$1,000 for a supply of water? Madam President, that is also coming on the heels where they have to go and meet their water bills every two months to WASA. So they are not receiving water, yet still they are being called upon to pay their bills, properly speaking, but they have to pay a \$1,000 for a truck borne supply of water. Is that fair, Madam President? What is the

Government doing? Did the Government not realize that we were going to be in a water crisis? We have the Minister of Public Utilities asking people to conserve water. How can you conserve water in south and central Trinidad when there is no water? [*Desk thumping*] What are you conserving? What are you conserving, Madam President?

Madam President, I believe, I do not want to believe, but I saw something that had me a bit concerned and I think the Minister needs to tell us what is going on. Is there geographical discrimination in the supply of water in Trinidad today? I am asking a question, Madam President. I am not accusing anyone, but the question has to be asked. Since the PNM came into power, we have witnessed a crisis of water supply for the south and central parts of the country and we do not know, Madam President, if a decision was taken to just redirect supply out of the Caroni arena to the north and west of the country. Because, Madam President, you will know, for the last three months, the only people who have been crying out for water, for water, for water, in our country are the people from south and central Trinidad. You are hardly getting complaints from the north of country [*Desk thumping*] at this time, as I speak. You are not getting no complaints from the western part of the nation.

6.10 p.m.

So is it, Madam President, we have water but the water management is what is at issue? Is there equity, Madam President, in the geographical distribution of water in our country? I am asking the question because it is surprising, and, Madam President, I live in the east; I am not in the north in that strict sense in terms of the west of our country, although I was born there, but we have not been getting any complaints thus far in any serious

way. So the question that people are asking in the south of the country and in the central parts of the country is whether the Government is not engaging in a kind of practice that is not in the best interest of the entire Trinidad, and therefore I am calling on the Minister to answer the question whether the management of the distribution of the water supply, as scarce as it may be, is that the issue? Madam President, you need water, I need water to bathe. I need water to wash my clothes. The people need water to drink. They need water, and so on, to go in the bath.

Madam President, you know, I was reading a story in one of these articles that I have here where an individual is saying from Penal that the Government is supplying them with water at 12.00 midnight as if they are manicou people. So the Government expect people to get up 12.00 in the night, Madam President, to get a few barrels of water filled, and after that there is no more water for the rest of the week. Madam President, I am getting stories where people have not had water for six months. Some people have not had water for three months. Some people have not had water for two months. How can that be real? Is the Minister not aware of what is going on in Trinidad and Tobago? Madam President, if it is that we have a limited supply of water at this point in time because of the crisis brought about by the harsh dry season, is it not rational, is it not, for instance, reasonable for the Government to have a programme of equitable distribution of the water?

If the northern part of the island has to go on a schedule in order for the southern parts and central parts of our island and the people to get some water, Madam President, that is what we have to do. You cannot be supplying one part of the country with water on a regular basis and there are

no complaints and you have citizens, you know, literally crying out. Madam President, if this thing goes on, I want to warn this Government, you know, there was a water riot that burned down the Red House, you know, in 1903.

Madam President: Sen. Mark—

Sen. W. Mark: I am not saying—

Madam President: No, I know you are—please, please, I am allowing you to make your presentation and you are making it in very strong language at times, but do not go there where you just went. Okay?

Sen. W. Mark: Yeah. All right. So, Madam President, I am saying to the Government that they should take some action to deal with this water crisis. It is reaching dangerous levels in this country and before we know it something can happen. I want the Government to take heed of what I am saying.

Madam President, we are not without, for instance, proposals or recommendations. We believe that the Minister ought to consider recommendations in this regard. Madam President, there at least should be one truck borne supply of water per electoral district. You have districts in the south of the country, in the central parts of the country, put a truck borne supply in that district, Madam President, and let them supply water to the people. Madam President, why did the Minister and WASA not embark on what is called, the drilling of wells, knowing fully well that a dry season was approaching? The Government was not managing the affairs of the country properly. Madam President, if we were in Cuba today you would never have a crisis like that because they plan in advance and they take care of their people, but in this society anything goes. The Government needs to pay attention to this particular crisis.

Madam President, we believe that the Government, where the farmers are concerned, should allow our farmers to dig their own wells for water supply to their farms.

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

Sen. W. Mark: Right. Madam President, let the farmers engage in that. I want to call on the Minister of Public Utilities, Madam President, I would like to call on the hon. Minister to look at this issue very, very carefully. When I looked at the newspapers today and for the last couple of days, Madam President, you see some headlines which I cannot display, I can just read; the headline that is in the *Newsday* two days ago, headline, “WASA accused of ‘geographical discrimination’”. That is what people are saying. “Water distress”, April 25, 2019, “Woodland protesters defy CoP, light fires for water”, this is in another newspaper dated Saturday the 9th of March. “MP warns of water ‘uprising’” on April 30, 2019. “Le Hunte: Those with water, conserve for those without”, Madam President, the only way that can take place, and the hon. Minister ought to know, you have to redistribute water. You have to redistribute water. Put the north and western parts of this country on a schedule.

Madam President, do you know that even though we have a schedule in south and central Trinidad, it is most erratic and irrational in terms of when you cannot get WASA to come with water on a particular day. The next time you get water is two and three and four weeks later because it is not properly done. “Ducks”—headline—“dying for water”, Friday the 26th of April, 2019. In the *Newsday*, “Le Hunte: Less than 30% get water 24/7”. “No water in Tableland for over a month”, that is another headline again. Madam President, “South villages without water for weeks”, according to an

article in the *Newsday*, and it goes on. So all over, Madam President—and you have the CEO in an article here in one of the newspapers saying, “Brace for more restrictions”. “No water in parts of Central tomorrow”, according to an article. WASA struggle to cope—

Madam President: No, you have to give the dates and the names of the newspapers.

Sen. W. Mark: All right. Well, this is the *Guardian*, one by Hassanali, and the date here—I have to get it from the library.

Madam President, I have made my point, I just want to wrap up at this time. I want to call on the Government and the Minister of Public Utilities, stop making excuses. [*Desk thumping*] Stop making excuses. Madam President, we have to do something. This is a national emergency in our country, [*Desk thumping*] declare a state of emergency. It is necessary to ensure that south and central Trinidad gets their fair and equal share as it relates to water. They pay their taxes, they are entitled to water. They are entitled to a regular supply, and even though they cannot get it 24/7, they can get it on a scheduled basis. So, therefore, I call on the Government, and so on, to take action before it is too late and do what is right, distribute water in an equitable way throughout Trinidad for the time being. I cannot talk for Tobago until I represent the people of Tobago at some time in the future, I can talk for Trinidad and I am saying, let us deal with equity in the distribution of water for the people of our country. Madam President, I thank you. [*Desk thumping*]

Madam President: The Minister of Public Utilities. [*Desk thumping*]

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte):
Madam President, you know, this Motion before will give all of us the

impression that the water shortages that we are currently experiencing across Trinidad and Tobago is something new. I think all of us live in this country and we know that is not so. Mr. Mark on one of his advice, and I will dive straight into it, talked about schedules, scheduling—advice, it needs to be scheduled—the reality, as we all know it, is that Trinidad and Tobago, in spite of years of money, in spite of years of “squandermania”, in spite of budgets over \$63 billion, in spite of budgets over \$275 billion, in spite of a number of projects, ill-fated projects, starting projects, \$1 billion of money being spent without one drop of water being produced, after all of that, we operate in a country whereby we are on schedule.

The truth of the matter is, let the facts be clear, Trinidad and Tobago, in spite of all the “Water for all” campaigns, as we like to talk about it, 50 per cent of the population, maximum, during the wet season gets water 24/7. During the dry season that number goes to 35 to 40 per cent. That is the reality, and the reality is that over 30 per cent of the people who have water in this country, the population gets water below the standards as recommended by the RIC. It is in the RIC reports. Less than 30 per cent gets water on—their recommendation is at least everybody should get a 24/3, 24/4, and less than 30 per cent gets that. That means there have always been, from time immemorial, people getting water one day a week, two days a week, three days a week. That is the situation under which we inherited. That is what prevails, and that I said, that prevailed after a time when there was a lot of money in this country and a lot of money could have been spent in water. That is a fact.

The fact is also, as we all know it, there are over 7,200 kilometres of pipe in this country and we have an aged infrastructure. We have a structure

with pipes that are over 75 years in the ground, more than 50 per cent of them. That is the reality. When there was money to be spent, and then there was money to be wasted, it was not spent in the proper direction. Again, I draw reference to the \$1 billion project that produced not one drop of water, if that money was spent in a proper way, we would have had a lot of our infrastructure fixed. And therefore we are where we are because, I, as this Minister, want to apologize on behalf of all the other Ministers, and especially those of the last Government, as the Minister responsible for water, to the citizens of this country for the broken promises that they have made over time in giving them hope and then dashing that hope every time with non-performance.

That is what it is, so let us not try to politicize the situation now, and all of that, and make this thing hype like if it is something that we have now gotten up this morning and we are in a crisis. We are in a crisis situation now, why? We are in a crisis situation that has been exacerbated because of the climate situation we are in. I want to read a quote that came out of the Met office. The Met office sends, as you said, in December and in January they give an update, and they said:

“A hot and harsh 2019 dry season is forecasted - One when every drop of rainfall and water counts. One when rainfall will be scarce as gold.”

The reality is that was the forecast. That was the forecast which we envisaged, and I could say to you, based on where the dam levels are, the forecast has given rise to coming a little bit, in some cases, worse than we expected, especially in certain parts of the country we have situations that are worse and therefore we are averaging 20 to 30 per cent below the

national average of where the dams should be.

That is not a part of the reality that we face, we also—and what makes this situation worse is that we operate in an environment where 60 per cent of our water comes from surface water. So if that is your predicament and you have these harsh climate conditions that are facing before you, you are going to be in a dangerous and perilous situations. WASA's response to that was very quick. WASA's response was very quick, and by January of this year we were out there letting the population know, very clearly, what was before us and they put out a four-prong attack in trying to deal with the situation, and that plan involved increasing storage capacity because that is another problem. That is another problem that the country face, and, again, while we are talking this glib talk about "Water for all", the reality is our storage capacity in Trinidad and Tobago is such that we are about 7 per cent of what it should be, international standards. So we had never invested when we had money in increasing our storage capacity, and therefore this is not something that you could get up in the morning and fix. This requires capital, this requires some planning, and therefore when the situation was supposed to be done when we had an abundance of money, it was not done.

So WASA decided what we had to do in light of the situation, so what we had planned was increase storage capacity, increase water supply, reduction of non-revenue water and a public awareness campaign. We put together a four-point emergency plan, and I must say, I have been one that had been talking and criticizing and have spoken, and had some serious words to say at WASA, but in this case WASA has executed their plan in keeping with the constraints under which they are operating, and I continue to remind everyone of the old aged infrastructure that we are carrying along

while we execute this plan. So, increase storage capacity, what have we done? We have engaged so far, we had put in place four storage tanks. We have already constructed three of them and we are in the process of filling the fourth; of increasing that capacity in critical areas.

Increasing the water supply, we have identified 13 wells, four in Tobago and nine in Trinidad for immediate increasing in ground water and drilling the wells. Those projects have already started and they are well on the way. We identified 46 wells because we recognize that we need to increase the production from the wells that are presently there. Forty-six wells that needed to be rehabilitated and cleaned out and dealt with, out of those wells, by the end of this week, all 46 of those wells would have been cleaned and rehabilitated and up to maximum production coming out of the wells. Increase trucking facilities, well, you talked about one per area, I will let you know that we have actually increased our trucking capacity by up to 60 per cent, and by the end of this week we will have close to 41 trucks that are out there delivering water throughout Trinidad and Tobago.

We have also commissioned a community water programme, and for those of you all who do not know there are places in Trinidad and Tobago in this country that spent \$63billion in budgets when there was lots of money spending, that do not have water at all. There are communities, not in south, a lot of them in East-West Corridor under which they do not get water, period. They do not even have the piping to get water, and therefore we have started a community programme that is putting pipes into those areas so as to give them water. Under the NRW programme, we recognize and we talked about the leak repair programme and putting down the pipe replacement, again, if you want to change 50 per cent of the pipes that is a

tremendous amount of money. The billions dollars that were spent that did not give us one drop of water we could have changed out a lot of pipes with that money. We are moving now and we are presently replacing the pipes as they come up and we are doing that.

We have moved and changed over 7.5 kilometres of pipe that we had presently replaced during this particular period. And we have heard a lot of people talk about WASA and their leaks, and I have been one that have publicly been out there, and let me say, Sen. Mark, the contractors that you are speaking about, we did not reduce any contractors as it relates to water truck delivery. That is not what we did. What we did do is that the amount of excess people that we had using contract labour to fix the leaks on the ground whilst paying over 5,000 workers at WASA, we recognize that was wasting Trinidad and Tobago's money. And therefore what we said is that if you have workers, we are going to keep the workers at WASA but they need to work, and I am pleased to advise, WASA, that the amount of leaks that we have in south Trinidad, which we have concentrated on, now has moved from over 600 in January down to about 120. That is the amount of leaks, recognize, by the way, that because of our infrastructure WASA gets about 150 leaks a day. So, "yuh" close "yuh" eye, 150; "yuh" go to bed, 150; so over the weekend, if you do not work, "yuh" start and "yuh" open "yuh" eye and "yuh" close "yuh" eye, and you come back in the morning and you have 300 leaks. That is it.

So, in south Trinidad, based on the work that they have been doing, we have been able to reduce the number of leaks in south Trinidad down to 120, and in north Trinidad we had started at somewhere, like 2,200 leaks, they are now down to 1,100 leaks. So we still have a way to go in the

number of leaks that we have, but I could tell you the response time from the people at WASA has been a lot more, has increased, and the amount of leaks that we have in the country has dramatically been coming down. That is what we have been doing to fix the problem, not only talking about it. We have recognized that we had to beef up our call centre, because a lot of people have been calling and saying, listen, when they call in they cannot get through to WASA, and we have increased our call centre staffing by almost 30 per cent and improve that level of service at the call centre.

Finally, of course, I think everyone, every radio station—I think I have even made myself a little TV star with an ad that is out there that has our programme, since January, of public awareness and asking every single one that every drop counts, every drop counts. And you are right when you heard the headline, what I talked about, I appealed to every single citizen of this country, not those that did not have water that we want to make fun and game about it—of course, if you do not have water you cannot conserve, but we have water coming from one source, and those who are getting water if they conserve then you would have more water to send to someone else. This is not time to make politics and play games, and say, “Look at that statement”, that is a sensible statement. That is what people need to do. That is what we all need to stand up and say, “Yes, let us do something together”, [*Desk thumping*] rather than making small political games out of everything and making it all seem like if I am bad and you are good, when we all know when you had the money to do things about it you wasted it and you did not do anything about it.

So come on “nah man”, so at least succumb, let us work on this together. We are sending messages.

Madam President: Minister, you have five more minutes.

Sen. The Hon. R. Le Hunte: The reality is in certain areas we recognize over—and I have seen the problems in Mayaro and I have seen the problems in central Trinidad, and I have seen the problems in the Penal area, the reality is there were some technical problems in the Navet Dam in addition to reducing the water supply in that particular area. The water supply has come down from 20 million gallons a day down to 15, so there was a reduction. And then there was a breakdown, a mechanical problem in the particular dam that caused problems, and therefore that is why the people of Mayaro are having problems. That has been fixed and their problem is being restored, but you are back up to capacity and you are down to one or two days and therefore it will take a while the regularize. In the central Trinidad, which, by the way, is one of the few areas in Trinidad that gets water out of the desalination plant and they get water 24/7, but there are certain pockets of areas that—right now WASA has also advertised that they have a valve, it is a mechanical problem. There is a valve that has malfunctioned and there are certain works that need to be done that will rectify the situation there. And in the Penal area, again, the Penal area—and I want to take two last minutes and deal with this whole idea of discrimination, there is no concept; the concept of discrimination is something that there is no basis or grounds for that.

WASA sends, approximately, has reduced their water from the Caroni Water Treatment Plant. It is down from 72 million gallons of water a day down to 60. It came down to 50, and that is why the people in the Penal area had some problems. As a result of that problem, 25, 28 million gallons come up north and about 30 to 31, or vice versa, 31 million gallons come

north and 29 million gallons go south, but in addition to that south gets water from the desalination plant and other areas. When you total it, north gets approximately 87 million gallons of water and south gets approximately 85, 86 million gallons of water. There is no discrimination. As I told the person, the person in charge of the Siparia Regional Corporation, my parents come from Siparia. I grow my whole life up in Fyzabad. I went to school in Siparia. All my family is in Siparia. All my other family is in Rio Claro and Mayaro, and what I am trying to say, if there was discrimination, there is no discrimination. There is no discrimination in wanting to not send—there were technical issues that needed to be dealt with it and they have been dealt with.

This Government has been looking and dealing with the WASA issue. We inherited a lemon. We inherited a situation, and we inherited it at a time when we had money, we wasted the money, as the previous Government has done on a number of other occasions, and they did not spend the money in the proper way. With a little bit of diligence, with a little bit of honesty, with a little bit of focused attention we will get there, and we are getting there in a deliberate manner. And we are addressing the situation as it relates to WASA in a deliberate, focused manner, without one set of bravado and one set of promises and fake promises that will get us nowhere. As I said before, we are in a crisis situation, I am asking all citizens who have water to conserve water. We are asking, we have pockets of areas that had particular mechanical problems, I apologize to those areas, and we are putting things in place to ensure that those areas are rectified. The WASA team was down in Penal with a public meeting on Friday, I have been in constant contact with the MPs of those areas. Every night I get calls from

them and I send the necessary problems in dealing with the particular areas. We are dealing with a situation, let us not politicize it. Let us take this opportunity to work together in dealing with a problem as we serve the people of Trinidad and Tobago. I thank you. [*Desk thumping*]

Madam President: Sen. Hosein. [*Desk thumping*]

6.40 p.m.

Sen. Saddam Hosein: Thank you very much, Madam President. What I heard from the Minister of Public Utilities are blames, excuses and no hope for the people of Trinidad and Tobago. [*Desk thumping*] After we finish here today the taps will still be dry in central, south, east and north Trinidad and parts of Tobago. This PNM Government is good at one thing, and that is engineering a crisis. They always engineer a crisis before they address the issue. You will remember they collapsed the sea bridge, and now what are they doing? They are turning off the water from the taps of the citizens of this country.

Madam President: No, Sen. Hosein, please, please.

Sen. S. Hosein: All that came out of the Minister's contribution is that they have no money to do anything, that the country is broke. They have no money to do anything. But if they prioritized their spending, today the people of Trinidad and Tobago would have water flowing in their taps. [*Desk thumping*]

The Minister insulted a \$1 billion project that was started by a UNC Government, and he said we spent \$1 billion, but the record will show that we did not spend \$1 billion on the project. Madam President, \$426 million was spent for the start of the project that was shut down by this PNM Government. [*Desk thumping*] You know what they did, Madam President?

The citizens of this country were robbed from 11 million gallons of water per day from that plant. Had you continued that plant, the people of Trinidad and Tobago would not be suffering here today. You would remember the PNM spent \$1 billion on a stadium in Tarouba that does not produce one drop of water; that is their priority.

But the Minister said something very instrumental. He said since last year it was forecasted. He knew that this was going to be a harsh, dry season, we are what?—four months are almost finished in the year. Do you know what he did? Absolutely nothing. [*Desk thumping*] Absolutely nothing. No contingency planning whatsoever, and he had the forecast on his hands.

Could you imagine that Trinidad and Tobago was flooded in October—flooded. Persons had to be evacuated from their homes, and that water has not been conserved for production for use by the citizens of this country, based on what we are facing right now.

But he said that our tenure, the 2010/2015 period, there was abundance of money. Well, the period before 2010 they have amnesia, because there was more money at that point in time. Do you know what they left the People's Partnership Government with? With 15 per cent of the population in Trinidad and Tobago having water, and in Tobago, 35 per cent. When we demitted office in 2015, the water supply in Trinidad went up to 57 per cent, and in Tobago it went up to 69 per cent. [*Desk thumping*] Madam President, 24 million gallons of water per day has been increased through 10 million gallons at the Desalcott plant; increased aquifer well production of 1.1 million gallons per day; increase in production of 1.5 million gallons per day at the Point Fortin Desal Plant, in order to provide

water for the NAMDEVCO Estate for the Mitsubishi Plant. That is what we did. That is “where de money gone”. We completed 753 projects, laying 564 kilometres of pipeline. That is where the money went. [*Desk thumping*]

In the first quarter of 2014, a total of 82 kilometres of mains were installed in four areas. What did they do? Come here to complain about a valve being malfunctioned, and that is the justification you are going to give for people who do not have water in their pipes, to send their children to school, for business to operate, for families to have water to drink? It is a shame on this Government. It is an absolute shame and embarrassment on this Government.

Madam President: Sen. Hosein, your time is up.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, five minutes intervention. But let me say, I feel very saddened this evening that we are taking a national crisis of water and denigrating it to this type of debate. I am a petroleum geologist and I am also versed in hydrogeology and hydrology. I served on the board of WASA from 1986 to 1990. I understand the water supply situation in the country.

Trinidad has three sources of water: surface water, where you have impounding reservoirs. Hollis that extends to north Oropouche, Caroni-Arena and Navet. There is a desalination complex at Couva, Point Lisas that provides I think 20-something per cent of the national supply. Then there is a groundwater system. The vast majority of the potential of the groundwater lies in the foothills of the Northern Range, in what we call the alluvial valley fans, where all these water wells are drilled. It is a smaller supply of groundwater. Central Trinidad in what is called the Sum Sum Reservoirs, and down in the southwest peninsula which the oilfield has used for decades,

and they supply the south to a limited extent. So while the potential of a well in the Queen's Park Savannah or in the Moka Valley is about 350,000 barrels a day, if you go down to Chatham, you are lucky if you get 100,000 barrels a day. And then we are faced with a severely harsh dry season.

I think I have been a critic of WASA for years. I think WASA has managed this crisis to the best of their ability. While for those who have no water, that brings no comfort to them, I still want to publicly compliment those on how they have managed. From very early they telegraphed through the Meteorological Office that there will be a harsh dry season.

The issue with impounding reservoirs is evaporation. So during the dry season we start with a lot of water. You manage the drawdown on the reservoir, but then the more you manage it, the more you will lose through evaporation. But, at the end of day, the cheapest water is still service water. Desal—in my view Trinidad should not have a desal plant but it has helped out, because we have a tropical equatorial climate, we have the highest rainfall in the Caribbean outside of Guyana, so we are not an Aruba or Curacao, but, we have that.

Then there is the groundwater aquifers where I think we have the greatest potential. As we speak I chair a Cabinet committee that is looking at groundwater supply. As the Minister said, the infrastructure is aged. Basdeo Panday, Prime Minister then, "Water for all by 2000". I am not bringing the politics in it, but everybody has always telegraphed a mission for WASA. Somehow it has never happened. The quantum of leaks, the non-revenue water is too high. Let me just read to you, Madam President, the consumption pattern. I have a graph here of consumption gallons per capita per day.

The international standard is 42gallons per day, per person. The Bahamas is 21, they know how to conserve water. Jamaica is 35, they know how to conserve water. Barbados is 60, not quite good, but reasonable. Madam President, the consumption per capita in Trinidad and Tobago is a staggering 90gallons per day per person. You do not have enough water in this country, surface from impounding, desal or groundwater to supply that ridiculous demand, and the behaviour pattern is what counts. Because people who have 24/7, living their life as normal, you know.

Madam President: Minister, your time is up.

Sen. The Hon. F. Khan: Okay, thank you.

Madam President: Sen. Haynes.

Sen. Anita Haynes: Thank you, Madam President. I will start at the same point that the Minister of Energy and Energy Industries started. I too am saddened to have to be talking about water supply in 2019, and people protesting for basic needs such as water. But in the four-year tenure of this Government thus far, this is the second Urgent Motion that this Opposition has had to bring on something such as water supply, and that quite frankly is unacceptable, Madam President.

Imagine that the Minister of Public Utilities could come here and list out a litany of woes, all of which are under his direct responsibility, things that he ought to be fixing, and then still manage to try to put the blame on a former UNC administration. [*Desk thumping*]

And today, I think, Madam President, I was in shock because on a Motion we were debating just before, you had Members come and tell us how the PNM is good at winning elections, and how many elections they have won, and how long they have been in power. And you want us to share

the blame for the water woes in 2019? Madness, Madam President. [*Desk thumping*] Either you were in charge all this time, “yuh win all these elections”, you could take that and then take all the blame for the water supply in 2019. But “doh” come and tell me in the last five years, a People’s Partnership administration created this problem, because as the Minister of Labour and Small Enterprise Development said in crosstalk, you cannot be half pregnant. “Yuh was in charge, yuh did not fix anything, it is your fault now.”

And, you know, I listened to the Minister of Public Utilities and the Minister of Energy and Energy Industries both say, let us not politicize this issue, please. I mean, I was grateful, very grateful to the Minister of Energy and Energy Industries for acknowledging for the first time that there is a crisis, and that is a fact. I was also amazed that while saying do not politicize it, we had 20 minutes from the line Minister that was purely political rhetoric. Not good political rhetoric, but just pure political rhetoric. And, you know the Minister of Energy and Energy Industries came here and gave us his take on the situation. Now, I heard one of my colleagues say he should get the job, but this is the Minister that shut down Petrotrin, right. I do not think anybody wants him to get any job near WASA.

Madam President: Sen. Haynes, rephrase that please or—

Sen. A. Haynes: Yes, Madam President. This is the Minister that is the line Minister for Energy and Energy Industries, where we saw a similar crisis. But why I brought up Petrotrin is because we were promised better services once you shut down this Petrotrin, right? You would have more money for this, more money for that. Right now your pockets are dry, your pipeline is dry, everything is dry under this PNM administration. [*Desk thumping*] And

you want to tell us now about crisis? No, Madam President.

When we were listening, there is a protest happening today, people in Mayaro, Moruga/Tableland, all of them protesting today, Princes Town, for water. I mean, we look on at it, and this is a Government that is in Moruga promising them a port. “Yuh promising people all kinda ting with water, but no actual water supply. Dey in San Fernando promising waterfront development, but no actual water.” You could get anything with water in it, except actual pipe borne water under this PNM administration. Amazing, Madam President. [*Desk thumping*].

As you talk about how many elections you could win and what you could do, when you go to these people to ask for them to vote for you, do not carry music trucks behind you, eh, make sure and carry them water trucks you promised, because that is what they are asking for. Basics, Madam President, in 2019. And I have said this before, under this PNM administration, we have been taken backwards. 2019, in a year where people are talking about STEM and research and robotics, we in Trinidad and Tobago are talking about pipe borne water supply. Unacceptable, Madam President. [*Desk thumping*]

And you could stand here and tell me not to politicize an issue and not to raise it in this manner, but when you were running your public awareness campaign and talking about conservation and—what was it?—one minute showers, et cetera, you were also at the same time granting permits for people to have wet fetes in this Carnival season, and carrying truck borne water supply for wet fetes, and telling us that the problem is us, the problem is the citizens, “yuh doh know how to conserve water”. The problem is you. You really do not know how to prioritize. You could not prioritize your

spending in previous administrations. You could not prioritize and you could not plan for a crisis that you admitted that you knew about, and that is where I think if anything comes out of this debate—if anything comes out of this debate—

Madam President: Sen. Haynes, your time is up. Minister of Agriculture, Land and Fisheries.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I keep hearing the word “crisis”, and this is just the reality. I heard my colleague Sen. Hosein talk about the PNM is good at engineering a crisis. But the fact is we have no rain and we rely on rainfall to replenish the dams. We have no rain and we have what WASA says is record low levels already in the dams. The Met Office has said to us that May is going to be even more severe in terms of the heat, so we have a reality to deal with. We could talk about in the long-term, about desalination, about new dams, we could talk about all the things engineering that we could do, but the fact is that this is the situation we find ourselves. We are not unique, and everybody is talking about politicizing and do not politicize, but it has affected both of us.

Sen. Mark has read a number of newspapers headlines. I could read newspapers headlines too, you know. August 08, 2015, Trinidad *Guardian*:

“Water crisis worsens in Tobago.”

February 03, 2012, *Newsday*:

“WASA grants \$5.2M contract to Spanish firm”

And this is what this *Newsday* article says:

“News of the award of the contract comes as the Parliament today is set to debate a motion to approve the increases in WASA water rates

for the Point Lisas Industrial Estate. It also comes after several months of complaints over the operation of WASA, including the recurring problem of chronic water shortages due to shut-downs...”

That is February, in the dry season 2012.

Let us go to July 12, 2013 Trinidad *Guardian* headline:

“Water supply shortage in various areas.”

July 12, 2013? That is when we are facing floods, and the article from the *Guardian* says, and I quote:

“Low water pressure and in some cases total lack of water is expected to affect several areas in Central and South Trinidad.”

So if the PNM is engineering problems for the people in south and central Trinidad like me, then the UNC was doing it in July 2013. [*Desk thumping*]
Sen. Mark, you contested three elections, you know half the country, well, this article, July 12, 2013 referred to some of the affected areas, and it sounds like a calypso: Claxton Bay, Macaulay, Debe, Caratal, Penal, Hermitage, Woodland, Union Road, Rousillac, La Brea, San Fernando, Gulf View, Sobo, Duncan Village, Vance River, Vessigny, Pleasantville, Union Hall, Fyzabad, Quarry Village, Philippine, South Oropouche, La Romain, Palmiste, Siparia, Palo Seco—July 12, 2013. [*Crosstalk*]

Madam President: Sen. Ameen.

Sen. The Hon. C. Rambharat: Madam President, what we are dealing with—July 04, 2013, every year, we have a situation—[*Interruption*]

Madam President: Sen. Ameen, stop it, okay? And this is the last time I am warning you. Continue, Minister.

Sen. The Hon. C. Rambharat: My point is that we as legislators have certain responsibilities. There are agencies responsible for water, WASA

being one. We have read, we know about the issue with the leakage. We cannot create more water. We depend on the rain to replenish the dams. The dams are at record low levels. The levels are only going to go in one direction over the next month, it is going to go lower. The place is going to get hotter, it is going to be more uncomfortable for our citizens, and this has nothing to do with PNM engineering a crisis. It has nothing to do with UNC engineering a crisis. It has nothing to do with north versus south or south versus central, or anybody versus Mayaro. This is something that is affecting around the world. It has to do with climate, and as a country we have to deal with it. We have to deal with it in terms of own water usage, and of course you can come up with all your lovely plans for dealing with it in the future, we are open to that.

Madam President, I, like all the citizens who are suffering, I have my constraints but I have always tried to conserve water by limiting how much I use. May is a very critical month in the country, whatever role you play in this country, May is critical. Thank you.

Madam President: Sen. Obika.

Sen. Taharqa Obika: Madam President, people in Trinidad and Tobago are suffering for water, but instead—

Madam President: Sen. Obika, but I am not suffering from a lack of hearing. [*Laughter*] I can hear you, you can lower your voice please.

Sen. T. Obika:—they are getting water-lined by the PNM Government. So what the Government should do is advise the hon. Minister of Public Utilities to do like the water in the pipes and leave. He should resign. [*Desk thumping*] Because you have people in Princes Town boiling river water to drink. People drilling their own holes. They have gone back 500 years in

Definite Urgent Matter
Sen. Haynes (cont'd)

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this country, Madam President. So this Government is drowning in incompetence, suffering from a drought of ideas and the people are the ones who have to pay. [*Desk thumping*] If I were to read this list I would run out of time, but all I would say is one thing. The Government, just as they have done with water, will get water-lined by the people when the elections are called. I thank you, Madam President.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. I beg to move that this Senate do now adjourn to Tuesday the 7th of May at 1.30 p.m. We plan to hopefully complete two Bills: the national emblems Bill, which I hope should be a short debate, and then we will attempt to conclude the Liquor Licences Act.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised. Sen. Mark.

Trinidad and Tobago

(Oil Tankers from Venezuela)

Sen. Wade Mark: Thank you, Madam President. The first matter deals with the arrival of three oil tankers out of Venezuela.

Madam President, there is need for the Government to properly answer the precise arrangements, contractual or otherwise, between the management of Trinidad Petroleum Holding Limit and its various subsidiaries, and PDVSA, and/or any of its subsidiary companies.

Madam President, on April 04, 2019, the *Serengeti* left Venezuela and entered into Trinidad and Tobago waters on April 06, 2019. This 800-foot

oil tanker spent the night at Chaguaramas and departed on April 07, 2019. This apparently was no cause of concern and, for that matter, was not even detected as stated by the Minister of Energy and Energy Industries in response to an observation made by an international journalist concerning false berthing of PDVSA vessels in Trinidad and Tobago waters.

To add insult to injury, two other vessels or oil tankers, namely the *Mindoro* and the *Amore Mio*—I understand it is “My Love”—entered Trinidad and Tobago waters through the Bocas del Dragón on the 23rd of March, 2019.

In reference to the *Mindoro*, the Minister is reported to have stated that this vessel entered T&T waters, called at Chaguaramas as confirmed by the Director of Maritime Services, however, what is rather alarming about the *Amore Mio* is that the Minister was told that there were records of the said oil tanker entering Trinidad and Tobago waters by the Maritime Division.

This is in stark contrast to the automatic identification system—called the AIS—data which reflects that this vessel not only entered the Chaguaramas area, but proceeded past the ports of Port of Spain and Point Lisas, and journeyed to Pointe-a-Pierre where it spent the night, leaving in the wee hours of the morning of March 24, 2019.

Madam President, this Government must explain why these vessels were in our waters, completely undetected and unannounced by the Maritime Division, which appears to be like Rip Van Winkle, snoring away in the wake of this development.

Madam President, this is taking place in the wake of the recent discovery of some \$120 million worth of cocaine in the rudder well of the

Hispania Spirit earlier this month. The question has to be asked: What is really going on? We wish to debunk, based on AIS data and contrary to the statement made by the Maritime Division of the Ministry of Works and Transport, that the lone vessel which arrived last month visited for supplies.

The mystery deepens. The question is: What supplies did this vessel come to take on board, in that it only left the Venezuelan port two days before? So what supplies did it come to take? We would like the Minister and the Government to please explain exactly what supplies this vessel took on board when it arrived here. In fact, the country is asking what arrangements are in place, contrary to US sanctions between PDVSA and the Trinidad Petroleum Holding Company?

This rather is an extremely grave and deeply concerning matter, especially in light of the recent drug find valued at over \$120 million, as well as the US-imposed sanctions on countries' shipping lines and even individual vessels, which may have been found assisting or facilitating the Maduro regime to evade US sanctions.

I think the Government owes the country a proper explanation and not a dismissal. It is either the Maritime director is misleading the Minister, or the Maritime director is part of a huge cover up on what happened on that particular period that we are examining. Three vessels came into our waters. He is claiming only one vessel came, and when we look at the AIS information, tracking of the information from the AIS, we are seeing—and I have the evidence to show the Minister—three ships left Venezuela, and they all arrived in Port of Spain. One went straight to Pointe-a-Pierre.

So I think that this is a very serious matter, because the US Government is imposing sanctions on any country, or any vessel, or any

individual, shipping lines that is, eh, that are found to be in collusion, facilitating, seeking to evade the US sanctions.

7.10 p.m.

So, I want the Government to do what is right, explain to the country whether this country is facilitating or assisting PDVSA. And if there is any contractual arrangement involving that oil giant and the Petroleum Holding Company of Trinidad and Tobago because, Madam President, US sanctions are very serious, and we believe that the Government owes us an explanation to deal with this matter rapidly, so I look forward to the Minister clarifying this matter.

Madam President: Minister of Energy and Energy Industries.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, the UNC at work, again. Ever since the Government of Trinidad and Tobago signed the Dragon gas deal with the Bolivarian Republic of Venezuela—

Hon. Senator: That still going on?

Sen. The Hon. F. Khan:—the Bolivarian Republic of Venezuela, “all hell broke loose” in the UNC, because we guaranteed a long-term supply of gas in the event that Trinidad has a gas deficit, we can access the voluminous reserves in Venezuela through a transparent commercial relationship that could keep our lifeblood going which is Point Lisas, which is Atlantic LNG. We are struggling with BP and Shell now for them to continue their upstream investment, and they are doing well because February gas production was 4 Bcf. It is first time it has reached 4 Bcf since March of 2015.

So every time something happens in Venezuela, they want to know what is

the status of the Dragon deal. It collapsed? “It this, it that, the other”; with a regime change, stop it. I keep saying I am not dealing with foreign policy. The Ministry of Energy and Energy Industries through the Government, through the operators, which are Shell, PDVSA and NGC, has put together a robust commercial arrangement that can stand scrutiny for any administration in power in Trinidad or in Venezuela. They would not see power in Trinidad, but I challenge any government that comes into power in Trinidad to cancel the Dragon deal; they would not, common sense would have to prevail, good sense will have to prevail.

So since then everything that happens in Venezuela is a national crisis for Trinidad. The Venezuelan migrants come in here legally and illegally, they coin the question in such a way, how we are accommodating them to save the Dragon deal. I mean, donkey logic, it that a proper?—all right. Yeah.

Now, this article with a headline on the *Guardian*; again, the media. Some agency, international agency and I will read a part of it.

“There are reports of T&T ports being used by the Venezuela’s state oil company...(PDVSA), to avoid US sanctions.

According to a report on the website Lloyd’s List Marine Intelligence, ships appear to be collecting cargo in Venezuela before stopping off in T&T and then setting off again, raising suspicions that cargoes are being hidden. It said PDVSA is suspected of using co-loads and ‘false berthings’—changing the bill of qualities—“to disguise cargo origins.”

That is a serious maritime offence with absolutely no evidence. Some international agency, you have an international tracking system to see a

cargo coming here. The facts of the matter are as follows. There is absolutely no contractual arrangement between Trinidad Petroleum Holding Company, PDVSA or any Venezuelan entity. The only agreement we have signed is the Dragon gas deal to the term sheet of the commercial arrangement, the gas sales agreement between the NGC, PDVSA and Shell.

The Maritime Services Division can attest that no Venezuelan flag oil tanker was in Trinidad during the month of April 2019. The three vessels that were named in the Lloyd's Intelligence Report purporting to have some links to averting US sanctions on Venezuelan oil, namely, the *Mindoro*, *Amore Mio* and the *Serengeti*. The *Mindoro* which flies a Malta flag was last in Trinidad on the 23rd of March, 2019, and it came for provisions, stores and spares.

Sen. Mark implied "it leaving" Venezuela, just a couple miles away, and it coming to Trinidad for provisions and spares. Venezuelans do not have that. They collected their cargo; there is absolutely no evidence that you are changing the bills of lading to say that the massive tanker of fuel oil has its origin in Trinidad. How can you justify that? Trinidad does not have that quantity of fuel oil. Trinidad does not even have a refinery now. That cannot stand scrutiny, but that is media, and then the UNC picks up on all these things and makes it a national public issue.

On the 23rd of April, 2019, the agents for the vessel *Serengeti* flying a Liberian flag declared that the vessel was here for provisions, stores and spares. It is obvious, they are going on a probably a transatlantic journey, they are probably going to the Pacific to sell oil, to Japan or Korea, they need supplies, Venezuela does not have supplies. Trinidad businesses would have made money.

Vessels visit here all the time, every day, regularly, every week for all sorts of things, and *Amore Mio*, and I will admit that there was a little mix up in the information saying that that vessel did not come to Trinidad. The vessel did, in fact, come and it went to Pointe-a-Pierre for bunker. Bunker is a legitimate business, Paria is involved in bunkering, Petrotrin was involved in bunkering.

So here you have three vessels coming out of Venezuela on their own legitimate business, it has nothing to do with Trinidad. The shipping port under maritime law, you are allowed to let vessels berth for bunker, for supplies and the agents handle that. So there is absolutely nothing sinister about what is happening here, and they are just trying to make an issue where none exists. Madam President, I thank you. [*Desk thumping*]

Madam President: Sen. Mark.

Purchasers of Trinidad and Tobago's Crude Exports

Sen. Wade Mark: [*Desk thumping*] Thank you very much, Madam President. Madam President, we need to get clarification on another matter. We need to get clarification on the identity of the purchaser of T&T's crude exports, as well as the companies from whom T&T receives its imported refined products.

Madam President, it was on January the 18th, 2019, that the Minister informed the House that the importation of fuel for local consumption was being supplied by BP international sales and trading, and that this country's crude exports were being purchased or taken or sold to Trafigura, ExxonMobil, Shell and he also said Trafigura, again. Based on research that we have conducted, it appears that the players on both the import side and the export side have changed without notification, explanation or

consultation with the people or their representatives in the Parliament.

The question that has to be asked is: What is the new reality that this incompetent Government has embarked upon? We need to get some answers. And I want to ask directly, Madam President, and I want the Minister to answer in his response: Is there a processing agreement in play between PDVSA and Trinidad and Tobago through its energy-based state-owned oil companies?—whereby, Madam President, our Molo crude is be exported to the Gulf Coast to be refined by PDVSA related, affiliated, creditor owned PBF Chalmette Refinery? The Government needs to tell the country what is going on with our oil.

Madam President, it was on the 6th of March, 2019, that some or approximately 525,000 barrels of Molo crude oil was exported from the Heritage Petroleum Company Limited via a vessel called the *Eagle Barcelona* with an API of 23.20 destined for PBF Holding Company LLC which is a subsidiary of PBF Energy Inc. who is the second largest shareholder in a company called BlackRock Fund Advisors or BlackRock Inc. Madam President, we need to get the facts right.

We understand that BlackRock Inc. is the biggest creditor to the Venezuelan Government and to PDVSA. However, Madam President, there was another shipment on the 9th of April, 2019. In fact, let me go a little earlier. A ship called the *Songa Fortune* brought a shipment of diesel fuel from PBF Chalmette Refinery which started its voyage to Pointe-a-Pierre at midnight on 16 February, 2019. This refinery is owned by PBF Energy which allegedly purchased it from PDVSA in November of 2015. PDVSA is indebted to BlackRock Inc. or Fund Advisors. Madam President, it does not stop there.

On 09 April, 2019, another shipment of refined petroleum products left the port of Louisiana on the Mississippi river, Madam President, bound for Pointe-a-Pierre. The name of ship is *Alpine Hibiscus* and this vessel entered Trinidad and Tobago's waters within one week through the Bocas del Dragón on 16 April, 2019. The shipment of refined petroleum products originated from the PBF Chalmette Refinery located on the Mississippi River in Louisiana located at 1 Coker Plant Road on the Mississippi River.

Madam President, this PBF Chalmette Refinery has a coker unit which is designed especially to deal with heavy sour sulfur laden crude which is being imported from both Venezuela at an average of 78,000 barrels a day, as well as from Trinidad and Tobago's Molo crude.

Madam President, the question that is being asked is this. The Government of Trinidad and Tobago headed by the hon. Prime Minister signed off on several agreements with the President of Venezuela. However, Madam President, we never knew that the Government had entered into a processing agreement between PDVSA and Trinidad and Tobago energy-based companies, whereby our Molo crude is being exported to the gulf coast to be refined by PDVSA related, affiliated or creditor-owned PBF Chalmette Refinery.

So, we want the Government to come clean with the population to let us know whether our crude that is being exported by these companies is being used as a cover to get our crude refined at this Chalmette Refinery that is directly or indirectly owned by PDVSA. So, we are exporting our oil to Venezuela, Madam President, and we are importing refined products from Venezuela.

The Government must tell the country what is going on, because

when the Minister addressed the Parliament on January 18, 2019, the hon. Minister of Energy and Energy Industries is on record as saying that our oil is being exported and purchased by Trafigura, ExxonMobil, and Shell. He never told us, Madam President, that our oil was being taken by PBF Energy. So we need to get the truth. Is the Government in a deal with PDVSA? And are we selling our crude, Molo crude to this plant in Louisiana? And we are importing the refined products to sell to the people of T&T without the knowledge of the people.

Madam President, I call on the Government to come clean on the matter. [*Desk thumping*] If you feel that “emailgate” was a joke, you come clean and tell the country. If you do not come clean, we have evidence, we have evidence, we have evidence. So I am calling on the Minister to come clean and tell the country the truth on this matter, otherwise we shall expose you completely and comprehensively on this matter. [*Desk thumping*]

Madam President: Minister of Energy and Energy Industries. [*Desk thumping*]

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, when the Petrotrin refinery ceased operation, or prior to it ceasing operation, there were inventories that came from the refinery, but we had guaranteed the nation a three-month buffer to hold inventories so that in cases of emergencies there will be no fuel crisis in the country, so we started importing even before the actual drop-dead date of the refinery operation.

I am on record as saying initially and still we do that, we are playing the spot market. We have no long-term arrangement. There are traders, and we are getting good prices from the spot market.

In terms of refined products, Paria petroleum, Paria Trading Company that is, has, from October 20, 2018, to February 15, 2019, got its imported fuel from BP North America petroleum, a division of BP Products North America Inc.; these included gas oil, jet fuel unleaded, super unleaded, premium.

And then from January 20th to May the 31st, that is when the short-term contract expired, Atlantic Trading and Marketing Inc. ATMI, these are traders. We do not ask you, "What refinery do you own?". We want something, it comes, we buy it, once the price is reasonable.

From January 20, 2019, to May 31, 2019, we have been getting supplies from PBF Holding Company Limited LLC. Sen. Mark is right, but there is no processing agreement between Trinidad Petroleum Holdings with this company at all. We buy your products, we go on the spot market to sell the crude, and if you buy it, other people will buy it too.

From April 29, 2019, to May 21, 2019, we got supplies from Petrojam and Vitol over that similar period. These are the companies, we cannot tell you what price we paid because it is a competitive market, and they will say, "You are giving discount to this one and you are not selling next door at a higher price"; so there is transparency. It is a trading company; these are international commodities that are traded. They have posted prices and they have spot market prices, you have long-term contracts, the commercial agreements for long-term contracts differ from short-term spot market prices.

In terms of crude, I said the Molo crude which is the local crude, it is fetching a significantly higher price for us than we thought it was ever worth. The reason largely for that is because of Venezuela's low

production, because Venezuela produces a lot of heavy oil. We produce heavy oil, but because Venezuela's production has dropped from three point something million to under one million now, this part of the world does not have much heavy crude, so we are getting prices that is WTI plus \$6 and \$7. We used to post prices from the E&P to the refinery at WTI minus \$5, because that is seven and five that is \$12 extra per barrel you are getting.

The companies that have provided over the period is Trafigura, Petrojam Shell, Shell, Shell, PBF just bought crude from us. They paid a premium, and where they carry it to be refined, that is their business. Roteva, Trafigura, Trafigura and Shell.

If a US company is caught doing transactions with PDVSA or the Venezuelan Government they are subject to US sanctions, that has nothing to do with us, we are not subject to any US sanction; we have a trader, we buy. If what Sen. Mark is saying, that BlackRock Inc. is a US company and they are in some arrangement with PDVSA, I cannot comment on that, you know, but Paria Fuel Trading Company is buying refined products. On the spot market, it is selling crude on the spot market, it is getting a significantly higher price than WTI for its crude because our crude is valuable as we speak. From the refined products you have to be juggling because the market is very, very competitive. "How much conspiracy that you could fabricate"?—there is limit to it.

Sen. S. Hosein: "Emailgate". [*Crosstalk*]

Sen. The Hon. F. Khan: Good? Look at the convoluted argument. That is like the Panama Papers, to try to build a case to say that there is some processing agreement between PDVSA and Trinidad Petroleum Holding Company Limited. I mean, everything, I mean, it is silly season, yes, but

there is a limit to the silliness. Okay? And what I have told the nation today, Madam President, is that Paria Fuel Trading Company is—

Sen. Mark: But you have not told us the truth.

Madam President: Sen. Mark.

Sen. The Hon. F. Khan:—is importing refined products at a fairly reasonable price, it is exporting Molo crude which is the locally produced crude on the west coast and land at a significantly higher price than we ever thought it was worth, and in that context, Heritage Petroleum Company Limited is doing quite well. They will be declaring their first six-month profit figures at the end of May, and we anxiously await to see what those figures are. I thank you. [*Desk thumping*]

Question put and agreed to

Senate adjourned accordingly.

Adjourned at 7.35 p.m.