

No. 10

Wednesday

Fourth Session

16th September, 2009

Eighth Parliament

SAINT VINCENT AND THE GRENADINES

THE

PARLIAMENTARY DEBATES

(HANSARD)

ADVANCE COPY

OFFICIAL REPORT

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THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

PROCEEDINGS AND DEBATES OF THE TENTH MEETING, FOURTH SESSION OF THE EIGHTH PARLIAMENT OF SAINT VINCENT AND THE GRENADINES CONSTITUTED AS SET OUT IN SCHEDULE 2 TO THE SAINT VINCENT AND THE GRENADINES ORDER, 1979.

SEVENTH SITTING

16th September, 2009

HOUSE OF ASSEMBLY

The Honourable House of Assembly met at 10:25 a.m. in the Assembly Chamber, Court House, Kingstown.

PRAYERS

MR. SPEAKER IN THE CHAIR

Honourable Hendrick Alexander

Present

MEMBERS OF CABINET

Prime Minister, Minister of Finance,
Economic Planning, National Security,
Grenadines and Legal Affairs
Dr. the Honourable Ralph Gonsalves

Member for North Central Windward

Attorney General
Honourable Judith Jones-Morgan

Deputy Prime Minister, Minister of Foreign
Affairs, Commerce and Trade
Honourable Louis Straker

Member for Central Leeward

Minister of Education
Honourable Girlyn Miguel

Member for Marriacqua

Minister of Rural Transformation, Information,
Postal Service and Ecclesiastical Affairs
Honourable Selmon Walter

Member for Central South Windward

Minister of Health and the Environment
Honourable Dr. Douglas Slater

Member for South Leeward

Minister of Urban Development, Culture,
Labour and Electoral Matters
Honourable Rene Baptiste

Member for West Kingstown

Minister of Transport and Works
Honourable Clayton Burgin

Member for East St. George

Minister of Agriculture,
Forestry and Fisheries
Honourable Montgomery Daniel

Member for North Windward

Minister of Telecommunications, Science
Technology and Industry
Honourable Dr. Jerrol Thompson

Member for North Leeward

Minister of Housing, Informal Human,
Settlements, Physical Planning, Lands
and Survey and Local Government
Honourable Julian Francis

Government Senator

Minister of the State in the Prime Minister's
Office with Responsibility for the Public Service
Honourable Conrad Sayers

Member for Central Kingstown

Minister of Tourism
Honourable Glen Beache

Member for South Windward

Honourable Rochelle Forde

Government Senator/ Deputy Speaker

OTHER MEMBERS OF THE HOUSE

Honourable Arnhim Eustace

Leader of the Opposition
Member for East Kingstown

Dr. the Honourable Godwin Friday

Member for Northern Grenadines

Honourable Terrence Ollivierre

Member for Southern Grenadines

Honourable Major St. Claire Leacock

Opposition Senator

ABSENT

Minister of National Mobilisation,
Social Development, Gender Affairs,
Non-Governmental Organisations,
Local Government, Persons with Disabilities,
Youths and Sports
Honourable Michael Browne

Member for West St. George

Honourable Richard Williams

Government Senator

Minister of State, Ministry of Agriculture,
Forestry and Fisheries, Parliamentary Secretary
Honourable Saboto Caesar

Government Senator

Honourable Daniel Cummings

Opposition Senator

SAINT VINCENT AND THE GRENADINES

HOUSE OF ASSEMBLY

WEDNESDAY 16TH SEPTEMBER, 2009

PRAYERS

Honourable Mr. Hendrick Alexander, Speaker of the House of Assembly read the prayers of the House.

OBITUARIES

HONOURABLE MR. SPEAKER: Honourable Minister of Culture.

HONOURABLE RENE BAPTISTE: Mr. Speaker, Honourable Members, I rise this morning to pay brief tribute to Mrs. Clarissa Charles of New Montrose. Those of us who were born in the 1950's and 1960's would remember, Mr. Charles and Mrs. Charles, they had a store in Middle Street, called RH Charles & Sons, he was a good photographer, an excellent one and I still have photos in my album taken by him and one Allie Douglas, when I was a little child and growing up, we used to go by the Charles store in Middle Street to buy your school uniform material and your shoes, even though Bata was next door, there was a great deal of support by Mrs. Charles. They used to carry those fine things that we no longer see, the edging to put on baby vest, and on christening clothes, gipeo edge; yes, many people would not know what gipeo edge is these days, and lace for making the veil for confirmation. Very pleasant woman, all her sons and daughters, I knew them all with the exception of one of the big ones, a number of them went to school with us at... Mrs. Elaine De Shong of blessed memory... at Rose Place, Suzanne and Lionel, whom I know very well of late she has been in and out of the hospital and Lionel was coming back and forth to be with her, and the care-takers, but she was always a pleasant woman, a staunch Methodist, a very beautiful neighbour and I was pleased to see the whole neighbourhood in New Montrose come out to bid her farewell at the Methodist Church.

I wish that her relatives and friends will rest assure that she is in the blessed arms of her Saviour. And as a Methodist she firmly believes that she is with her Saviour, condolences to the family and the neighbours in New Montrose. Much obliged. Mr. Speaker.

HONOURABLE MR. SPEAKER: Honourable Leader of the Opposition.

HONOURABLE ARHNIM EUSTACE: Mr. Speaker, I rise to offer condolences to the Minors' family on the death of Rupert 'Putty' Minors who was buried last Saturday in the Valley. Rupert as many people knew was a very enthusiastic banana farmer and in fact took great pride in the industry. I recall him in the 1990's playing a very active role in the Banana Growers' Association, especially the annual general meetings and particularly during the question period, he was always one to get up and ask the difficult questions, and I respected him for his attitude with regards to those matters.

In the last couple of years as many of us would know Rupert was very ill I must say he suffered a great deal, particularly in this year. I went to see him a few times, I spoke to him on many occasions but he suffered real pain, real suffering, and I would be frank with you and this House, Mr. Speaker, the pain that he suffered sometimes made me question my faith, I cannot describe adequately that kind of suffering right up to the end, I saw him a couple days before he died. And when he did pass I had to say that it was better that was so. Real pain. And if you did not have the faith, I guess you would ask why him, or anyone of us would ask if we were in the same situation, why me. But in the end, our faith will see us through. As I said he was buried last Saturday in the Valley and I wish to say to this family that our prayers are with them at this difficult time.

I want particularly to mention his son Jason and the way he cared for his father, especially during those final days as he said to me one day when I was there, he has learnt a lot from his father's pain and he now know what it means to grow up in a real way. Any of you who saw him during that time would recognize that for him it would have been a very difficult situation to deal with. He has gone from us and may the Lord have mercy on his soul. Much obliged.

HONOURABLE MR. SPEAKER: Honourable Senator Julian Francis.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I rise to join both Minister Baptiste and the Leader of the Opposition, Mrs. Charles was a very dear friend of mine; we were neighbours in business for the virgin years of my work life when I worked at CIBC and they carried their business just next door. And we developed a very, very close working relationship and as the years progressed we maintained that level of friend and respect for each other, and do convey condolences to the remaining members of the family.

Rupert Minors one can classify basically as my brother having lived in that household again for those early years of my work life, Jack and Margaret Minors were my second parents and slept in that house for close to three years, after my father and I decided that it was not advisable for two grown men to live in one house. Rupert... I think that is national history, so we would not go into the details of that. Rupert was the only boy of Auntie Margaret and Uncle Jack. Jackie, Antoinette, Arlene and Cassie-Ann, the sisters and in our youthful days, I am five years older than Rupert, so at that time I felt like a man and he was a boy. But Rupert was a very active individual, very, very active and vivacious. He was a psycho sprinter, excellent on the psycho and he represented St. Vincent on a couple of occasions regionally, I do not think he went internationally, but regionally, I remembered Martinique and Guadeloupe, he and Sailor struck up a very close relationship and I recall he graduated from bicycle to a motorcycle, and we warned him about it, but right where opposite where the gas station down on Back Street, I recall vividly where he had an accident and broke his leg. In fact, he died with steel in his leg.

Rupert was a very intense young man and whatever he did he did it with his full life. The good he did very well and the bad he did very well also. Rupert followed in the traditions of the Minors family, as we know the Minors' Estate owned the Dumbarton Estate, and Uncle Jack in particular was there carrying that one. They also owned substantial lands at Twenty Hill, and Rupert and Jackie carried on the farming tradition of Minors

Family in the Dumbarton Estate and as the Leader of the Opposition said made a significant contribution to the banana industry in this country.

As we grew older, we lived more separate lives and I just could not bring myself to go and see Rupert in the final days of his sickness because I preferred to remember Rupert as that strong, young, handsome man. In fact, one young lady said to me when she heard that Rupert had died, she said wow, one of the most handsome men in St. Vincent has gone. And I think that was shared among a lot of the females in St. Vincent. Rupert never gave up that side of his life, he enjoyed that to the fullest and Lord was good to him and blessed him in many ways. I share with the family, and as I said I am virtually a member of the family and I want to extend again to Antoinette, Cassie-Ann, Jackie and Arlene and the remaining members of the family, Kenny Minors being his first cousin and Richard. Richard continuing the farming tradition on the other side of the Minors' family, that is Dan Minors who is Rupert's uncle who was an agricultural officer in this country, who worked alongside my father in those glorious days of agriculture. I want to extend to them on behalf of my family, the extended family and our party and the government, sincerest condolences to the bereaved to all of those who are left behind to mourn his lost, Lou Lou, and Jay Jay, his kids, Lou Lou being his estranged wife and Jay Jay being his son and Damien, I want to extend sincerest condolences to all. Thank you, very much, Mr. Speaker.

HONOURABLE MR. SPEAKER: Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I want to join all Honourable Members in their tributes to Mrs. Charles and to Rupert Minors, both persons whom I knew very well, and I considered that Rupert was my friend. I was not as close to him as Senator Francis. Unfortunately, was not able to attend his funeral but I know that Senator Francis was going because I had a meeting which had been scheduled with persons from overseas and I could not attend. I spoke to him on the telephone before he had gone to the hospital and it was a painful thing, strange enough more for me than for him, I thought, because he had an extra ordinary fortitude in his battle against his cancer, his illness, his journey to Canada and back home, which he knew was for all practical purposes and inevitable death. He was a fine human being, a patriot. We extend on behalf of the Government and people of St. Vincent and Grenadines' profound condolences to his immediate relatives, siblings, and to his children and those of us who knew him well, I am sure that he would have an expectation that we would look out for his children. One does not have to broadcast this but I think it is a quite certainty in the hearts and minds of many, many persons who Rupert Minors, for his own love of life and his own generosity of spirit and his immense contribution to this country, in so young a life, so short a life.

Mrs. Charles was of this famous school of indigenous business, men and women, who blazed the trail. Of course, in many such circumstances the businesses which they established were not continued in part because the children and other members of the family went into the professions, that is a situation which is taking place quite a lot in the Caribbean, not only in St. Vincent and the Grenadines, and it is a matter which we need to look at with far greater analytical depth and insight and to see to what extent those traditions can be continued for the good of the country.

Mr. Speaker, going regional, on behalf of the Government and people of St. Vincent and the Grenadines, I would like to pay tribute to the Cuban people, to the government, express condolences to them on the passing of the vice president, one Almeida Bosque. He was the foremost individual of African descent, in the leadership of the Cuban party and government. He was in prison with Fidel Castro and others consequent upon the storming of the Moncada Barracks in the early 1950's, he was released with them, he went to Mexico, he returned on the Granma, on that famous voyage; he was one of the dozen who survived, and went into the Sierra Maestra to organize and begin a guerrilla campaign against the dictator Batista, Fulgencio Batista. He distinguished himself as a military commander and a soldier of extra ordinary bravery during that guerrilla campaign and was a major figure in the party and in the government. A man very simple in his life style; profound commitment to the Cuban people, the people of the Caribbean and Latin America, particularly the poor and the working people, he was a nationalist and anti imperialist. He was also quite artistic, a poet, an a writer of over 300 songs, many of which were performed during the period of mourning following his recent death.

I have been advised by Her Excellency, the Cuban Ambassador to St. Vincent and the Grenadines, that as of tomorrow at 10 o'clock until Monday 21st, every day from 10 a.m. until 5 p.m. a book of condolence will be opened at the Embassy at Ratho Mill. On behalf of the government and people of St. Vincent and the Grenadines and on my own personal behalf, that of my family, I pay tribute to a revolutionary patriot, and a Caribbean man, one Almeida Bosque. I am obliged.

CONGRATULATORY REMARKS

HONOURABLE MR. SPEAKER: Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I rise to offer congratulations to the Honourable Reuben Mead, Chief Minister of Montserrat. Recently elected with a majority for his party of six seats to three, in the legislature of that British Overseas Territory as they are now called his party, the movement for change and progress which was part of the outgoing government, before, they fell out with the Chief Minister then, Dr. Lowell Lewis fell out with them, whatever, I do not know what is the nature of the internal dissonance but Dr. Lewis caused the dissolution of Parliament of the legislature, and he won his seat, in fact, he did not contest as a party, he contested as an individual, and Rueben Mead was strongly supported in the elections by a veteran John Osborne. And the people o Montserrat thought that Mr. Mead and his team would be the best to chart the course of Montserrat in these circumstances.

I have spoken since the election to both Dr. Lewis and also to the new Chief Minister whom I will see on Friday when we attend the Monetary Council meeting of the Eastern Caribbean Central Bank. He is the Minister of Finance and Economic Development and Minister for Regional Affairs. He is a committed regionalist. He is an experience man in government. He had served hitherto on more than one occasion.

We are committed in St. Vincent and the Grenadines to work closely with the Government and people of Montserrat. We have a lot of Vincentians who are there, going back many, many years and when I spoke to Reuben a few days ago, I said to him that I am awaiting an announcement as to when he would say that he has

no interest to loiter on colonial premises. He told me he would get back to me on that one. Of course it is a difficult situation even for nationalist in Montserrat to speak in terms of independence. I mean, we know all the circumstances in that beautiful country, the emerald isle. I am very pleased to see that we have had in the region another change of government peacefully which is our tradition and we do not need to go the way of other countries or other regions. I congratulate them, I wish them all the best, the new government, I know that there are a lot of enthusiasms, and I am quite sure that the opposition in Montserrat would be very patriotic and they would put the country over their own particular circumstances. I am absolutely sure of that. And I wish them all the best. I am obliged.

HONOURABLE MR. SPEAKER: Yes, Honourable... just a minute please, let me take the Leader of the Opposition; I think I recognize him first.

HONOURABLE ARNHIM EUSTACE: Mr. Speaker, I wish to join in the congratulations offer to Chief Minister Rueben Mead of Montserrat. Actually, we are personal friends, having worked together for many years at the Caribbean Development Bank, and I was very pleased to hear that he is now in the leadership of his country, because I regard him as very competent and a very honest and straightforward individual, who really is a committed regionalist. He just does not say that, he lives that, and indeed it is a really a pleasure for me to offer congratulations at this time. He fully desires the position he now has and the people of Montserrat have spoken very clearly, so my congratulations to him and the rest of his government.

I want to take this opportunity also, Mr. Speaker, to offer congratulations to the youngest member on this side, on his birthday today, Honourable Terrance Ollivierre. He trying to hide it, but you cannot hide here. But I just want to say to him, he has reached another birthday and there is need for some celebration with regard to that and we will look after that later on. Much obliged, Mr. Speaker.

HONOURABLE MR. SPEAKER: Thank you. Congratulations to you Honourable Member.

CONFIRMATION OF THE MINUTES

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members I beg to move that the minutes of this Honourable House for the sittings held on the 1st, 2nd and 3rd of September be confirmed.

HONOURABLE SIR LOUIS STRAKER: Mr. Speaker, I beg to second the motion.

Minutes were previously circulated and accepted as read.

Question put and agreed to.

ANNOUNCEMENTS BY THE SPEAKER

I just wish to announce that excuse has been tendered for the Honourable Daniel Cummings who is not in Parliament today, his brother I understand passed away in Canada and I think he is there in support of that situation. So he has been excused from Parliament today. And Senator Saboto Caesar who is also, I have been informed very ill. And Member for West St. George is out of state and anyone else? No. That is it.

STATEMENTS BY MINISTERS

HONOURABLE MR. SPEAKER: Honourable Minister of Health will make a ministerial statement.

HONOURABLE DR. DOUGLAS SLATER: Thank you, Mr. Speaker. Mr. Speaker, Honourable Members, I rise to make a statement related to the situation of H1N1 in St. Vincent and the Grenadines more commonly referred to as the Swine Flu.

Mr. Speaker, earlier this week I made a press release concerning it but I thought it would be useful to do so on this opportunity and also there is a little development on that.

Mr. Speaker, Honourable Members early in July we had our first confirmed case of H1N1 in St. Vincent and the Grenadines. As most listeners would know, Mr. Speaker, this is a disease that broke out earlier in the year, it started in Mexico, and quickly spread to many countries and as we listened to the developments, it changed from one stage to another by World Health Organisation until it was announced to be a pandemic, meaning that it has affected several regions of the world. It is a virus, flu like disease. It is a new strain of virus, and there was a lot of fear because several people died. Fortunately it seems as if the last sets of cases have been relatively mild and there is some treatment available though not yet a vaccine. In St. Vincent and the Grenadines then in July we had our first case, where that was a young lady, a Vincentian who went to Canada and returned and then soon after took ill, and fortunately the health care workers were alert enough to identify suspect, isolated and treat appropriately, thus effectively managing the spread of the disease.

The second case was announced early in August, or around mid August, it was actually a foreigner, a student from Guadeloupe who came here on a camp and we actually got the result after he had left, but we had suspected the test the result gave.

The third case is of a seven year old student of the St. Mary's RC School. This student similarly to the first case returned from Canada on the 29th of August, start showing symptoms of flu like illness on the 5th of September, you may recall that school reopened on the 7th. On the 7th she went to a doctor, they had some suspicions and tested her, unfortunately we do not do the testing in St. Vincent, we had to send overseas. We received the results earlier this week, I think it was Monday that it was confirmed to be a case. We quickly contacted the Ministry of Education and the management of the school, and we made some quick decisions.

On further investigations it was found that several other students in the class with that student were showing flu-like symptoms. Now, we cannot say that there are cases of H1N1, because now you have common flu going around too. Nevertheless we took the decision in an abundance of caution to minimize the spread that we will send home the students of those classes. Now St. Mary's School has an upstairs and a downstairs, and the case was from a student in the downstairs section, Grade 1's and 2's which is sort of separated from the higher classes. We contemplated whether we should close the entire school but we did not want to have a disruption that is beyond what we deemed was necessary, so we announced that the closure would have been from Tuesday until Monday. The reason for this timing depends on what we call the incubation period of the disease it ranges from 7 to 10, so if it is in fact there, by Monday next week if anybody is going to get sick it would most likely show up and if nobody got sick then we can say well there was no spread. Nevertheless as was sort of expected there were many concerned parents and therefore the attendance yesterday added with the rain was very low, we had discussions with Sister Ivy and we visited there, we placed a public health nurse there, we stepped up surveillance that is checking on all the students and it was decided that we probably might be more practical to close that entire section of the school. So therefore, that the main school is closed until Monday.

Now, the closure of the main school is not as a result of any increase in numbers of H1N1, I want that to be clear because we in the Ministry of Health have been receiving calls including from the media and we had to clarify that. The reason why the other section is closed is because parents have been keeping home, most of the children and we had contemplated that action anyhow and we thought that it would just be easier, and this was agreed to and suggested by Sister Ivy and we agreed with it. So we are hoping, we do have sufficient medication in stock, so we want to allay the fears, fortunately as I said the strain that was affecting these areas and later seem to be fairly mild, nevertheless it is a serious illness and we cannot say when or if, and hopefully not we get a serious complication but the Public Health Department is very much on the ball and I want to take this opportunity to thank the staff of the Public Health Department of the Ministry of Health and the Environment, and the Ministry of Education, Sister Ivy and her staff and the parents for the cooperation that they have been giving us thus far and I am certain that all of us would pray and hope that there are no more new cases. But we are testing anyone from the school that may show these symptoms. Much obliged, Mr. Speaker.

HONOURABLE MR. SPEAKER: Honourable Minister of Foreign Affairs.

HONOURABLE SIR LOUIS STRAKER: I crave your indulgence and the indulgence of this Honourable House to speak in solidarity with the Government and People of Taiwan on their recent unfortunate experience of Typhoon Marriott, which created a lot of damage to that country in terms of infrastructure, buildings, and loss of lives. The Prime Minister and I have sent messages of sympathy to the Government of Taiwan on behalf of the Government and People of St. Vincent and the Grenadines, but I think it is in order for us to make a public statement, to express our sympathy to the Government and People of Taiwan at such great disaster which they have experienced.

Mr. Speaker, Taiwan is partner with us in the development, it is the single largest contributor for any country in the world to our development here in St. Vincent and the Grenadines and notwithstanding the disaster, it has not slackened or cut back on its promised aid for the development of this country. As a matter of fact, the past

week it has made available some EC \$800,000 to the National Development Foundation, funds which will be going for the development of the entrepreneurial skills of our small business people, micro-industries, micro businesses, to develop their businesses and to provide counseling for them and to create employment in this country. This morning, I welcomed three volunteer workers who have just come in from Taiwan to work in the Ministry of Agriculture, the Ministry of Health and the Ministry of Education, whatever affects Taiwan affects us here. And certainly, the suffering that that country has undergone has touched our hearts. This typhoon killed some 619 people, there are 74 still missing, and there are 76 body parts that have been found. Most of the damage has been in the Tai Chung County, in Chia-ling Village where 250 people were buried under the landslide. The damage was to the tune of US \$3.3 billion. Agriculture alone suffered US\$500 million, they had to evacuate about 25,000 people and create 11 temporary shelters for those in need of shelters.

It goes to show, Mr. Speaker, that no matter how rich or technological advance a country is, you cannot fight Mother Nature. You can put in place certain measures, or mechanisms, to mitigate the severity of natural disasters but you cannot prevent such disasters from affecting you. I am absolutely sure that if we were to be struck by any natural disaster here, Taiwan would be one of the first countries and maybe the most generous in providing Aid for our people here as it has done in the past, in the area of agriculture with the Moko disease and in other areas where help is needed.

Mr. Speaker, I pray that Taiwan would get back to normalcy that once again its economy would flourish, that its people, those who have been affected by this typhoon would quickly resettle in homes, maybe not in the same area but that the government would make provision for them to get their lives back in order and I trust that we would convey to the Embassy of Taiwan on behalf of this government and the people, once again, our heartfelt sympathy and our solidarity with them, in this their time of great disaster. I trust that all would be well for our brothers and sisters in Taiwan. Thank you.

HONOURABLE ARNHIM EUSTACE: Mr. Speaker, I crave your indulgence to refer to the statement just made by the Deputy Prime Minister and representative for Central Leeward, with respect to Taiwan. I also on behalf of the members on this side of the House would like to offer our sympathies to the Government and People of Taiwan. We are conscious of the enormous damage, that the country has suffered, and in particular the damage in terms of lost of lives and the loss of income, destruction of infrastructure and so forth which was taking place, two days after that typhoon, I did on behalf of our party send a note of sympathy to the ambassador here and I received a reply from him. I just want to reiterate that, and I have said it several times that I believe our relationship with Taiwan transcends the diplomatic and has gone to the personnel, and in those circumstances we feel their pain, Mr. Speaker, and we look forward to their successful return to normalcy in that country. Much obliged, Mr. Speaker.

HONOURABLE MR. SPEAKER: Report from Select Committee.

REPORTS FROM SELECT COMMITTEES

HONOURABLE MR. SPEAKER: Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I beg to inform this Honourable House that the only bill before select committee, the Rehabilitation of Offenders Bill, that the select committee has not met as yet. The principal reasons being all the work, all of us have been doing in respect of the select committee on the constitution bill and matters connected therewith subsequently. The Honourable Attorney General and I have spoken about setting aside some time next week to commence the work on this very important bill, the Rehabilitation of Offenders Bill. I am obliged.

ORDERS OF THE DAY

REFERENDUM ALTERATION OF THE CONSTITUTION BILL 2009

HONOURABLE MR. SPEAKER: Just before you do that I figure we would not be here for very long, because I was inviting the Prime Minister to move 12 (5), out of an abundance of caution.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, if I may from an unaccustomed position. I beg to move under Standing Order 12 (5), that the proceedings of today's sitting be exempted from Standing Orders' Hours of Sitting.

HONOURABLE SIR LOUIS STRAKER: Mr. Speaker, I beg to second the motion.

Question put and agreed to.

HONOURABLE MR. SPEAKER: Honourable Minister of Culture and Electoral Affairs.

HONOURABLE RENE BAPTISTE: Thank you, very much, Mr. Speaker. Mr. Speaker, I beg to move the introduction and the first reading of a bill for an Act to make provisions for the holding of a referendum to alter the Constitution of St. Vincent and the Grenadines in accordance with section 38 subsection 3 (b) of the constitution. The objects of this bill are the bill seeks to make provision for the holding of a referendum, provided for in section 38 subsection 3 (b) of the Constitution of St. Vincent and the Grenadines, to seek the approval of the electorate for St. Vincent and the Grenadines Constitution Bill 2009, passed in the House of Assembly on the 3rd September, 2009. Under section 38 (3) (b) of the Constitution a referendum is required where it is desired to enact a Bill to alter any of the deeply entrenched provisions of the Constitution. The St. Vincent and the Grenadines Constitution Bill 2009 is such a Bill and by law, after it has been passed by the House, the Bill has to be approved on a referendum by not less than two-thirds of all the votes validly cast on that referendum.

This Bill seeks to put in place the procedures for the holding of the referendum on the question whether or not the St. Vincent and the Grenadines Constitution Bill 2009 to provide a new Constitution for St. Vincent and the Grenadines is approved.

HONOURABLE MR. SPEAKER: You include the other parts in your debate.

HONOURABLE CLAYTON BURGIN: Mr. Speaker, I beg to second the motion.

Question put and agreed to.

HONOURABLE RENE BAPTISTE: I beg to move that the bill be taken through all its stages in accordance with Rule 48 (2).

HONOURABLE CLAYTON BURGIN: Mr. Speaker, I beg to second the motion.

Question put and agreed to.

HONOURABLE RENE BAPTISTE: I beg to move that the Bill for an Act to make provisions for the holding of a referendum to alter the Constitution of St. Vincent and the Grenadines in accordance with section 38 subsection 3 (b) of the constitution be read a second time.

HONOURABLE CLAYTON BURGIN: Mr. Speaker, I beg to second the motion.

Question put and agreed to.

HONOURABLE MR. SPEAKER: Debate on the bill.

HONOURABLE RENE BAPTISTE: Mr. Speaker, Honourable Members, since last we met in these Chambers, it has been a tremendous amount of public debate on the airwaves and publications of the newspapers of general circulation in St. Vincent and the Grenadines, Vincentian, the News, Searchlight, and the publication of the SVG Constitution Bill 2009 that was passed in this Parliament on the third of September and certainly the debate has been enlightening in many cases, and some cases quite disappointing.

I was also somewhat surprised by the misinformation that seems to be floating in the atmosphere and frankly very wrong interpretations about what took place on the 1st, 2nd, and 3rd of September, and some of it by persons who rightfully know not too much about it, and some by persons who ought to know, but may not quite understand what they are talking about. For the record, Mr. Speaker, this process started off so many years ago and I wish to state clearly that it is a mandate given by the people why we are seated in these Chambers on this side of the House. Firstly, in 2001 and in 2005 confirmed. The mandate of the people is a democratic principle, it is a basic tenant of democracy, the mandate of the people expresses the will of the people. However, some

pundits appeared to have forgotten, Mr. Speaker, that we were given that mandate of the people, by the people to commence this whole process of constitutional reform, that what we are doing on this side of the House is exercising the lawful authority which enables us to take that course of action and lead this process which began 2002 by resolution right up to 2007 with bipartisan support in this Honourable House and then lately in 2009 in the select committee of the whole House, the select committee of the whole House provided us with an excellent opportunity to work in good faith and in a bipartisan way in this Honourable House, where we all sought to exercise the sovereign will of the people. We established a broad based committee in 2003 representing the whole spectrum of civil society, representing all the corners of the Vincentian society, reflecting the composition of the Vincentian society.

Mr. Speaker, I had to revisit this issue and reiterate it for the benefit of not only of this House but for the public at large because of the clamoring symbols out there that are appearing to want to bury the sovereign will of the people and the facts and circumstances surrounding constitutional reform.

Mr. Speaker, the legal basis of the authority that propel us on this course is the current and existing law, the St. Vincent and the Grenadines Constitution of 1979, Part 2, Legislation and Procedure of Parliament section 38. I plan in this part of my presentation on the debate in the Referendum Alteration of Constitution Bill, to be meticulous as out there in the public domain there are some unusual interpretation given to section 38 of the Constitution. What does Section 38 of the Constitution say and I want to read it into the record it says: Marginal note Alternation of Constitutional Supreme Court Order Section 38 subsection 1:

Parliament may alter any of the provisions of this constitution or of the Supreme Court Order in a manner specified in the following provisions of this section. Subsection 2, a bill to alter any of the provisions of this constitution or of the Supreme Court order shall not be regarded as being passed by the House unless on its final reading of the bill, it is supported by the votes of not less than 2/3 of all the representatives.

I have heard a new formulation somewhere out there in the atmosphere where people expected senators to vote. The Constitution of St. Vincent and the Grenadines, Statutory Instrument No. 9 1 (6) states in section 38 (2)

A bill to alter any of the provisions of this constitution or of the Supreme Court order shall not be regarded as being passed by the House unless on its final reading of the bill, it is supported by the votes of not less than 2/3 of all the representatives.

This Constitution has been amended 1986 and 1988, but these provisions were not amended in either of those amendments. Then Mr. Speaker, I am quoting from Laws of St. Vincent and the Grenadines Revised Edition 1990 Volume 1, Chapter 2, the Constitution of St. Vincent and the Grenadines. 3. Where we are now today,

A bill to alter this section, the schedule to this constitution or any of the provisions of this constitution specified in part 1 of that schedule or any of the provisions of the court order specified in that schedule shall not be submitted to the Governor General for his assent unless;

- (a) There has been an interval of not less than 90 days between the introduction of the bill in the House, (remember that that was the 28th of May) and the beginning of the proceedings in the House on 2nd reading of the bill and**
- (b) After it has been passed by the House, the bill has been approved, (and that is where we are today) after it has been passed by the House the bill has been approved on a referendum by not less than 2/3 of all the votes validly cast on that referendum.**

Mr. Speaker, Honourable Members, it is important to set out the parameters and where the authority is derived for us to bring to Parliament this bill for the referendum. We do not and did not have in our statutes of St. Vincent and the Grenadines any Referendum Bill and therefore we are obliged to prepare a draft to come to this Honourable House.

What is a referendum? It is a question or sometimes a series of questions no more than two or so, put to a vote. A referendum is a special endorsement by the electorate on an issue of overwhelming national importance such as would change the course or destination of a country, change the method for elections, in our case a referendum is sought to alter the constitution, substantially.

The Department of Electoral Affairs in my Ministry commenced late last year to do research from among a number of Caribbean Countries to see which countries have already held referenda and what were the procedure under their laws and we took the research even further on a Commonwealth basis, principally looking at legislation out of the dominion of Canada, the Province of Ontario, Ireland and Australia that is at the Ministry base. We sought comparative information and data on electoral systems, on balloting, referendum machinery, the procedures, role of the Supervisor of Elections, which in most of these Commonwealth countries referred to as the Chief Electoral Officer, role of Electoral Offices, in some cases, there is what you call an Electoral Commission, a Commission Department. We then submitted the drafting brief to the Honourable Attorney General's Chambers and to the Minister of Legal Affairs, and we are fortunate to have the services of an esteemed legal consultant who working with the Parliamentary Council in the Drafting Department based on the brief. A number of precedents,... there were quite a number of precedents that were looked at, some stated in fact, the question in the law or in the schedule, others stated it as a resolution of the House, we looked at the expenses of the referendum in the research for holding the referendum, whose expense is it; and we have not yet found any that indicate otherwise than monies voted from Parliament, they call it, some say it is the Public Finance Act, some say the Consolidated Fund, or the Finance Fund which is equivalent to what we have monies voted in Parliament or from the Consolidated Fund.

Mr. Speaker, when one is proposing legislation you have to not disregard legal scholarship and expertise and the mix of political science and work principally within the notions of that legal framework. Coming out of this we have come up with this bill that is before us, that comprises some 9 clauses with two schedules.

Mr. Speaker, clause 2 as usual is the interpretation section which deals with the three principle matters, the constitution which is referred to in this bill, which is the Constitution of St. Vincent and the Grenadines, Referendum is the one to be held under this Act, the Minister responsible for Electoral Affairs, and the Supervisor of Elections being the person designated in the constitution.

Now, Clause 3, Mr. Speaker, bearing in mind as I have just read where the legal authority is derived for us to be making this bill and be holding the referendum and putting this bill before Parliament to do so, its authority from section 38 clause 3 of the bill reads as follows:

- (1) **“A referendum shall be held on the question whether or not the Saint Vincent and the Grenadines Constitution Bill 2009, passed in the House of Assembly on the 3rd September, 2009, to provide a new Constitution for Saint Vincent and the Grenadines is approved.” Sub clause (2)**
- (2) **The ballot paper to be used for the purpose of the referendum shall be in the form set out in the First Schedule.**

Reference is made here to the ballot paper because in a referendum, it is a question, so the ballot paper cannot reflect the ballot paper, one is accustomed to see in a general election. In a general election that is normally held every four and half years, or every five years thereabouts, the ballot paper will show symbols, you know for new parties they have to apply to the Supervisor for the use of symbols and in the legislation there are a number of symbols there and you choose a symbol. Here in the ballot paper clause 3 (2) the ballot paper would be as set out in the form in the First Schedule, I take you to the First Schedule of this bill on page 5 and you will see there the ballot paper and of course the question, because you remember the holding of the referendum, you are going to answer the question to provide a new constitution for St. Vincent and the Grenadines.

So in the First Schedule the form of the ballot paper is there set out. Because this is different, this is not voting for any symbol. You are answering a question; in a referendum you are answering a question. Do you approve the St. Vincent and the Grenadines Constitution Bill 2009 passed in the House of Assembly on the 3rd September, 2009, to provide a new Constitution for St. Vincent and the Grenadines, and the Ballot Paper will have the question and yes, or no. Are you following the debate in here? Thank you. The question would be on the ballot paper. There would be no name, you are not voting for a representative, you are not voting for a candidate, you are not voting for a party, you are voting to approve the constitution. The language on the ballot paper, because it is a referendum and it is a question, is desirable to be clear, precise and concise. And here it is on three lines, this had to be clear. *“DO YOU APPROVE THE SAINT VINCENT AND THE GRENADINES CONSTITUTION BILL, 2009, PASSED IN THE HOUSE OF ASSEMBLY ON THE 3RD SEPTEMBER, 2009, TO PROVIDE A NEW CONSTITUTION”* that is clear and precise language, there are no ‘if’ ‘or’ ‘but’ or ‘howsoever’ ‘and if not’ ‘and why not’, clear language, straightforward question.

Now, the next clause speak Mr. Speaker, to the persons who are entitled vote and sub clause 3 of clause 3, reads as follows, Mr. Speaker,

“The persons entitled to vote in the referendum shall be those who, on the day of the holding of the referendum, who be entitled to vote as electors at a parliamentary election in a constituency.”

This clause derives its powers from section 38 subsections 5 of the constitution which states and quote:

“Every person whom at the time when the referendum is held would be entitled to vote for the purpose of electing representatives shall be entitled to vote on a referendum held for the purposes of this section in accordance with such procedures as maybe prescribed by Parliament for the purposes of the referendum and no other person shall be entitled so to vote.”

Now, I do not want anyone to be confused because I have just said that you are not voting for a representative, but you hear me read here “that every person whom at the time when the referendum is held would be entitled to vote for the purpose of electing representatives shall be entitled to vote on a referendum” that is to ensure that no one is disenfranchised, that if you can vote for a representative to put people in Parliament, you are also entitled to vote to approve the Constitution, that is what this section is saying. Every person whom at the time when the referendum is held would be entitled to vote for the purpose of electing representatives (those of us in this Parliament) you are also entitled by section 38 subsection 5 of the Constitution to vote on a referendum held for the purposes of this section. What are the purposes of this section, to alter the Constitution or any provisions of the Constitution? And in accordance with such procedures as maybe prescribed by Parliament for the purposes of the referendum; what are the procedures prescribed by Parliament; that is what we are doing here today. This Referendum Bill, is before the Honourable House outlining the procedures that would be taken for the voting in the referendum. It was essential to do that since we have no such Referendum Act.

As I saw this section about entitlement to vote, and electors entitled to vote, Mr. Speaker, I want to bring to your attention and this Honourable House, Section 39, because I was listening to constituents. Section 39 of the Representation of the People Act says:

Every employer shall on polling day, allow to every voter in his employ reasonable time for him to vote, and no employer shall make any deductions from the pay or other remuneration of any such employee or impose upon or exact from him any penalty by reason of his absence during that time.

Mr. Speaker, we all live here and what I am speaking about we cannot assume we have not heard complaints. We have heard complaints. The law says in subsection 2:

Any employer who directly or indirectly refuses or by intimidation, undue influence or by any other way interferes with the granting of the voter who is in his employ of reasonable time for voting, as in this section provided is guilty of an offence and is liable to a fine of \$750 and to imprisonment for six months.

Mr. Speaker, it is essential that we lay out all aspects of what is going to happen in the referendum, it is new, so people have questions, and they want to be assured that they are covered by the law, you are covered by law.

Section 38 subsection 6 says of the Constitution, of the existing and current constitution under which we live work and breath says, and I quote, Mr. Speaker:

In any referendum for the purposes of this section the vote shall be given by ballot in such a manner so as to not disclose how any particular person votes.

I think that we are well acquainted with voting by ballot in St. Vincent and the Grenadines, we have a long history of secret ballot and we know exactly how that is supposed to happen.

Sub clause 4, Mr. Speaker, the St. Vincent and the Grenadines Constitution Bill 2009 to provide a new constitution for St. Vincent and the Grenadines will not have been approved unless, not less than two-thirds of all the votes validly cast on the referendum are in favour of approving the St. Vincent and the Grenadines Constitution Bill 2009. And in this section the cross reference for this is section 38 (3) (b). The very section under which this bill comes before this Honourable Parliament for the holding of the referendum and making the requisite legal provision to ensure such a referendum can be held.

Mr. Speaker, I wish to focus particularly on these two-thirds of all the votes validly cast. It is not two-thirds of the votes cast in one constituency, two constituencies; it is two-thirds of all the votes cast in favour. So it is two-thirds of all the YES votes, the votes that approve the constitution in all fifteen constituencies; and you see why it is referred to as constituencies because of the methodology. You are using the same methodology for the election of a representative only I repeat, you are not electing a representative, you are not voting for a Senator, it is not that you are doing, you are voting to approve a new constitution. So you would add all those votes validly cast and all the YES votes must amount to two-thirds of the total number of votes cast to approve the constitution.

Whose is entitled to vote, I like to refer Mr. Speaker, with your permission to the Representation of the People Act again because when you get to clause 6, you would see the confirmation as to why reference is made to the Representation of the People Act. Let us go to section 4, qualification of voters, voters, and I quote section 4: that is CAP 6 of the Laws of St. Vincent and the Grenadines, Representation of the People Act, popularly referred to as the RPA:

- (a) **‘No person shall at a general elections vote more than in one constituency; or**
- (b) **At any election vote more than once in the same constituency; or**
- (c) **At any election vote without first producing the identification card issued to him under this Act, unless he proves to the satisfaction of the presiding officer that he has not been issued with an identification card or that he has been issued with an identification card, or such card has been lost or destroyed provided that,... (and I read all of these sections Mr. Speaker, so that this**

Honourable House and the persons listening to us will have the requisite comfort and confidence in the procedures that we are carrying out according to law and the lawful authority so to do).It reads Mr. Speaker:

Provided that the presiding officer may in the absence of identification card accept any other mode of identification that he may deem satisfactory having regard to the circumstances of the case because I heard some strange things, Mr. Speaker, maybe that is for another time and place. That people would not be able to vote if they do not have an ID card. This law has been in effect, I think it is 1982, 1982 so let us not make people believe that this is something new. The thing that is new is that you are voting in a referendum. But voting and voting in accordance with these provisions have been going on since general elections of 1984, 1989, 1994, 1998, 2001, 2005. Do not allow anything to over shadow you more than the Holy Spirit.

Qualifications for registration as voter, subject to the provisions of this Act or any other written law, imposing any disqualification of a registration as a voter, every person who has attained the age of 18 years or upward shall be entitled to be registered as a voter in a constituency for the purpose of electing a representative for that constituency if on the qualifying date and remember that we said that voting, the persons entitled to vote in a referendum shall be those who on the day of the holding of the referendum would be entitled to vote as electors at a parliamentary election in a constituency. So we are making the connection, the nexus. If he is qualified on qualifying date, he is a citizen of St. Vincent and the Grenadines, a Commonwealth citizen residing in St. Vincent and the Grenadines for the qualifying period of not less than 12 months immediately preceding the qualifying date, and in either case that he has been in that constituency for a period of not less than six months immediately preceding the qualifying date.

Section 7 of the RPA, every person registered as a voter pursuant to this part shall remain registered unless and until his name is deleted from the registered because (a) he has died, (b) there was an objection, (c) he has been absent from St. Vincent and the Grenadines for a period exceeding five years, except in the case of absence for approved studies abroad, or he has been disqualified on any law for registration or for exercising his rights as a voter. I wanted us to be very clear and not leave anything to chance as I do not like this chances business at all. That is only for the Lottery, supporting sports and culture.

Mr. Speaker, the constitution then grounds what we see in Clause 3, by virtue of section 38 (5) and section 38 (3) (b).

I will not move on to now to clause 4 of the bill, writ of referendum, the Governor General within 30 days of the passing of the St. Vincent and the Grenadines Constitution Bill, 2009 by the House of Assembly and acting on advice of the Minister shall by proclamation published in the gazette appoint a day for the holding of the referendum being a day not earlier than the 30th day, next following the date on which that proclamation is first so published and (b) not later than the 60th day next following that date. So that is quite clear, and the writ, here remember we said we are going to follow how you elect representatives, similarly, in the RPA, at section 31, part 4 section 31 of the RPA, CAP 6 subsection 1:

For the purposes of every election the Governor General shall issue a writ under Public Seal addressed to the returning office for the constituency for which the election is to be held and every such writ shall be forwarded to the Supervisor of Elections for transmission onward to the returning officer to whom it is addressed. Now, those are the provisions under the RPA, under this Act, the Writ of Referendum special provisions have been made which I just read to you about the 30 days notification, the Governor General will issue this writ. It says in subsection 4

- (2) **Upon the publication of the proclamation in accordance with this section the Governor General shall issue a Writ of Referendum under the Public Seal addressed to the returning officers of the constituencies. And every such writ shall be forwarded to the Supervisor of Elections for further transmissions to them back to whom it is addressed.**
- (3) **Every writ issued for the purposes of subsection 2 shall be in the form set out in the second schedule, Mr. Speaker, camera man, here is the writ in the second schedule and it is the Writ of Referendum, which is going to be different from the writ that returning officers will get whenever there is a general election for election of representatives. So you have the Writ of Referendum, it is in the law, it is right here in the law.**

And His Excellency the Governor General of St. Vincent and the Grenadines to the returning officer for the constituency of and it outlines by section 4 (2) of the Referendum Alternation of the Constitution Act 2009, it is provided that the Governor General shall issue a writ under the Public Seal addressed to the returning officer of the constituencies in which the said referendum is to be held.

AND WHEREAS by proclamation made under section 1 subsection 4 of the aforementioned Act, it is the creed that the said referendum is to take place on the... we already know the date, the 25th of November, 2009.

Therefore I **Nathaniel Ballantyne**, Governor General, his name is not there, I am reading it in, as aforesaid do hereby require that you cause the said referendum to be held in the constituency of on the date and that you cause the result of such votes polled in the said referendum to be certified to the Supervisor of Elections, no later than and they give a date and eh endorsement, et cetera.

Now, Mr. Speaker, it is important that I do this comparative study and show the nexus because of challenges, I am sure people would try to mount, similarly they try to mount challenges on a referendum and how you vote. This bill sets out, you are going to answer questions, there will be a ballot paper, the language of the ballot paper is precise, concise and clear, and you are asked to vote YES, or NO, and we are bringing this bill to seek the approval of the people of St. Vincent and the Grenadines to vote YES, because Parliament cannot act in vain.

Now, I will go to clause 5, Mr. Speaker, function of the Supervisor of Elections. The root or authority for the Supervisor of Elections to be involved in this referendum process, is section 38 (7) of the Constitution of St. Vincent and the Grenadines, the existing and current constitution. And it reads, Mr. Speaker; and I quote:

The conduct of any referendum for the purposes of this section shall be the responsibility of the Supervisor of Elections and the provisions of subsections (4), (5) and (6) of section 34 of this Constitution shall apply in relation to the exercise by the Supervisor of Elections or by any other officer of his functions with respect to the referendum as they apply in relation to the exercise of his functions with respect to elections of Representatives.

So that is why Mr. Speaker, you would have seen me cross referencing the provisions in the Representation of the People Act and the provisions in the Constitution and to see how they relate to this Referendum Bill, that is before us today.

What does section 34, 4, 5 and 6 of this Constitution says Section 34 sets up the office of the Supervisor of Elections, saying the type of person and so on, but it says particularly subsection 4 and read Mr. Speaker.

For the purposes of the exercise of his functions under subsection 1, of this section, the Supervisor of Elections may give such directions as he considers necessary or expedient, to any registering officer, presiding officer or returning officer, relating to the exercise by that officer of its functions under any law, regulating the registration of voters or the conduct of elections.

I repeat, for the purposes of the exercise of its functions, the Supervisor of Elections, may give such directions as he considers necessary or expedient to any registering officer preceding officer, or returning officer relating to the exercise by that officer of its functions under any law regulating the registration of voters or the conduct of elections and any officer to whom directions are given under this subsection shall comply with those directions. That is the law.

And subsection 5 says, that he would report and in the exercise of the functions under this section and I read, Mr. Speaker, of the Constitution.

In the exercise of its functions under the foregoing of the Supervisor of Elections shall not be subject to the direction or control of any other person or authority.

So we are clear Mr. Speaker, here we have in this section that deals with the functions of the Supervisor of Elections and returning officer it is clear as clause 5 reads,

The conduct of the referendum shall be the responsibility of the Supervisor of Elections and the provisions of subsections (4), (5) and (6) of section 34 of the Constitution shall apply in relation to the exercise by the Supervisor of Elections or any other officer of his

functions with respect to the referendum as they apply in relation to the exercise of its functions with respect to elections of representatives.

Sub section 2 of clause 5:

Subject to the directions of the Supervisor of Elections, it shall be the duty of the returning officer within his constituency to do all things necessary for effectually conducting the referendum and the counting of the votes cast.

- (a) The total number of ballot papers counted;**
- (b) The number of votes cast for and against the proposition;**

And sub clause (4) says:

The Supervisor of Elections shall, immediately following the final tallying of the votes cast, issue and transmit to the Governor-General a certificate, under his hand, stating the results of the referendum.

And 14 days later the report to be laid in the House et cetera submitted to the Minister 14 days later to be laid in the House.

Then clause (6) Mr. Speaker, and I want us to cross reference with the RPA, section 33 of the Representation of the People Act and this section 33 outlines the rules and procedures of the duties of the registering officer at elections, to do all things that are necessary for conducting the elections as provided in the rules.

We go on now to Clause (6) Mr. Speaker, of this bill before this Honourable House, and I think I still want to make a little cross reference here to be sure, Clause (6),

For the purposes of the referendum the votes of the persons voting shall be cast, and the proceedings shall be conducted, as far as may be as if the referendum were a general election of members of the House of Assembly; and the Representation of the People Act, (remember I said, I am quoting from it before so that you can see the nexus and the methodology and the machinery for conducting the referendum. Here is it is stated in the statute to be the statute, the Representation of the People Act,) “and any regulations in force under that Act shall for those purposes be construed accordingly.”

Construed accordingly, Mr. Speaker, means that the way you will construe it for elections of the House of Assembly we construe it accordingly to make sense, adapt and modify to make sense and for it to be conducted in a orderly fashion, we already have a statute that outlines that machinery. So section 33 and 34 of the RPA.

Sub clause (2)

Without prejudice to the generality of the foregoing, the following provisions of the Representation of the People Act, and regulations made there under, as they apply to the election of members of the House of Assembly, shall apply, with the necessary modifications, to the referendum, that is to say, the provisions relating to the appointment of polling stations, presiding officers, clerks and other staff, the provision of election material, the conduct of, and maintenance of order at the poll, the security of ballot papers and ballot boxes, the counting of the votes, and all matters incidental to the foregoing provisions, including offences.

The Representation of the People Act would apply, so we see section 25 of the RPA, says the Supervisor of Elections is the chief electoral officer who would exercise general directions and supervision over the administrative conduct and over all electoral officers, in fairness, in impartiality and compliance with the provision issued the instructions to them for effecting implementation, execute and perform duties and functions, and as you see too the Supervisor of Elections has the power where she can see which clerks are needed, section 28 of the RPA, the Supervisor of Elections would appoint a presiding officer for each polling station, the Supervisor of Elections would appoint each polling station such number of poll clerks right down, the whole thing in relation to the election. We want to make sure that we are faithful to the RPA as outlined in this law.

(3) The provisions of section 32, sub clause 3 now of clause 6 of the Representation of the People Act, so far as they are applicable, shall apply accordingly to this Act.

And this provision speaks about if you have to adjourn section 32 of the RPA speaks about the Governor General authorized to adjourn polling day in the event of any emergency and it outlines the procedure where the Governor General where there is a situation of an emergency because if there is anything like an earthquake, a hurricane, flood, outbreak of pestilence, infectious disease, calamity and the end of November is the end of the hurricane season.

Then Mr. Speaker, we are down to the last three sections, regulations,

- (a) The Minister may make regulations that apply in relation to the referendum with such modifications exceptions and omissions and additions as may be specified; and**
- (b) Other regulations for the conduct of the referendum as may appear to him to be expedient.**

And these regulations may come by negative resolutions before the Honourable House.

And innovation that has found its way into statute laws of St. Vincent and the Grenadines. In the last elections, I think 2001 and 2005, we had monitors and observers, but we never had the law, it was being done by consensus and in good faith, remember there was this little memorandum that was signed, the parties agreed to a code of conduct et cetera for the conduct of elections, but experience is always a good teacher, and the

experience last time, coming out of the report for the Supervisor of Elections, there were some obstructionist, who clothe themselves in badges of observers and monitors, so in this law, clause 8 subsection (1)

The Minister may make arrangements for the appointment of persons to observe the conduct of the referendum, the verification of the ballot paper accounts and the counting of the votes.

Now, Mr. Speaker, I have taken the precaution since January of this year to invite the Commonwealth Secretariat informing them that we are likely to have a referendum at the end of this year and we would like the benefit of their expertise and experience in election observation and explain it to them about the referendum that is expected. I also wrote to the Organisation of American States, and there is a department for electoral matters and democratic institution machinery building. Two experts came to the state in May on the 27th, they arrived on the 27th and I ensure that they saw the leaders of both political parties and held sessions with the Supervisor of Elections and her officers and I also had a session with them and it was very interesting to learn about the role of observers and since the date has been announced for the referendum, I have informed Her Excellency La Celia Prince who is our permanent representative to the OAS about the date and they came, they understood what we required of them, and went back and took their report, and they made a brief report, a copy sent back to me, a brief report of what took place during their visit here and the comfort they had in the electoral office seeing that the procedures are going to be put in place, seeing the new machinery that would be installed et cetera and also gave us the benefit of Mr. Hollins one of the parties, he had just conducted a provincial referendum on the electoral system reform in Ontario and this was his report that was submitted to the Speaker of the Legislative Assembly of Toronto, Ontario.

Mr. Speaker, I will try and get a copy for the Honourable House, he only left us two copies, outlining the procedures that were taken in Canada and his conduct of that; he was also sent to us, not because he conducted this one only but his general expertise as a consultant working with the OAS, in other countries, not only in the Commonwealth but elsewhere.

I have since also asked the Commonwealth Secretariat if they have any in the legal division to send us any precedent that they have for regulations relating to observers and monitors. And I am doing likewise throughout the region, calling counterparts in relation to this, because I want to ensure that as I said, some vexatious issues, and vexatious persons that the way they appointment is going to be done, that we would not have those issues arising again, in relation to 'leg go' the paper is my paper is government paper; I am not going to have that; it will not be tolerated. Any other appointments will be made. Expenses: clause 8: I heard a great moment being made by... clause 9; by someone who aspire to sit in this Honourable House sometimes in the Speaker's chair and sometimes as an elected representative here. And I saw it last week in the Vincentian Newspaper; "De must be joking". They cannot use government's money for that. Well, I am surprised at the lack of scholarship [inaudible comment] I know differently, remember lawyers keep things in their breast.

Expenses: all expenses incurred in carrying out this Act into effect shall be defrayed out of monies provided by parliament, obviously it is the exercise of parliament; it is the exercise of government carrying out government's policy. This is not somebody wishing and hoping that they have some politic aspirations

somewhere in the past that is going to get confirmed in the future. This is the exercise of government's authority; this is government's business. This is not party business, you know, when the Party wants to raise money, the Party knows how to do that; we are well acquainted with that. This is government's business and the Government has to provide the resources to do it; and like I say, we are not reinventing the wheel, you know, Mr. Speaker, I have some material that I took off the Net, this is my Referendum file in the Ministry and I am looking at the Electoral System Referendum Act of 2007, Mr. Speaker, the Canadian one. Table of contents; clause 18: Expenses of the Act and Mr. Speaker ...

HONOURABLE MR. SPEAKER: You have 10 minutes.

HONOURABLE RENE BAPTISTE: Yes, Mr. Speaker, clause 18: let me find it, it also outlines the role of the Chief Electoral Officer and so on, and I want to get to it here to show that we are not reinventing the wheel and there is nothing that we are doing is unheard of and there is no authority or legal precedent for it. You see, your training has to come in handy, Mr. Speaker, it says here: Expenses of the Act and I quote:-

“Any amounts payable by the Province of Ontario for services perform under this Act are payable out of the Consolidated Revenue Fund, 2007.

It says:-

The Chief Electoral Officer may lease any premises acquire and equipment supplies that are necessary

This is under the Expenses.

...for probably carrying out his or her responsibilities under this Act; could appoint technical people and technical knowledge”.

And it outlines how these sums would be paid and duly accounted for, the production of accounts and vouchers and so and audited by the Auditor General of the Province. So, we are not reinventing the wheel and that is just one. I have another one I was looking at here from Australia: Referendum Machinery Provisions Act of 1984. It goes into detail about the ballot paper, the voting and the Writ for Referendum right down to the scrutiny, the offenses and also who is going to pay for it. So, we did not just come up with it out of the blue. And the third one that I remembered going through in detail as well is the one, I think from Ireland. So, Mr. Speaker, apart from doing my research and getting confirmation from the Organization of American States experts and looking at other laws throughout the region about who pays for the Referendum; the States pays, it is the States activity, it is the execution of State policy and so the State pays.

Mr. Speaker, I wish other members to have an opportunity to make a contribution to this debate and I just want to state a few more things as I have my 10 minutes left [interjections] [laughter] it is like the mercy of the Lord as far as the East from the West.

HONOURABLE MR. SPEAKER: Eight minutes.

HONOURABLE RENE BAPTISTE: Eight minutes, Mr. Speaker. Mr. Speaker, I heard somebody called in on a Radio programme and said that after we hold the Referendum we are not having any more elections. In some countries you get arrested for that kind of thing you know; but we live in this parliamentary democracy which our forbears have established with the freedoms attached to it that sometimes we abuse. The lady said, “I hear *de ain’t* going to be any more election”. So, I asked her; but why would not there be any more election? She said, “once the Referendum comes and the Constitution Act is approved; no more election”! I want to disabuse anyone of this. You see, it is not just foolishness; but I think that we in the Parliament have a serious responsibility and that responsibility is to ensure that we give people the correct information and that we guide them in the process. What is it worth if you lose your whole soul in this exercise? How many penny farthings; which potter’s field would you occupy; is it worth that? No not! It is not worth that Mr. Speaker.

One lady called me on my cell while I was waiting at the Gas Station to be picked up on Sunday and she was almost hysterical. So, I told her do not be so upset, of course there will be elections and the Bill, our Constitution Bill mirrors these provisions in section 38 (2) of the existing Constitution. It is mirrored in section 47 of the Bill in this Honourable House; section 74. It says here “Powers of Parliament: Alterations of Constitution and Supreme Court Act”:-

“Subject to subsection (4), (5) and (6) Parliament may alter any of the provisions ”.

Seventy four (2) almost word for word except for the other one in our existing one we say “Representatives” in section 38, yes; where we speak about two thirds of all representatives. This subsection two thirds, Mr. Speaker, in the Bill that was passed in this Honourable House on the 3rd September:-

“A Bill to alter any of the provisions of this Constitution or the Supreme Court order shall not be regarded as being passed by the National Assembly unless in its final reading the Bill is supported by the votes of not less than two thirds of all the Members of the National Assembly”.

It mirrors that. In section 38 (3) b it says:-

“Two thirds of all the votes cast, validly cast for the Referendum, for the alteration”.

In section 74 (3) b, it says 60%, and this great moment about the 60%; but you know, Mr. Speaker, how long it takes to make a phone call? Remember how long it uses to take you to make a phone call from here to the UK? Ah! Here it is. Mr. Speaker, in three Commonwealth countries, Barbados, you could amend with just the two thirds in each House no Referendum, let us get that clear; because people are talking about authorities but they are not grounding their authorities. If they were downstairs the Judge will tell them I will never see you nor hear you. In other words get out from in front of my face, go back to University and be tutored again by Alexis. Belize three quarters of the National Assembly, 90-day period and Barbados has no time period eh! No Referendum. Grenada,

two thirds of the House and a Referendum of two thirds vote. Trinidad and Tobago; three quarters of the Representatives, two thirds of the Senate, no time limit, no Referendum and I gave those examples, there are others.

Referendum asks for a majority in the Bahamas; remember the new Constitution Bill 74 (4) says (4) (a) says; a majority. So, I am going with those now that talks about majority. Three quarters of each House in the Bahamas, no time limit, a Referendum, majority; Dominica, three quarters of elected members, Referendum, majority; Guyana, majority in the Assembly, majority for the Referendum; Jamaica, two thirds in the House, Referendum, majority; St Lucia, three quarters of the House, 90 days, Referendum, majority. We are not reinventing the wheel we are just choosing from among the precedents that are available to us, what most suits our social, cultural and historical preferences. And you will recall when doing this research; I had spoken to Dr. Ghany who is more frequently in research material that I am and most of us here; because he is lecturing; he has to publish or he would perish: in other words he would not be Dean of the Faculty. And in doing the Research we see that they came up with the majority and that these Constitutions; these handwritten documents that were done, I think the UK Statute said, six Counsellors of Her Majesty Privy Council that presented this Constitution that we have, and gave us the provisions that are best suited by Her Majesty. They just had the experience in Grenada with Gary.

HONOURABLE MR. SPEAKER: I will ask the Member please to wind up.

HONOURABLE RENE BAPTISTE: Yes, I am winding up as you see I am coming, yes Mr. Speaker, I am obliged for your counsel and patience. What had happened in their colonies, they wanted to make sure they keep you in a little straight jacket, and so they gave that provision, put that provision; stick that provision in there; but now when we look at some of the others who went before us and those who came after us did not go for the two thirds; because they realise that we were growing, politically maturing so they said majority with Referendum in St Lucia, and Dominica; majority with Referendum. So, do not allow yourself to be clouded, do not let your way be clouded. This is an enlightened age, Mr. Speaker, and I want to commend this Bill to this Honourable House and for the benefit of our people, we are maturing as a people politically, constitutionally and socially. Look at the progress that we have made from 1979 to date and it is time for us to step up, step out, standup and be counted. I commend this Bill to this Honourable House. [Applause]

HONOURABLE MR. SPEAKER: Further debate on the Bill; Honourable Leader of the Opposition.

HONOURABLE ARNHIM EUSTACE: Mr. Speaker, I rise to make my contribution on this Bill, which makes provision for the holding of the Referendum to alter the Constitution of St Vincent and the Grenadines. Mr. Speaker, in reading this piece of legislation which you all expected will be necessary to give effect to decision made in this Parliament with respect to the Constitution. I tend to look at this piece of legislation in a very practical manner and in so doing, Mr. Speaker; my presentation will be looking at some of the practical aspects of the piece of legislation. Mr. Speaker, I want to quote section 6 (1) and 6 (2) again; because I believe these are critically important to the process that we have to go through. Six (1) says:-

“For the purposes of the Referendum the votes of the persons voting shall be cast and the proceedings shall be conducted, so far as may be as if the Referendum were a general election of members of the House of Assembly; and the Representation of the People Act and any regulations in force under that Act shall for those purposes be construed accordingly”.

Six (2) says:-

“Without prejudice to the generality of the foregoing, the following provisions of the Representation of the People Act and regulations made thereunder, as they apply to the election of members of the House of Assembly, shall apply with the necessary modifications, to the Referendum that is to say, the provisions relating to the appointment of polling stations, presiding officers, clerks and other staff, the provisions of election material, the conduct of, and maintenance of order, at the poll, the security of ballot papers and ballot boxes, the counting of the votes, and all matters incidental to the foregoing provisions, including election offences”.

Mr. Speaker, to me the meat of the matter lies in those two clauses and I want to raise some issues and seek some clarifications on the same. First of all Mr. Speaker, if we are going to carry out the exercise as if it were a general election, I am not clear from this 6 (1) and 6 (2) what role if any a party agent plays in the polling station. I see nothing here that gives me that impression; because there is a section which I just read there, 6 (2) which deals with what shall apply and our practice here is that at the polling stations there will be representatives of the Parties to monitor the process and may necessary report and object to certain activities. And I believe it is critical that we have an understanding of exactly what role the Parties will play in that process. [Interjection] Well, I want to get it clear, it is not mentioned anywhere in the Legislation, so I want it to be clear that that is going to be the case. I am not taking any chances, Mr. Speaker in relation to this matter.

I want to have it absolutely clear those persons representing the Parties ... because the other things have been listed here, presiding officers and clerks and so on. I want to be absolutely clear that each party has the opportunity to have persons at the polling station to look at what is going on; without that Mr. Speaker, we are going to find ourselves in significant difficulties. I am being told now that that is what is happening; but that is not here in the Legislation. I want to be absolutely clear on that. It makes for a much smoother running of the process during the course of the Referendum. And I am happy to hear that that is in fact the case. Mr. Speaker, we are going through a process in St Vincent and the Grenadines now, in which we are dealing with the issuance of new ID cards and it is a process that is expected to take some time and I doubt that that process will be completed before the Referendum takes place. [Inaudible interjection]

HONOURABLE MR. SPEAKER: Yes.

HONOURABLE ARNHIM EUSTACE: let me get the clarification that I am seeking, I want to get that clarification.

HONOURABLE MR. SPEAKER: Alright.

HONOURABLE ARNHIM EUSTACE: We also all know that when elections are being held there is a late registration period and I expect that in this exercise that we are going to have a late registration period, what will happen to the process that we are now undertaking during the late registration period given the amount of work that is required and the ability of persons to ensure that we do not have activities we do not want? Does the election Supervisor's office has the capacity to do both at the same time; or are we going to have a short suspension of the issuance of the cards that we are now doing? It is not clear to me. I do not believe the department has the capacity to handle both in the late registration period. I am not talking about generally. I am talking about during the late registration period. [Interjection] no it is not exactly the same; not exactly the same, you know that there are a lot of people who rush at that particular time during the late registration period to ensure that they have an opportunity to cast their ballot. Let us not try to fool anybody, I am questioning the capacity to continue both at the same time; because it is something that also has to be monitored and even with the best will in the world, without that programme of new ID cards it is difficult to even monitor it anyway because of the short timeframe that is involved. So, I want that clarification that is fundamental to my understanding of the situation and what is really possible and practical.

Mr. Speaker, I interpret this piece of legislation to be one which covers only this Referendum; only this particular Referendum. I listened to the Minister carefully when she spoke about the Research being done in other countries in relation to the Referendum question and whether in fact there are institutions or countries where there is a general Referendum Bill and whether at some later stage we will find ourselves having to go to that process. This is sort of for the future; because I interpret this one as covering only this particular Referendum. I looked at the ballot paper and Mr. Speaker; I do not intend to be long on this issue; but my concern really has to do with practical matters. I do not have much difficulty with many of the clauses in this document; I need to be assured that I understand what needs to be done; because I understand that you have to use the words where applicable; because while we are using the general elections procedures; there are differences you do not have candidates and so forth. I understand all of that; but I think all of us need to ensure that whatever result comes out of this process that we are satisfied that it was fair and therefore, the reason for these questions that I have been asking. So, probably when the Minister rounds up she could give some indication about the possibilities of a general Referendum Bill for sometime in the future.

The Election Supervisor's office, we have a new Supervisor of election and we on this part of the House have sat with her on more than one occasion; because we wanted her to have a clear understanding of our position, a relationship that we can develop, because that was not so in the past. And I would say this about her that thus far she has been very cooperative and willing to listen and even in some instances has taken the initiative to keep us informed on various matters. And I now at this point and time give her the benefit of the doubt in the sense that I expect that she would be very fair in the conduct of this Referendum. We have had good access and good briefings from her which I cannot say about the previous holder in this position, and therefore I have more confidence, Mr. Speaker, than I had before hence some of the questions I am asking on this matter. I want to be absolutely clear. There are things which happened the last time under the previous Supervisor, which I never saw

before in previous elections and I want to be sure, Mr. Speaker that when [interjection] I really do not want to take you on today though; eh! [Laughter] I really do not want to take you on today; today is a different day; I did not come here now to cause any trouble, I want to be clear that when we go in this process that all of us understand precisely what is applicable that is all. Precisely, what is applicable and I do not want to hear later on about something else.

I am not clear about one other thing in the Minister's presentation. I am not clear about the role of those persons who did the monitor's role the last time. I think they were chaired by the Christians Council; I am not clear about their role. Are they going to perform the same function that they performed the last time? [Inaudible] Like the Monitoring Committee [inaudible] which one? I recognised the section for observers; am I to assume that the Monitoring Committee will fall under this category, which is in section 8 (1)? Should they be expected to go as they did the last time from polling station to polling station observing what is taking place; just want to clarify that? You mentioned international observes and so forth, I do not have any problems with that.

One of the issues that we discussed in our internal discussions was this whole question of symbols; I am not talking about party symbols now; this whole question of symbols as per the ballot paper. This ballot paper and I agree just ask a simple straight forward question. This ballot paper just asks you to vote yes or to vote no as to whether you approve of the Constitution Bill that was passed; no problem with that. But I noticed that something that use to be applicable in the past is not applicable now; because yes comes in the alphabet after no [laughter] in the regulation, eh! So, this is a true reflection of the ballot paper as the people are going to see it, eh

DR. THE HONOURABLE RALPH GONSALVES: You want no first? [Laughter]

HONOURABLE ARNHIM EUSTACE: Ye, because 'N' comes before 'Y'.

DR. THE HONOURABLE RALPH GONSALVES: 'A' for approval; yes is just a synonym for approval.

HONOURABLE ARNHIM EUSTACE: No! No!

DR. THE HONOURABLE RALPH GONSALVES: 'Y' is a synonym [inaudible]

HONOURABLE ARNHIM EUSTACE: Put 'approval' instead of 'yes' nah.

DR. THE HONOURABLE RALPH GONSALVES: Or 'unapproval'.

HONOURABLE ARNHIM EUSTACE: So I am looking to see what is applicable you know [interjection] well, I have not spoken about the order yet that is a different matter because the order will be affected if you using it alphabetically, you know. So, I just want the public to note this.

DR. THE HONOURABLE DOUGLAS SLATER: Convention.

HONOURABLE ARNHIM EUSTACE: Which convention, you are trying to create a convention. [Interjections] Mr. Speaker, if this is an exact replica of what the ballot will look like; am I to assume and these are questions which turn out to haunt us later on, you know, in terms of what is a spoil ballot and what isn't spoiled. What is the intention here that an 'X' will go in the box

DR. THE HONOURABLE RALPH GONSALVES: Yes.

HONOURABLE ARNHIM EUSTACE: of a person's choice and if it cross the edge of the box it spoil?

HONOURABLE MR. SPEAKER: No, it should not be. [Interjections]

HONOURABLE ARNHIM EUSTACE: No! No! I am serious about this you know.

DR. THE HONOURABLE RALPH GONSALVES: No; but if it touches, it does not spoil.

HONOURABLE ARNHIM EUSTACE: If it touches, it does not spoil, I just want to get all those things clear.

DR. THE HONOURABLE RALPH GONSALVES: Those are under the [inaudible] of the rules.

HONOURABLE ARNHIM EUSTACE: Rules; but you said where applicable and once you have where applicable, I want to know. Anything that affects the result of the vote, I want to know and the counting. So, the same rules will apply. Well, I do not have a difficulty with that. [Interjection] I hear people talking down there who do not know anything about it you know. [Interjections] So the public can expect no symbol; but a box in which you vote 'yes', if you accept the Constitution and 'no' if you do not; that is clear enough and straight forward enough for me. [Interjection][Laughter] Knowledge we all have [interjection] [laughs] knowledge we all have Mr. Speaker; but you know sometimes the knowledge do not help us to win there are other things that come into the mix as time goes on .

HONOURABLE JULIAN FRANCIS: That is true [inaudible]

HONOURABLE ARNHIM EUSTACE: So, Mr. Speaker, we can be quite comfortable that the list of polling stations that we had for the last election is the same list that we will have for this election; I am taking that as given. Eh! [Interjection] you mean they made few changes here and there as to the location of polling stations. Mr. Speaker, generally speaking, I have no great difficulty with this piece of legislation [laughter] I do not have to necessarily devote, Mr. Speaker, there is something in the objects and reasons of this Bill which deals with ... and it is the third paragraph in the objects and reasons [interjection] what has been corrected? [Interjection] It is not relevant? But it is something that I looked at and I wondered what the intention was: so the section 3, which deals with a subsequent referendum, is now out of the [interjection] okay. Okay.

DR. THE HONOURABLE RALPH GONSALVES: [Inaudible] you mean you have to bring another one.

HONOURABLE ARNHIM EUSTACE: Eh.

DR. THE HONOURABLE RALPH GONSALVES: You are going to start over.

HONOURABLE ARNHIM EUSTACE: You have to start a fresh, yes.

DR. THE HONOURABLE RALPH GONSALVES: You have to bring back the Bill for the second reading. You got to bring it back.

HONOURABLE ARNHIM EUSTACE: Yes, I accept that. So, Mr. Speaker, I am now looking forward to the process and I am assuming that both of our political parties will be working with the general public to give effect to whatever views each party may hold. Each party will have their campaign and put their views to the public for the public to make a choice. [Interjection] But; it is not a governing party, eh, anyhow, Mr. Speaker, the Constitution Review Commission is presently conducting a series of consultations explaining to the public the provisions of the Constitution, I think that is a laudable think and it is work that needs to be done and only a few months are left and in the Newspapers last week, they had the situation last Friday in which the latest version of the Constitution was made public.

DR. THE HONOURABLE RALPH GONSALVES: The version.

HONOURABLE ARNHIM EUSTACE: The latest, we had several, so that is the one that is passed in the House; it is the latest one. But I noticed, Mr. Speaker that the SPEAKER is now a member in his capacity as SPEAKER of the CRSC; is now a member of the Yes Vote Committee while his members are going through the country explaining the provision of the Bill, I assumed on a basis of some neutrality. And I have already said publicly, Mr. Speaker, I do not understand the dichotomy where the Constitution Review Committee members are going around the country explaining the provisions of the Bill to the public at large but the SPEAKER is participating in a Committee for a 'yes' vote, those are not consistent. It is indeed far from consistent, Mr. Speaker. I am assuming that he may have abundant the Committee in which case he is no longer the SPEAKER of the CRSC. Mr. Speaker, I have already said publicly and I am saying it here again today in this Parliament that the SPEAKER must resign his position because it is not consistent with the role of the SPEAKER and the role that he has played throughout this whole process. You cannot have it both ways and I maintain and we are very firm where this matter is concerned, Mr. Speaker, we cannot have it both ways.

I have heard about some of the consultations that have taken place and I understand that some of them have been quite good and every effort is made to explain to the public exactly what the provisions are and what they mean for people's lives and I would like to see that process continue, quite apart from the differences that we may have as members on both sides of the House. But I find it, Mr. Speaker, totally unacceptable that while that process is going on the SPEAKER can be a member in his capacity as SPEAKER; because that is how he is named as a member of that committee and I again call for his resignation as SPEAKER. Much obliged, Mr. Speaker.

HONOURABLE MR. SPEAKER: Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, I must first of all thank the Honourable Leader of the Opposition for asserting that generally speaking he has no difficulty with this piece of legislation and he has raised certain issues which require clarification. Of course, the Honourable Minister of Electoral Affairs would no doubt answer these queries when she winds up; but in as much as she exercises her authority as Minister of Electoral Affairs within the context of cabinet responsibility and since I am SPEAKER of the Cabinet, I would feel myself able to speak to some of those matters. In fact, to all of them; while at the same time making it absolutely clear that this process for managing the Referendum election is in the hands of the Supervisor of Elections; as laid out in this Bill before us and the Representation of the People's Act.

Mr. Speaker, it is always important for us to go to the foundation stone of the authority of the Supervisor of Elections. In section 34 (6) of the existing Constitution it states:-

“In the exercise of his functions the Supervisor of Elections shall not be subject to the direction or control of any other person or authority”.

So, it is in the discretion of the Supervisor of Elections in relation to matters referred to as where applicable to make the necessary modifications of the existing law; where you will have competing political parties with symbols and the like and everything attendant upon the orderly conduct of free and fair elections that those adjustments, alterations and adoptions as are necessary and desirable in the circumstances would be made. And it is not for a politician to say what those matters are but as law makers we can say what we understand the law, which we are bringing to be. For instance, what role if any a party agent plays in the polling station? I would say certainly, the parties which have members in this Honourable House would apply to the Supervisor of Elections; certainly, I intend to instruct the General Secretary of my Party to apply to the Supervisor of Elections in the normal way to have agents at the polling station and as I understand it, with a reasonable adaption of the existing law that that would be permitted. In so far as, I do not know what is the position in relation to a party like the Green Party which contested on two occasions on the last time that is a matter for the Supervisor of Elections to determine; but I suspect that in the last occasion where certainly in North Central Windward when the Green Party candidate not the last time, the time before ran I had to provide meals for all of their agents and I recalled giving permission [interjection] in 2001, I recalled giving permission to every single one of those persons to be the agent for the Green Party; because they all had indicated that they were going to vote for me.

So, the point about it is this that is not a matter for me to really, and I do not want to introduce extraneous matters into this debate; but that is a matter for the Superintendent of Elections. [Laughs] It matters me not frankly whether the Supervisor of Election gives every single party or every entity which calls itself a party a right to put an agent there that is for her determination. In so far as the issuance of new ID cards are concerned, I would expect that if all the new ID cards are not completely issued because you have a Master List with photographs and people who are registered, once they have an identification card, whether it is a new one or an old one and even if they do not have any of those identification cards; but they have a passport they can go and vote as in the usual way, and their name is on the List: the important thing their names have to be on the Register. So, I will expect that that would continue as per usual, there is no mystery about that. In so far as the late registration period, I

would expect that because you have to do it in the same way as you have in a general election. The question as to whether this Bill covers this Referendum alone, clearly it does.

I am happy to hear that the Honourable Leader of the Opposition has confidence in the current Supervisor of Elections and I have been assured that all the arrangements are in place for them to carry out their work. I am absolutely sure too that if the Christian Council or any of the local monitoring agencies the one which conducted the monitoring on the last occasion they wish to be involved, I am quite sure that the Supervisor of Elections would allow them and if they were to write to me as the Minister of Finance, Prime Minister that resources would be provided from the State Funds for them to do their monitoring as the Honourable Leader of the Opposition would recall when he was Prime Minister, he provided funds from the Exchequer for the monitoring process to go on and as I did in 2005. Clearly you cannot have symbols on the ballot paper and the ballot paper is very clear that you would put an 'X' in the box because that is what the rules say, the existing rules. So, I do not see that there is any mystery for us to have any confusion. And as to whether why 'yes' is above 'no' first of all it normally falls off your tongue easily; you are voting 'yes' or 'no'. People do not usually say you voting 'no' or 'yes'. You voting 'yes' or 'no'; and one of the reasons is that yes is a synonym for approval which is first in the alphabetic; 'a' for approval. So, I think that all the questions which the Honourable Leader of the Opposition has raised I have answered them I think satisfactorily and I am hoping that we will go ahead and have a good fair system of elections in this Referendum.

Now, in so far as his appreciation of the work of the CRC; we also praised the CRC and the CRSC. And in so far as the issue of there is a dissonance between the SPEAKER of the CRSC and rest of the CRSC that is news to me, in fact, he is a member of the Committee in his capacity as SPEAKER of the CRSC and other members can be members of that committee or members of the sub-committees. There is no inconsistency here and I see none at all and the best answer I think to the position of the Leader of the Opposition is that as stated in a Press Release which was issued today by the SPEAKER of the CRSC on the letterhead of the CRSC. It reads as follows. Mr. Speaker, I would like to put it into record and read it. It is numbered in 11 paragraphs:-

1. *It has been brought to my attention that the Honourable Leader of the Opposition has criticized my role as SPEAKER of the Constitution Reform Steering Committee; the CRSC, in the 'Yes Campaign' leading to the 25th November Referendum on the proposed new Constitution for St Vincent and the Grenadines.*
2. *Basically, the Honourable Leader of the Opposition is of the opinion that the SPEAKER of CRSC ought not to be supporting one side or the other in the Referendum Campaign.*
3. *In my roles as SPEAKER of the Constitution Review Commission; CRC and later as SPEAKER of CRSC, I have always been mindful of the terms of reference laid down by the House of Assembly to govern our operations.*
4. *The resolution which gave life to the CRSC was moved by the Honourable Prime Minister and was seconded by the Honourable Leader of the Opposition. The resolution was debated and unanimously approved by the entire House of Assembly on the 7th June 2007.*

5. *The resolution provided six terms of reference, the first reads as follows:-*

- a. *Under the guidance of the Honourable Speaker of the House to carry out all acts deemed expedient or necessary to assist the House of Assembly in implementing Constitutional Reform in St Vincent and the Grenadines.*

That is the term of reference.

6. *It is clear to me that the above quoted term of reference requires me to carry out all expedient or necessary acts to assist the House of Assembly in implementing Constitutional Reform.*
7. *The House has passed the St Vincent and the Grenadines Constitutional Bill 2009. Constitutional Reform will not be implemented unless that Bill is approved in the Referendum to be held on 25th November, 2009.*
8. *It is obvious that I have been mandate to do all in my power to assist the House in having the Bill approved on the 25th November, 2009 with the requisite majority.*
9. *I therefore, consider myself as having a duty to campaign actively for a 'Yes' vote in the Referendum. I cannot discharge that duty imposed on me by the resolution of the 7th June, 2007; co-sponsored by the Honourable Leader of the Opposition unless I play an active part in the campaign for a 'Yes' vote.*
10. *Accordingly, unless the House of Assembly withdraws or modifies my mandate I shall continue to be active in the 'Yes campaign', as long as I have health and strength.*
11. *I enclosed a copy of the official Minutes of the House of Assembly for the sitting of 7th June, 2007.*

Signed; Parnel R Campbell QC, SPEAKER CRSC, dated 16th September, 2009.

[Knocking of desk] Mr. Speaker, the Honourable Leader of the Opposition, no doubt would have taken a different position if he had decided to support the Bill on the 3rd September; he did not support the Bill on the 3rd September; but the fact that he did not support the Bill on the 3rd September, does not mean that the House of Assembly did not support the Bill. The House of Assembly supported the Bill in accordance with the requisite majority as mandated by section 38 of the existing Constitution for it to proceed onward to a Referendum. So, it is the Honourable Leader of the Opposition who has decided to take himself and his other colleagues out of the process. The SPEAKER of the CRSC remains in the process in accordance with the terms of reference and the mandate given by this Honourable House; and the position of the CRSC SPEAKER is eminently reasonable and it is the only position that anyone who takes his duty seriously in relation to any appointment given to him by this Honourable House that is the only position that can be reasonably taken.

So, I understand that the Honourable Leader of the Opposition is taking a different position, which is unfortunate and it is one clearly informed not by reason but by politics and the rest of the people in this country will be able to make a determination.

HONOURABLE MR. SPEAKER: Honourable Leader of the Opposition.

HONOURABLE ARNHIM EUSTACE: Mr. Speaker; am I to assume that every member of the CRSC can now simply go about the country promoting the 'Yes campaign'?

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker in answering ...

HONOURABLE MR. SPEAKER: He is still on the floor. Yes.

DR. THE HONOURABLE RALPH GONSALVES: I am hoping that they will do so. I am hoping that they will do so it will be in keeping with their mandate. I am hoping they will do so. Mr. Speaker, I want to also put into the record a very interesting newspaper article this morning; in The Nation newspaper by Rickey Singh, under the headline: Gonsalves political gamble; in the Guyana Chronicle, under the heading: Gonsalves big political gamble with the subheading: Referendum Bill for Parliament today, again by Rickey Singh; and the Jamaica Observer under the rubric: Vincentians get set for crucial Referendum. Mr. Speaker, I think it is ... again these will be made available to this Honourable House. I would read the article as is in The Nation; it is the same article, because he is a syndicated Columnist; the most distinguished syndicated Columnist in the Caribbean. I am reading Mr. Speaker:-

Prime Minister of St Vincent and the Grenadines, Dr. Ralph Gonsalves will present a Bill in Parliament today aimed at paving the way for a national referendum to significantly change the image and content of constitutional governance in that Eastern Caribbean state.

Mr. Speaker, if I may just say parenthetically perhaps he had heard the debate with Senator Leacock when he said that it is a significant improvement. He goes on:-

The Referendum Bill requires two thirds majority of the voting electorate to either endorse or reject fundamental changes to the nation's Constitution. These amendments were already approved by a two-thirds; 12 to two majority in the 15-member House of Assembly on September 3rd. They provide for a simple 'Yes' or 'No' vote to authorise or reject the plan of Gonsalves' second-term Unity Labour Party (ULP) to overhaul the Constitution inherited from Britain 30 years ago. This move by Gonsalves a Political Scientist and Lawyer is viewed as a huge political gamble that comes 15 months ahead of general elections scheduled for December 7th, 2010 where the ULP is hopeful of a third term.

When or lose Gonsalves and his ULP seemed destined to be chronicled in Caricom's political history for displaying courage and vision in allowing Vincentians to be the final arbiters of the sweeping constitutional changes that have been overwhelmingly approved by the House. The 'X'

for a yes vote will result in at least 10 substantive changes among them the following developments.

Mr. Speaker, this is an independent writer, he refers to the yes vote for at least 10 substantive changes. The Honourable Leader of the Opposition in his debate called the changes cosmetic. This change, Mr. Speaker, accords more with the view of the Honourable Senator Leacock, who said that this Constitution which we are putting to the people is a significant improvement over the existing one. Rickey Singh refers to at least 10 substantive changes and he lists them:-

- *A post independence constitution that terminates monarchical governance with the Queen as Head of State and the emergence of a Vincentian national as non-executive President similar to what exists, for example, in Trinidad and Tobago and Dominica.*
- *Scuttling of the prevailing colonial relationship with Britain's Privy Council in favour of the Caribbean Court of Justice (CCJ) as the country's final appellate institution.*
- *Curtailing the powers of a Prime Minister to call a 'snap' general election a weapon available to so many in Caricom under existing Constitutional arrangements. He/she cannot do so anytime before 4 years and 9 months of the expiration of a 5-year term.*
- *Increasing the powers of the Parliamentary Opposition Leader notably in the Public Accounts Committee (PAC) where in addition to retaining the position of SPEAKER of the (PAC) the Public Accounts Committee, he/she will now have a majority support in the Public Accounts Committee.*
- *The introduction of a mixed electoral system for an expanded parliament of 17 elected members by the current First past the Post policy and 10 primarily by Proportional Representation.*

Those are the 10 substantive changes seen by, Mr. Singh. He goes on:-

- *Currently the House of Assembly comprises 15 elected MPs; 12 of these at present are ULP and 3 others NDP. The ULP won 55% of the valid votes to the NDP 44.06% at the December 2005 poll; a virtual repeat popular response for the incumbent at the previous election. Since there could be no cheery picking of provisions or issues in the Referendum then in contrast to what is being sought in a 'yes' vote; it means that the NDP faces the unenviable task of mobilising Vincentians to cast their ballots to for instance:-*

- 1) Retain the Queen as Head of State.*
- 2) Say no to the CCJ in preference to the Privy Council.*
- 3) Ignore the need for a mixed electoral system.*

- 4) *Keep the Powers of a Prime Minister to call a snap election.*
- 5) *Further maintain the status quo in relation to the Public Accounts Committee and avoid the creation of four new commissions under the proposed new Constitution: Integrity Commission; Human Rights Commission; Parliamentary Commission and a Teachers Service Commission.*

Yesterday, the NDP was scheduled to formally launch its 'no' campaign for the National Referendum for which the Supervisor of Elections is being authorised by the Bill to be presented today in the House of Assembly to conduct in accordance with arrangements for a general election. Former four term Prime Minister; Sir James Mitchell has been invited by the NDP Opposition Leader, Arnhim Eustace to join him in the campaign for which at least 65,000 voters may be eligible for Gonsalves who continues to show a brave face of victory. The challenge the voters face is to participate in "the amazing dynamic for an alive constitutionalism; and evolving best practices which the new constitution will unleash".

I want to thank Rickey Singh for bringing to the wider Caribbean this [applause] excellent summary of the position. Mr. Speaker, Mr. Singh having brought us to this matter of Sir James participation last evening and the Honourable Leader of the Opposition insistence that we must look forward to a healthy process, I think all of that provide the backdrop for me to make the comments, which I am about to make. Mr. Speaker, I think that most objective observers would see and even those in the Parliamentary Opposition would see that Sir James entry on the platform last evening for a 'no' vote campaign, really it has muddy the waters very badly for the Opposition. I mean we know that at the best of times it is not easy to script Sir James and last night he was clearly not scriptable and we have noticed some interesting positions in which he has staked out stands entirely opposed to that of the Party led by the Honourable Leader of the Party, so there is a confusion and dissonance at the highest levels and I would indicate what they are because they are matters of real substance.

Mr. Speaker, let us for the moment as backdrop say that the Honourable Leader of the Opposition could not have been pleased when Sir James leveled what can be called a damning broadside against the current leadership of the NDP for pulling out of the process in July 2007; Sir James made it plain that it was a mistake to do so they should not have done that. They should have stayed there put their positions, it must be remembered that the Leadership of the NDP did not write one single document before this Committee or in the entire process; nothing like that available to the public or to the Parliament. And one may recall that the Honourable Leader of the Opposition in this House and outside, he has stoutly defended repeatedly his Party stands for withdrawing from the process in July 2007 in the face of a disapproval of this approach from several independent commentators, from the CRC, from the CRSC, from civil society representatives and from the majority in this Parliament. It is not a question anymore that his position is sustainable or defensible because Sir James has made it plain that this was a wrong thing for the Party which he founded ought to have done. But, I think as important more importantly in fact, is his position on four matters, four vital matters which are at variance with the position articulated by the Honourable Leader of the Opposition.

Sir James made it plain last night that term limits for a Prime Minister are unworkable in a parliamentary system as distinct from one with an Executive Presidency. The Honourable Leader of the Opposition is insisting

that these unworkable, impractical and undemocratic term limits should be put in place. In fact, the Honourable Leader of the Opposition says that one of the major reasons that he is urging no is because the new Constitution does not have term limits. Sir James is saying that you cannot have term limits in the Parliamentary system that we have. In other words one of the principle reasons available to the Honourable Leader of the Opposition; the person whom he brought to support him has in fact, undermined him. In fact, Mr. Speaker, the position does not make any sense rationally either; because the current Constitution, the existing Constitution does not have term limits; so, if you vote no for the one which does not have term limits, it does not mean you go into one which has. So, if those balance out you therefore, have to look at the other important changes, which carry the process of democratisation and representative government forward.

Secondly, Sir James has made it plain that you have to be careful in moving the Queen; he said you have to take with this that is the gist of his presentation. Now, the Honourable Leader of the Opposition who came to political consciousness in the '60s cannot really advice people to vote 'no', where essentially you would be voting 'yes' for the Queen. It is difficult for me to contemplate that someone who was in the forum, the Democratic Freedom Movement; one who was a colleague of Kerwin Morris of blessed memory; John Cato the man who was his sidekick who wrote in a newspaper which he edited when the Honourable Leader of the Opposition was President of the Civil Service Association called Tulu and he accepted the articles of his friend John Cato, they were buddies in Canada in the same movement here, under the African name Lumumba Wajabe completely against [interjections] completely, and then of course, Mr. Parnel Campbell QC; now, I cannot believe that the Honourable Leader of the Opposition who has staked out his position hitherto against the Queen where Sir James is for the Queen that he can reasonably go and advice his supports to vote 'yes' to keep the Queen that would be a perversity which is very difficult for me to contemplate a man who has come out of the '60s to political consciousness [applause].

The third issue Mr. Speaker, Sir James wants to keep the Privy Council, the Honourable Leader of the Opposition from early 2001, in fact, before 2001 strongly supports of the CCJ. Mr. Speaker, I would remember that when I came to office I made a speech in July, the first speech I made at Caricom it was done in the Bahamas and I said as an ideal, as a goal to which we must work, we have to support the Caribbean Court of Justice. The most pressing issue I said immediately however, in the Judicial System was to build up the links certainly in the OECS for a regional magistracy give it greater independence, security of tenure which all those things now happen in this new Constitution for the first time ever. [Applause] the position of the Honourable Leader of the Opposition was that I was throwing smoke in people's eyes that what I say about the Magistracy is important; but I must move with urgency to the question of the CCJ. Mr. Speaker, not only did he say that his supporter Dr. Kenneth John, lawyer, political scientist wrote at the time in his newspaper; he said that I am speaking out of both sides of my mouth on the CCJ and that I must stop doing that as a nationalist I must line up and support the CCJ.

I recalled Dr. Anthony came here when he was Prime Minister to speak at the Methodist Church Hall on this very issue; the Honourable Leader of the Opposition remembered that he was on the programme; I was also on the programme. I spoke in the manner about the CCJ the same way I had indicated a goal to which we must aspire and to address the issue of the CCJ. The Honourable Leader of the Opposition in front of multitudes said [interjection] but the whole place was packed there was a TV camera, it was there on radio live before

multitudes the testimony, the testimony is there and the Leader of the Opposition said, *"I am not going to be mealy mouthed like the Prime Minister on this question, I am a CCJ man now and forever"*; that is what is there the record is there and we can get the tape and I encourage the media to find the tape. Mr. Speaker, right at the moment the OECS Bar has just met in Dominica and they support the moving to the CCJ and the Honourable Leader of the Opposition one of his members, one of the persons he appointed on the CRC, Miss Nicole Sylvester is a CCJ advocate and she went to that committee and supported the CCJ. That is why when we had the consensus in this Parliament on 18 issues going to the Drafting Committee one of the issues on which there was consensus and the record shows it that the Honourable Leader of the Opposition says, he is agreeing to go to the CCJ.

Now, you do not want the Queen but voting 'no' means keeping the Queen. You want the CCJ but voting against the Constitution means that you are voting to keep the Privy Council even though you are opposed to Sir James on that question but for whatever the political reasons, I do not know how you are going to divide yourself it is a kind of intellectual schizophrenia. I find it very, very difficult to follow these twists and turns that is why Jomo Thomas is quite correct in calling the position of the Opposition a mish mash and I am not talking about the Opposition supporters you know, I am talking about the leadership because I am speaking to the Opposition supporters here the members and supporters of the NDP you have to vote for your country; love of country not Party on this one. [Applause] Fourthly, Sir James agrees ...

HONOURABLE MR. SPEAKER: You have 10 minutes Honourable Member.

DR. THE HONOURABLE RALPH GONSALVES: I am obliged Mr. Speaker. Sir James agrees with the Leader of the Opposition that you should not have an increase in constituency; you should have the same 15; but he goes on to say that you should have 29 Parliamentarians not 21 as the Parliamentary Opposition is insisting. He wants 14 under Proportional Representation. Well, the Opposition was saying why you are going with 27 and they ran the line it is so much expenses and everything; Sir James is saying you need more people in the Parliament because he knows Dominica has 30, Grenada and St Lucia have 28; Montserrat with 5,000 has 9 [laughs]. Now, the point is this, I can understand that the Honourable Leader of the Opposition last night must have felt most uncomfortable and so too the hierarchy he brought [interjections] I know what was going through his mind, he is saying, with Sir James you are not able to script him that is a man I should have brought just to give the benediction and I as Leader deliver the sermon. [Laughter] Instead is the first time that I see the main man deliver the opening prayer, for a short while and then allow the former Leader to deliver the whole sermon and thereafter, I cannot recall who did the benediction at the end; by that time, you know really, really; but Mr. Speaker, and I want those who are not satisfied with the leadership of the Opposition Leader to take this into account what Sir James said. Sir James said that there are two targets; the first target is for the Government to get 66.7%, he said, "I think that is difficult I do not think they gone get it" well, I happen to have a different view than Sir James on that; but he has set a benchmark for the Leader of the Opposition [interjection] he said, you have to get at least 51% or to quote him "Crapaud smoke you pipe" in other words he has put a bar that if you do not reach there; those who want me to come back to take this Party I may be back like General MacArthur. So, the point is this and I want ... half of the NDP supporters are out there; half of the NDP supporters, more than half want to have this new Constitution and what is evolving here

HONOURABLE ARNHIM EUSTACE: How you know that?

DR. THE HONOURABLE RALPH GONSALVES: that this is now a question on the leadership of the Honourable Leader of the Opposition because if you do not get 51% you are going to be out of the leadership for the next election and the reason why you have put yourself as though a vote for the Constitution; a 'no' vote is a vote for Arnhim Eustace, I am sorry, Mr. Speaker, to put it in [inaudible] a 'no' vote means a vote for Arnhim Eustace when in fact, half of your supporters do not want you to lead and they want Sir James to come back, so they have an additional incentive for voting 'yes' so that they would get a new leader by you not reaching anywhere near to 51%. [Applause] That is you have made yourself; you have made yourself, Mr. Speaker, the Honourable Leader of the Opposition has made himself the issue in this campaign; he has put his political life on the line by equating a 'no' vote with his continued leadership. Mr. Speaker, it is the only way that his twists and turns make sense; because he wants all sorts of things which we have in the Constitution, he wants them. As Senator Leacock said [laughter] the Honourable Senator Leacock said that this Constitution is a significant improvement over the old one [interjection] the new one is a significant improvement over the old one. It being a significant improvement, the only answer is 'yes' you have to vote 'yes' and the SPEAKER of the Party who spoke last night and I have heard him on several occasions; yesterday or the day before he was on Burns Bonadie's programme, he said that no one in the Party had invited him to address any of these issues. I wrote a paper, nobody invited me to address these issues. And he said, Mr. Speaker that he is not urging anybody to vote 'no', he is not urging anybody to vote 'yes', he is only going to present the pros and the cons.

Now, that is the SPEAKER of the Party, I am saying to the people of this country the New Democratic Party leadership currently have gotten themselves into a pickle and they want to make the best Constitution of its kind in the world; a hostage of internal NDP politics. The NDP supporter on the ground must not allow that to happen. I love them, they are patriots and I know that they will vote for love of country. They will vote for it before the Party and they will certainly vote for it before they decide to tie their mast to another failed enterprise under the same leader. This is a complicated election. Sir James is a wily old fox; he presented himself last night by staking out positions opposed to the leadership of the Party and he has set a threshold of 51% which he knows that the current leadership cannot meet so that he will come back and take his Party, those who want that to happen you have an additional incentive to vote 'yes' in this Referendum. I am obliged, Mr. Speaker.

HONOURABLE MR. SPEAKER: Further debate, Honourable Member for the Northern Grenadines, you are debating? [Laughs]

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I think this is an appropriate time for [inaudible]

DR. THE HONOURABLE GODWIN FRIDAY: Mr. Speaker, I am not going to be very long.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, it is half past.

HONOURABLE MR. SPEAKER: Half past one?

DR. THE HONOURABLE RALPH GONSALVES: Yes. May we go until half past three, may we take the luncheon adjournment and go to half past three.

DR. THE HONOURABLE GODWIN FRIDAY: What is the point of coming back, nobody else is going to talk again.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, we are in your hands, he said he is not going to speak for very long.

HONOURABLE MR. SPEAKER: Well, if he will be brief ...

DR. THE HONOURABLE RALPH GONSALVES: It is up to you Mr. Speaker.

HONOURABLE MR. SPEAKER: If nobody else indicates that they are going to ... then we might as well go through and wrap up. Any indication ...

DR. THE HONOURABLE RALPH GONSALVES: There are other persons on this side who are going to speak Mr. Speaker, I can assure you.

HONOURABLE MR. SPEAKER: Okay, let us take the break, yes we will take lunch.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I beg to move that this Honourable House do stands suspended for the luncheon period until 3:30

HONOURABLE MR. SPEAKER: Honourable House stands suspended for lunch until 3:30 p.m.

**House suspended at 1:35 p.m.
(Luncheon) House resumed at 3:44 p.m.**

HONOURABLE MR. SPEAKER: Honourable Member for the Northern Grenadines I recognised you just before we took the break. I believe you would want to continue.

DR. THE HONOURABLE GODWIN FRIDAY: Thanks a lot. I made that offer before we broke for lunch Mr. Speaker and I was hungry, but now I may have to take the entire 45 minutes to burn off some calories. Mr. Speaker, thank you very much for inviting me to make my comments on this Bill. We are at the stage in this process now where the campaign obviously has started in full. We quite clearly got the attention of the Members on the other side of this House last night with our successful launch of our campaign to put to the people of St. Vincent and the Grenadines the position of the New Democratic Party with respect to the Draft Constitution and to explain and encourage why we should vote no and we know that there is a whole arsenal

arrayed against the “no” side in this campaign. We have the full might of all the resources of the State; we have heard what would be employed in a one-sided way to seek to get a “yes” vote. Never mind that we have many citizens and we believe the majority of Vincentians who are dissatisfied with what we are presenting to them here as a Draft Constitution and which to vote “no” but those resources we will have to try and scrape together ourselves and all those others who are not happy with the present draft Constitution and will advocate a “no” vote that they will not be happy to hear that with all the might of the State that now the Prime Minister has explained that the CRSC is mandated to campaign on behalf of the “yes” campaign as well and here we were under the elusion for the past little while thinking that this was a technical committee which was intended to assist Parliament and ultimately the country and in explaining and facilitating the processes of constitutional reform, but we find out in Parliament here today that it says essential a political arm of the Government that will then engage in a campaign to try to get a particular outcome a “yes” vote for the Referendum.

So the decks Mr. Speaker are stocked against the “no” very clearly. Anyone who is advocating that you vote “no” in this Referendum campaign must go and raise the funds for themselves, but have no fear; we will do what is necessary Mr. Speaker to mobilise the resources, but more importantly to mobilise our fellow citizens to the true nature of the purpose constitutional reform, the shortcomings, the profound weaknesses which we have outlined in a previous debate in this House and we are confident Mr. Speaker, we have seen it last night by the enthusiastic responses from the persons present and the responses to those who listened on the radio and over the internet as the New Democratic Party launched its campaign to vote “no” on the Referendum.

Mr. Speaker, the Bill that we are addressing here today has to do with guaranteeing the fairness of the process that it is within the true traditions of our democratic system and we will be very vigilant and I am sure other persons and organisations who will take part in this campaign, because let us not fool ourselves, it is not just the NDP and the ULP who are involve are in concern with what is before us with respect to the Referendum. This is something much broader than that and other groups, other individuals will be taking active part in their own right, not necessarily too in the line of the Government or the line of the New Democratic Party, but expressing their own dissatisfaction and disappointment with the Draft Constitution that is before us. So what we want to ensure and to encourage all those other persons, is to ensure that the process is open and fair, that the Supervisor of Elections has to ensure that the Returning Officers, the Poll Clerks and all the persons who are working in the Polling Stations that they are selected in such a way that we have competent people who do not among them or a preponderance of those persons selected will not be visibly supporting one political party or another, because the Supervisor of Elections is an independent, constitutionally independent office and therefore must be politically blind or if you prefer a better term, politically neutral in the terms of the appointment where justice is blind so I want the Supervisor of Elections to exercise the same kind of independence in ensuring that the persons who work on Election Day or at least on the Referendum Day will be persons who will not reflect a bias to one political party or another and do not tell me you do not know how persons vote and so on. Most of these people, everybody they know, they declare themselves, they know who they are supporting politically.

So we do not want to see in any one constituency where you have 10 or 15 Polling Divisions that they are dominated by any one political party that would not be fair and it would not show the independence of the Supervisor of Elections. So we are looking forward to that Mr. Speaker and we would be very vigilant in

ensuring that the process is fair. Notwithstanding the fact that we are starting off obviously on an unequal footing because as I have said, we have all the resources of the State arrayed against those who are opposed to this Constitution and the Members on the other side they smile happily of course, but the point is what it will ultimately come down to is how effectively we communicate and we believe that the persons who are proposing and advocating on behalf of the “no” side have amassed very cogent and strong arguments that have taken root and currency among the people, they are resonating and so we believe that this will be a successful campaign to have a better Constitution by voting “no”. We can do better than this Mr. Speaker and we on this side of the House are fervently committed to that view and no kind of slight of hands or misrepresentation of our positions will do any good in that argument, because people want to hear what we are saying on the issues and that is the position Mr. Speaker that we are going to advance and we are going to it accurately and we are going to do it fearlessly, because we believe that our position is morally sound and we believe it is politically sound because the people have raised a lot of concerns about this draft and we believe in the end right will prevail and people will reject this draft Constitution and ask for something better.

So Mr. Speaker, when our citizens go to the polls on November 25th 2009 they have a very big decision to make, it is two small words, “yes and no”, “no and yes” and I believe that by the time we get to that stage, they will know how to separate the truth from the lies, from the fact from fiction, from accuracy from misrepresentation and if it is one thing that people have come to respect the New Democratic Party for and the Leader of the New Democratic Party is for speaking the truth and for the speaking his mind and this is why [interjection] may be so, because you could always sweeten it to try and appeal to an electorate, because you are lying, but we on the other hand Mr. Speaker, we will win the vote by representing our position honestly and fairly and we believe that when we convinced people of those positions that they will vote in favour of what we recommend.

Now, I know that the rumblings are starting on the Government side of this campaign that they are getting very anxious, very nervous and they should, because they have not listened to what we have been saying about the Constitution. They have not listened to the criticisms that have been raised and so therefore, they have to now meet with the judgment of the people and we are quite happy to do that, but I know that they are..., now they are changing the bar, the Constitution says you have to get 66.6% [interjection] you have to get 66.6% which is why during the preparation of the Constitution we said that these issues must be settled before you go to a Referendum, but in typical fashion, you wish to go ahead unilaterally and to try to denigrate the positions of persons who through their own love of their country no less so than any other member of this Honourable House or anybody who supports a different position, want to see different changes in this Constitution, so we proceed.

Mr. Speaker, we are committed on this side of the House to getting the citizens of our country to vote “no” on November 25th. We want the people to understand especially those older folks out there that it is vitally important that we all participate in the process. We are talking to everybody, we all Vincentian nationals, we may support one political party or another in General Elections, but here we have to consider the faith of our country going forward, it is not a matter to be taken lightly. And they must understand that when they see on the ballot the “yes” and the “no” that they must make a mark for the “no”. You must make a mark, even if you

do not see the symbol of your political party, because that is what people are use to seeing that you make your mark based on your informed opinion and the education that you would have received from the enlightened campaign of the New Democratic Party and other persons who advocate that we vote “no” in this Referendum. So we are looking forward to the process Mr. Speaker.

Never mind the unevenness of the playing field, we will present the truth and the people will see it, they will embrace it, and come November 25th they will vote “no”, thank you Mr. Speaker.

HONOURABLE SIR LOUIS STRAKER: Mr. Speaker, Honourable Members, we have come to consider an act to make provision for the holding of a Referendum to alter the Constitution of St. Vincent and the Grenadines in accordance with section 38(3)(b) of the Constitution that is the current Constitution. This Bill Mr. Speaker is absolutely necessary as a sequel to what was done in the House here not too long ago, September 3rd. It has vehicle the mechanism whereby we must effect what we have decided on here in the House by a whapping majority and to put into effect what we expect to be one of the most advanced progressive Constitutions in CARICOM. There are many people who still asked, because they are not accustomed to the idea of Referendum. From since adult suffrage people have been accustomed to voting for candidates. They go in the polling stations and in their booths and they mark their “x” to a symbol to choose the candidate that they will like to see represent them in Parliament and this is the first time I believe that we are having a Referendum in this country. So it is a historic occasion, not only in the sense that we are dealing with the Constitution, but in the sense of the process, how are we going to effect the changes in the Constitution and that is by a Referendum. And a Referendum simply put is a proposed public policy or public measure to putting it directly to the people to vote on.

This Bill before us is not one that can be settled only by Parliamentarians in Parliament, but according to the Constitution, it is a two-tare exercise and the Constitution plainly states section 38 that Parliament may alter any of the provisions of this Constitution or of the Supreme Court Order in the manner specified in the following provisions of the section. A Bill to alter any of the provisions of this Constitution of the Supreme Court Order shall not be regarded as being past by the House unless on its final reading the Bill is supported by the votes of not less than two-thirds of all the representatives and this was done on September 3rd when the Bill passed its first hurdle by a majority vote in the House of Assembly. But it goes on to say also that a Bill to alter the section, a schedule to this Constitution or any of the provisions of this Constitution specified in part one of that schedule or any of the provisions of the court’s order specified in part two of that schedule shall not be submitted to the Governor General for his assent, unless after it has been passed by the House the Bill has been approved an a Referendum by not less than two-thirds of all the votes validly cast on that Referendum.

So this is a constitutional mandate that we are engaged in that we must put it now to the people after it has been passed and received more than a two-thirds majority in the House, it must now be put to the people so that they can have their say and of course when you look at how this matter is being dealt with, when you look at how the current Constitution was framed, there is a philosophy behind it dealing with, how do you view human nature, how do you view the people who were suppose to be govern by the current Constitution and since this Constitution was made in Great Britain and handed down to us, it is quite clear that those in Great Britain who

have made this Constitution did not have much confidence in our local people here and so they put as high a bar as possible beginning with Grenada as we were told by one of the drafters of the Constitution that the British Government did not have much confidence in the then Government of Grenada and did not want them to tamper with the Constitution and so they put a high bar of two-thirds vote in the House and two-thirds vote in a Referendum, but we have seen in a number of Caribbean countries that there is no two-thirds majority in a Referendum and the Member for the Northern Grenadines read from a Parliamentary magazine here not too long ago insisting that we are to follow the lead in a particular case of Belize where there was term limit and the Opposition given more of the nominated members, but if you were to ask him, should we follow Belize also in that lead in having no Referendum? He would not agree with that. So it is not everything that we see out there that we are to say that we want to follow and of course the Opposition may cherry pick as to which one they want to give an example. Choose Belize when it comes to a matter of term limits, choose Belize when it comes to the matter of having Senators, the majority being..., but do not choose Belize when it comes to the matter of a Referendum that is bad, they are backward, they are not suppose to be followed, but we must follow them in an idea that they seem fit to..., they think that it is convenient for them to follow.

DR. THE HONOURABLE GODWIN FRIDAY: So you do not want any Referendum at all?

HONOURABLE SIR LOUIS STRAKER: You do not want the Referendum. I am not saying we do not want it [interjection] but in Barbados one of the enlightened countries in the Caribbean, one that has had a Parliament maybe since 1605 they do not have a Referendum. I will give my recommendation if you listen closely. Mr. Speaker, and because of that it is full time for us to repatriate our Constitution, have a homegrown Constitution and this Bill is going to put us in a position where we would have a Referendum so that the people can make a judgment as to what they want relative to this Constitution.

Mr. Speaker, I am very happy that the Leader of the Opposition has agreed that he does not see any great difficulty, no great difficulty with this piece of legislation. This facilitates the process and I wish he could have said the same thing about the Constitution which we started off together in an amicable way working together until probably the exigencies of politics got the better of him and he decided that it would be to the interest of his political agenda to turn around and decide not to go supporting the Constitution any further [interjection] well I am saying what you said.

Mr. Speaker, he has raised a number of issues which have been answered to his satisfaction and therefore, I do not think the objection would be held by his colleagues because normally, they follow the lead of their leader. Mr. Speaker, this Bill presents to us certain issues, the holding of a Referendum as in Article 3, a Referendum shall be held on the question, whether or not St. Vincent and the Grenadines Constitution Bill 2009, passed in the House of Assembly 2009 to provide a new Constitution for St. Vincent and the Grenadines is approved and of course we have a Constitution that merits the support of every Vincentian, every serious minded Vincentian looking at the Constitution and of course as have been said by Senator Leacock, there are significant improvement on this Constitution than on the previous one and if there is significant improvement, if we are seeking to get a Constitution that will meet our needs for today, if we are looking to have significant

improvement on a Constitution, then from his words, this Constitution should recommend itself to him and not only to him, but the majority of Vincentians who would be voting in this Referendum.

Mr. Speaker, the process, the conduct of this Referendum is placed quite squarely in the hands of the Supervisor of Elections and of course, I am glad to hear the vote of confidence given to the Supervisor of Elections by the Leader of the Opposition. So there is no question as to her fairness, as to her integrity, and as to the method that would be employed for this Referendum to take place thus far, so good [interjection] well you can only speak about what happen thus far, we do not know what will happen.

Mr. Speaker, the Constitution that this Referendum is going to ask us to approve is one that really every Vincentian ought to pay careful attention to. I know it has certain legalese terminologies and sometimes it is tedious even for people with a higher level of education, but when you look at various aspects of this Constitution the fundamental changes that have taken place dealing with the protection from the deprivation of property which we have had lengthy debate on in this House and which the Constitution has said must be fair, I have never heard anybody quarrel against a fair settlement except more recently dealing with the Constitution, where you have a fair settlement everybody would grasp that because it is fair taking into account the circumstances surrounding the whole issue of compulsory taking property, it is appropriating property, but the Opposition people have an objection to that where you have freedom of the press, where you have freedom of assembly and therefore the labour unions could now have collective bargaining procedures entrenched in the Constitution where you have civil rights of people in entrenching the Constitution that young people can now go to 18 to make their decision and marry at that age. Where you have a Human Rights Commission and an Ombudsman and Mr. Speaker, these are two great aspects that I have great concern about, because I am always concern about sometimes Government officials, public servants, not cheating our people, particularly our less educated people and particularly those in the rural areas coming into Kingstown and not knowing the right places to go, not knowing the right questions to ask and sometimes they are literally abused by some of these public servants and here you have a Referendum and a Constitution that would provide a Human Rights Commission that would give help to the people to report on these people who are in their Human Rights and the Ombudsman who will be able to help them to cut through the bureaucracy of the Government. We have a Parliamentary Commission, we have Local Government, we have Teachers Commission, so everything in this Constitution lends itself to acceptance by the people and I am sure in this Referendum the people would duly consider all these things. There is no perfect Constitution.

When I did my Constitutional history in the United States you realise the great debates and the back and forth that have taken place before the United States can get a Constitution, 9 out of 13 States had to ratify through states convention and it is not easy to have a Constitution approved. If even it comes down from heaven, there would be those who would disagree with the Constitution for the sake of disagreeing. If we were to place in the Constitution the very ideas that are being advocated by the Opposition, they would find reasons not to support it and pick on different issues. So the people of this country should know that we cannot make perfection the enemy of the good. There are many good things in here, it is a significant improvement on what we have and therefore we ought to accept what we have, it may come, there may be a time when we would want to revisit the Constitution and we may want to make changes to the Constitution provisions are always there that we can

make those changes to suit the new circumstances in which we are. But I would say that the Constitution as it is no perfect maybe, but a good one, an excellent Constitution, merits the support of Members of the Opposition and all areas in St. Vincent. Labour Unions are to support it, our young people are to support it, our elderly citizens, mention are made of the, are to support it, those who are in need of legal aid are to support it and I think overall, I think we have a good Constitution and the Referendum is here for us to make our vote and make our decision as to what we are going to do.

I trust that this ingenuous arguments might not be pleased to the people and there are those who cannot reason things out in a mature way would follow some spurious arguments and say they are not going to vote for the Constitution and I agree with the Member for the Northern Grenadines when he said that we want everyone to know that it is vitally important to participate in the process, every Vincentian ought to participate in it. Normally, well we have never had a Referendum in this country, but in most countries when it comes to Referendum the turn out is very low. But this is so vitally important to every one of us, every Vincentian that each one ought to make up his or her mind to go to the polls and vote for this Constitution and hopefully they would vote “yes” for it. Everything is in here to make us a greater, a better society. Why would we want to vote against the Constitution and remain with the status quo? If we do not vote on this Constitution, are we sure we can get something better than this and if so, are we sure that we will be able to get the vote of the overwhelming majority of Vincentians? The Opposition would always oppose whatever changes are made and therefore, it would be very difficult unless the people see the light of day and agree that this is indeed a good Constitution, may not get everything you need in it, but it is a good Constitution that we can live with and one that improve the lives of our people.

You cannot tell somebody that they ought to vote for this Constitution and say that because we want to maintain the monarchical system in St. Vincent and the Grenadines, there might be monarchists on the other side, but there are those of us who feel that we ought to govern our own affairs. You are not a monarchist; I know that, so therefore, you want to vote for the full independence of our country. Yes, yes, I know what you are saying in your heart, your lips might say something else, but I know what your heart is saying [interjection] [laughter] but there are no discrepancy between even George Bush was knighted by the Queen. Yes, there are a lot of people in America who have received knighthood from the Queen that does not mean there are monarchists, so to think that because I have a knighthood from Her Majesty that I should embrace the monarchical system, it is a folly. There are many, many people who have knighthood in America, so then why you are saying that there is a dissonance between my having a knighthood and my saying that we should have our full independence. There is none, you may fool others to think that there is, but there is absolutely none. I am for our own Constitution, I believe we have to get rid of the monarchy and you believe that too [interjection] well I will pin it on you whenever you need it.

And so Mr. Speaker, we cannot abide by that. We cannot stay with this idea and I heard one of the leaders, the SPEAKER of the NDP saying that we are to be careful about the death penalty, we ought not to go against it because of amnesty international and the human rights issue, how could you go to the people and tell them after the [interjection] well, what the SPEAKER said is that we are to be careful how we view the death penalty because there are others outside the amnesty international and the human rights and this has become part of

human rights and it would affect us. That is what he said, it would affect us and I say, how could we after viewing such heinous crimes now say that there should be no death penalty and if that is the position of the Opposition as proposed by the SPEAKER of the Opposition Party, I say this is not what the people are asking for [interjection] well that is what your SPEAKER said, that is what your SPEAKER said, I do not know whether he was speaking for himself or for the party, but he is not... , he asked us to be careful about the death penalty and we are saying without any provocation, without any ambiguity that we are for the death penalty in capital crimes. [Interjection] well you would have to explain that to the people the difference between what you would say and what your SPEAKER has said.

And when it comes to the matter of the family and we say no, we should not permit to enter into our society, the marriage of man and man or woman and woman, and you said no, we want to reject the Constitution because the Constitution forbids that how could you go out and tell the people that you have something better to offer them? We are saying that we are against that and if the Opposition is for it, then they can go and tell the people this is where the line would be drawn, we are for one thing, you are for thing and we would have a very good debate. You would have a hard time selling what you believe in to the public, but we believe that these things are very good for this country, we believe that the people would vote fairly and squarely on the side of the death penalty and the side against same sex marriage and therefore, we are going to have [interjection] no, no red herring, it is in the Constitution [interjection] no it is no... , you are the one who making the... , you said no, they must vote against that and we are saying yes, they must vote against that and you would have a hard time selling this to the population. You made the idea and you have expressed the hope and what you expressed is just a hope that the majority of Vincentians are going to vote with you in this Referendum, you know better than that.

As the Prime Minister said this morning, Sir James say you have to get 51% and you know in your heart of heart that you can never get to that 51% and we are saying that we believe the majority of people reading this Constitution, listening to us would come to the conclusion that even though there might be one or two things, because no Constitution at all you will find every single person in the country agrees to, but if you have certain minor differences you can put them aside and look as I am sure my good friend Senator Leacock has done, view the Constitution as a whole and say indeed, this is a significant improvement on what we have. Then you can go to the country and tell the country, they can afford to support this Referendum and that is all we are asking, for the fairness, look at it, if there is a significant improvement, then let us go through the Referendum supporting this Constitution.

Mr. Speaker, [interjection] no I am happy with it, you are desperate; you are desperate, because I know what our people believe in. We have had a mandate from the people in 2001, we have had a mandate in 2005 and this party would have a mandate again in 2010 and you are hoping that you do not have to serve another term in Opposition, but if you run again, you would be in Opposition if at all you are in the House. So I know what you are expressing is just a hope that the people would look upon your side of the argument and support you, but I do not believe that that's what I hear out there. That is not what I hear out there, the majority of people are going to vote "yes" for this Constitution and make the revolutionary changes that we are proposing in this Constitution and so Mr. Speaker, I truly [interjection] you asked again? I truly believe that we have a Bill here that merits the support of both sides of the House and this would lead us to the Constitution that would carry us

forward, a Constitution once in a life time experience with a Referendum and a good Constitution and I trust that our people would listen to the arguments and with their conscience guided by Almighty God would vote “yes” every organisation in this country ought to vote “yes” for this Constitution and even those unrepentant ones who might want to carry on, there might be those in the Opposition who might want to say fairly well old friends, I can no longer stay with you, I have to either withhold my support from you or vote “yes” for the Constitution and when you get in the ballot box, nobody sees what you are doing there, it is you and God and we trust that you would do the right thing by your conscience and by God.

And so Mr. Speaker, I trust that this first Referendum in the history of our country would be one that would mobilise our people to come out and vote for it and once they vote for it, they will vote for the new Constitution that would mean progress, prosperity and a better standard of living for our people and so I recommend this Mr. Speaker, to all Members of the House.

HONOURABLE SENATOR JULIAN FRANCIS: Mr. Speaker, I rise to give support to the Bill before us, a Bill to make provision for the holding of a Referendum to alter the Constitution of St. Vincent and the Grenadines in accordance with section 38(3)(b) of the Constitution of St. Vincent and the Grenadines that is the 1979 Constitution and Mr. Speaker, I think many persons have said before and I will repeat it, that a Referendum this is the first such Referendum in St. Vincent and the Grenadines and there are so many first that this Unity Labour Party has put in place that by the time 2020 comes there surely would be a new history to be written for the period that the Unity Labour Party would have occupied between 2001 and 2020 and continuing, there is no question.

Mr. Speaker, the Referendum is basically an election, because sometimes we speak in the Parliament in Parliamentary language and we use the legal terminology, but there are many persons outside who find it difficult sometimes to understand what we are saying and sometimes when I speak in very simplistic form in Parliament and on radio I do it particularly so for those persons who find it a little bit more difficult to understand the subject matters we are going over. Because you know just three or four days ago I am coming from Leeward and I stopped to pick up a young lady and she asked me, she say, “Minister, what is this election thing you all talking about, what is really going on with it?” well I say Constitution thing, I say, do you know what the Constitution is and she says, no and this young lady is 23, she has a child. So I went through in very simple language to explain to her what a Constitution is and reminded her that we got independence in 1979 and she recalled that and between Rillan Hill where I picked her up and Lowmans where I dropped her off, she had a clearer picture of what we are talking about and I think we need to put the message sometimes at that level. Those of us who are fortunate to understand it at the higher level and this is in no way ill speaking some of the people of this country. It is just that some of these complex matters do take some time to be explain to some of our people and hence the reason why the questioning by the Leader of the Opposition this morning on the simple matters of practice of carrying out an election, I could have associated myself with some of them, although some were naturally not for the use of this House and I give him credit in this regard. It was for the consumption of persons who we try to speak to outside of the Halls of this esteem chamber [interjection] I am always been generous. I give him a whole constituency, what more do you want [laughter] I will never give

him the Government; I will give him a battle not the war. [Interjection] no I do not think so, I will send somebody to take it back [laughter].

He said in this Parliament that I send people to *tek* back fridge and stove, but he gave them [laughter] [interjection] that you give them, so I can say that I am sending back somebody now to take the seat that I give you [interjection] yes, stove and ham, a whole container load a ham went down into Walvaroo [laughter] I know the trailer number [laughter] but I could have done nothing at that time, short of going and hijacking all the ham and distribute them myself, but I have the... to do it, but I will [interjection] if it were my trailer I would not have to go and hijacked it you know, it would have been mine. So you know who sent it there and we know who send it there. I am not going to call any initials of anything, or anyone. Minister Thompson Parliamentary Representative for North Leeward if you have suggestions on the matter you would have your chance to speak and you can therefore call the initials that you wish to call, I will not call them in this Parliament.

But Mr. Speaker, I think the Bill before us sets out clearly that we are going through what persons in this country are accustomed to go through every five years especially. The only difference being in this election, you will not see the faces of anyone, you will not see symbols of any political party and I can state clearly that you will not see the colour of at least, of one political party. I heard the Leader of the Opposition and his Deputy, the Parliamentary Representative for Northern Grenadines says that both political parties are on the campaign trail. I want to state categorically as General Secretary of the Unity Labour Party and I am sure that my political leader would confirm that the Unity Labour Party is not on the campaign trail. The NDP has taken the decision to break ranks on a decision that we took inside of this Parliament. The Motion for Constitutional Reform was moved by the Honourable Prime Minister and seconded by the Leader of the Opposition.

HONOURABLE MR. SPEAKER: In that case it would be the Honourable Leader for the Opposition.

HONOURABLE SENATOR JULIAN FRANCIS: Thank you for the correction. I stand corrected. The Honourable Leader of the Opposition [interjection] without any ham yes [laughter] [interjection] well, remember the gentleman before me was Hamlet, so I had to continue the name of Hamlet, [interjection] [laughter]. You all are tempting me to go into this subject matter; I will not be drawn into this discussion this afternoon. I will not be distracted.

Mr. Speaker, the Honourable Leader of the Opposition leveled some serious broadsides on the SPEAKER of the CRSC and had in fact on his political platform last night demanded the resignation of Mr. Campbell, but Mr. Speaker, I want to do a little parallel to this, because if one cannot accept as Mr. Campbell does, as other members of the CRC do that there is an authority that was granted by this House of Assembly for the CRC to assist the Parliament in getting Constitutional Reform. It is therefore in my humble opinion the responsibility of every single member of the CRC to encourage the support of a document that they have been given the authority to promote [applause] it has to be and I will tell you why if the Honourable Leader of the Opposition and the New Democratic Party continue along this line, they will continue to lose credibility when they advance the argument of certain things that we have put into the Constitution that they say we do not need in the Constitution, but you can put it in ordinary statute.

Now who will trust an administration led by New Democratic Party to say that you will put something inside of the statute where in the next meeting of the House you can come back and remove it without going back to the people in a Referendum, which they have done. Because what they are voicing on the matter of Mr. Campbell and the other members of the CRC, we came to an agreement in this Parliament, both sides agreed and this House operated with the full participation of the Opposition. While they are here participating, they have a no vote going on, on the radio and last evening or sometime either on the Nice Radio Programme or when he was on Chris programme, the Honourable Leader of the Opposition said that he was aware of it, but the people who are asking the question could not understand it, because they did not know what was going to come out of the document in the end, but he knew. That is why it was okay for him to be in the House participating while at the same time running a no vote on the radio that is what he said. So Mr. Speaker, I will give way if you want to correct me, the Honourable Leader of the Opposition, because I heard you either on Hot 96.7, I believe it was on 96.7 with Mr. Lynch. But if you wish to correct me I will give way.

HONOURABLE ARNHIM EUSTACE: Yes, well one will past you see, so a lot of generosity going round. Mr. Speaker, the point I was making at the time and I have done so more than once, is at least in the Committee of the Whole, I was aware of the changes that were being made, the public outside was not aware of those changes and to the extent that we do not agree with the changes although there was agreement per say in the Committee, I knew the direction in which the document was going. So I had no difficulty saying, knowing what I agreed to or did not agree to that we are going to vote no.

HONOURABLE SENATOR JULIAN FRANCIS: I do not think it is much different to what I have said Mr. Speaker, but it reinforces the point I am making that there is a group of gentlemen elected to this Honourable Parliament, House of Assembly who will come in here day by day, 25 meetings I think we held in this House, I cannot remember how many they attended, and participated, got actual amendments done inside of the Committee of the Whole House, the Select Committee. The CRC is sitting there, the CRC is a creature of this Parliament and they are listening to you and your participation, so they are going out there and promoting what you are putting into the Constitution, but then you are turning around now and cussing Mr. Campbell and telling Mr. Campbell he has no right to promote a “yes” vote for the Constitution. That is the man’s authority from this Honourable Parliament. There are some people who behave honourably in this House and some people who behave dishonourably in this House and I want to associate Parnel Campbell QC in this exercise as behaving honourable in the matter before us.

Mr. Speaker, the Opposition is going to have a credibility problem on this matter, because this is going to continue to haunt them until the 25th November. Last night at the launch which is describe as the launch of their campaign by the way, and it claim to have had the intention of the entire side of this House, Mr. Speaker, sure, they had my attention, yes, yes, Sir James is suggesting that we have a funeral in December and ware black ribbon but the wake started last night, the wake started last night. Mr. Speaker, it is obvious to me listening last night, it is the first time that Sir James Mitchell and the New Democratic Party had any discussion whatsoever on this Constitution. It was very, very clear, he told them that they were wrong, the Prime Minister went through those areas and Sir James should have known better than to use a forum like last night to for the first

time in 6^{1/2} years to open his mouth and now make suggestions as to what should go into the Constitution. A gentleman who has been there Prime Minister of this country for 16 years who has articulated and implemented the matter of Constitutional Reform and this country went through Constitutional Reform consultations for 6^{1/2} years and Sir James found it not necessary to make a contribution either early or in writing. I say, a shame on Sir James and it is obvious in the things that he is advancing that apart from a little meeting that he may have had with the Parliamentary Representative for the Northern Grenadines when he came here in the Parliament and suggested that we should have an elected President, a President elected by the people and I am beginning to believe now that that did not come from the Honourable Leader of the Opposition. I am beginning to believe it now that the Parliamentary Representative for the Northern Grenadines had certain discussions with Sir James or Sir James called him and say, “boy, all *yo* go for this thing as elected President” that is why he could not have articulated a position in the Parliament and said at the time that he is advancing it as the NDP position, but he cannot discuss it in detail because the Leader of the Opposition is not here. He would have loved to have been here to suggest or to make the amendment. Well I am putting it to you that the first time that the Leader of the Opposition heard about it was when he listened to a tape of the Parliament where the Honourable Parliamentary Representative for the Northern Grenadines articulated Sir James position on the matter. If I were the Leader [interjection] yes, yes, yes, you do..., let me tell you, you know, there is nobody who talk story more than Sir James Mitchell you know and the present Parliamentary Representative of the Northern Grenadines ought to be careful you do not fall in the same trap, because you are getting there quickly and close [interjection] yes, yes, I know. You will see the story time.

Mr. Speaker, this Constitution is a matter that we have to take seriously. I am a lover of a campaign you know, but I love the campaign when it red and yellow. I prefer the campaign when it red and yellow. Your hands are tied behind your back when you have to carry the national colours, but I would carry it with full wait, shortly you would see it [interjection] no red, I *ain't* carrying no red, we are using the colours..., it is a national campaign Mr. Speaker. I had [interjection] after the campaign you would ask the question in the Parliament, what is your budget? Mr. Speaker, I am asking the Honourable Member for the Northern Grenadines not to go down that road, because you will hear that when we set up the campaign headquarters for the “yes” vote and it is being worked on right now, you would see it shortly, they do not say is ULP campaign headquarters, it is not, it is called the operation centre for the national “yes” committee campaign that is what it is called, that is the name of it and I am the director of operations named by the committee, and they will question why are we using Government money, but the return question I will throw at you if you continue to heckle me on it, a dead man tell no tales.

The NDP Headquarters were built at the same time that the central market was being built, not the complex, the central market that is all I am saying and dead men tell no tales, both buildings carry the same contractor, dead men tell no tales [interjection] yes man.

Mr. Speaker, I have been hearing such contradictory statements from the Members of the Opposition on this matter of the Constitutional Reform. When I spoke last time, I spoke on the matter of..., I concentrated mainly on the matter of the death penalty and the return of hanging in St. Vincent and the Grenadines. I want to link in my debate today Mr. Speaker, the matter of land acquisition. I just want to deal with that for another 15 to 20

minutes or so. Mr. Speaker, the SPEAKER of the New Democratic Party has taken on as the spokesperson for the matter of land acquisition. I just would like to read Mr. Speaker, what the actual difference between the two Constitution say, the existing Constitution which is in section 3 Mr. Speaker, speaks that adequate compensation, I will find it for you Mr. Speaker and read it from the actual Constitution, it says, no property of any description shall be compulsory taken possession of and no interest in or right over property of any description shall be compulsory acquired except for a public purpose and except where provision is made by law applicable to that taken of possession or acquisition for the payment within a reasonable time of adequate compensation.

HONOURABLE MR. SPEAKER: That is section 6 you said section 3

HONOURABLE SENATOR JULIAN FRANCIS: Section 6 of the 1979 Constitution. Section 30 of the proposed Constitution states the same thing up to adequate compensation and we added that is, compensation which in all the circumstances is fair and reasonable to the person entitle to compensation and also to the state without limitation as to the date at which compensation should be assessed, this was added, and a proviso was put in, provided that the compensation shall be paid within 12 months of the date of the compulsory taking of possession or acquisition.

Mr. Speaker, when this speaks through without limitation as to the date at which compensation should be addressed, statutes and laws are put in place to support areas of the Constitution and the Constitution is the one that gives its base to statute, so there is a Land Acquisition Act which is cap 241 Mr. Speaker, in volume 6 and this Act goes into the detail as to what transpires when a piece of land or property has to be acquired. There is a big debate in the country among the New Democratic Party that this is one of the areas on which they cannot support the Constitution. I have heard the Leader of the Opposition following the SPEAKER of the party saying that the State is more powerful than the individual, so therefore you cannot have fair and reasonable to the person and to the state, as if the state is a monster, as if the state is alien, speaking about that I see all the alienable have lined up now saying prayers and commentary last night, so I suppose that one can easily use those terms with some justification.

Mr. Speaker, the other area that was added and I want to say this, nothing else in the Land Acquisition section, section 6 of the 1979 Constitution was changed except this and a number 8 is added, I am trying to find number 8, what it says? Nothing in this section shall affect the operation of any law enforce immediately before the 27th October 1969 or any law made on or after that date that alters the law enforce immediately before that date. So section 8 is another addition to it.

Mr. Speaker, acquisition comes if the two parties cannot agree on a value that is basically when it comes into play, because the process when the state requires a property for a public use Mr. Speaker, there is discussion between the authorise person authorised by the Governor General and the owner of the property and if they agree on a value the property is purchased, so it is not every time that Government is buying a property that it is acquisition. Acquisition comes down if there is no agreement between the Government who wants to buy and the person who doesn't want to sell or cannot agree on the price. They either do not want to sell or they cannot

agree on the price at which to sell. So what does the Constitution allows and the law allows that you set up a Board, an Appeal's Board to work out the compensation and section 19 of the Land Acquisition Act goes into detail as to how you go about rules for assessment of compensation.

Mr. Speaker, in my opinion, nothing that is changed (and this is the point I want to make) is put into section 30 in the new Constitution will appear to me as a layman would change anything in the existing statute section 19 of cap 241 so that it says here, subject to the provision of the Act the following rules should apply to the assessment and award of compensation by a board for the compulsory acquisition of land and this comes into play if the two parties cannot agree. The value of the land shall subject as herein before provided be taken to be the amount which the land if sold in the open market by a willing seller. In the open market by a willing seller might have been expected to have realised at a date 12 months prior to the date of the second publication in the gazette and that is what I was referring to just now when it says here, without limitation as to the date at which compensation should be assessed. So for those who were saying that we should not be assessing it a year before this new Constitution is saying that that time limit is out, that is my interpretation of it, so that defeats the argument of those who continue to perpetuate that we are still going to be paying one year prior to that the new Constitution rules that out. So this Act here, would therefore have to be amended to suit this new Constitution once this is passed.

And then it goes on, I would not read all of it, but it tells you how the land is being valued and this Committee that is put together Mr. Speaker, the Board of Assessment is made up of the following persons Mr. Speaker, which is..., it includes a Judge of the High Court as the SPEAKER, a member appointed by the Governor General and a member appointed nominated by the landowner. So you have the High Court Judge and if the parties are dissatisfied they appeal to the High Court, because there is a Judge in-charge of this body. Am I correct Attorney General? So that there is a procedure for when Government wants to buy land and the negotiations break down and I see absolutely no problem in this matter of fair and reasonable to the person entitle to the compensation in other words, to the seller and the buyer. So the articulation or the formulation Mr. Speaker, I think it is even more favourable and the Act itself, the supporting statute states open market as if sold in the open market by willing seller. What more do you want Mr. Speaker?

You know I heard Dr. Linton Lewis advancing the case for the "no" vote on this matter and he went as far as saying that okay, they say at least current market value, does it mean that they can get more, it that what you want to put into the Constitution, at least current market value? So there will therefore be a case where fellars will say, well look, I want more than current market value. I cannot see a formulation like that going into the Constitution and he went as far as advancing the matter of replacement cost. So the Government wants three acres of land or two acres of land in Diamond Village, but on it is an old house that is about 50 years old 20 by 15 three hundred square feet, he wants put into the Constitution that you must pay him the replacement cost today for building that house, but the house is dilapidated, the Act says, open market value. Why are we complicating this thing so much? And I see the Honourable St. Clair; I have caught his attention on the matter. You cannot put in to talk about replacement costs, cannot [interjection] well you can argue it when you get a chance to speak, because I just cited the example, do you therefore say a 20 by 15 house three hundred square foot today building cost is a \$150 a square foot so therefore it would be \$45,000 and you pay him the value for

\$45,000 of a house that is dilapidated and the window broken down? You cannot do it. You have to pay him reasonable value for the property, you have to, and so if that is the current cost today, you have to depreciate over its 40 years to get the value of the property. What do you do, give old thatch house \$45,000? Mr. Speaker, that is unreasonable and this is why we put into the Constitution..., you see Mr. Speaker, let me put it this way you know, land acquisition in this country is a bad word for the New Democratic Party you know, land acquisition in this country is a bad word for the New Democratic Party you know.

Mr. Speaker, the hallmarks of the period of the New Democratic Party and land acquisition, the mother of them all are the Orange Hill Estate, still today not settled. Fellars are being charged all over the place for holding up money. I remember when this land was acquired, the Attorney General then was the Honourable Emery Robinson, I recalled the day after the first notice was put into the paper or the second notice, he say, freedom land, *leh* we go Orange Hill, I sat down and saw vehicle after vehicle, trucks, pickup gone Orange Hill picking coconut, mango, sour sop, they raid the entire estate, freedom land, Government *tek* it, the people them *ain't* get one pound compensation yet, but the entire nation was invited in to take over. Mr. Speaker, the Michael property at Villa, the records are there. The Michael's did not get pay for some of their lands until we came to office and here is a political party who was in Government for 17 years this is why last night when I listened to Sir James and some of his suggestions, how could a gentleman be the Prime Minister of a country for 16 years and not implement any of these.

Dr. the Honourable Ralph Gonsalves has only been the Prime Minister of this country for eight years and look what he has done in those eight years. Sir James was there for 16 years, all these fancy ideas that he is trying to give to the Honourable Leader of the Opposition as Leader of the New Democratic Party which he himself reminded the party last night is my party, within the first three statements he made last night, he reclaimed ownership of that party you know. He say, the party that I formed, reclaimed ownership of it, 17; 16 years, coming now to tell us about retroactive legislation, make sure they do not put into the thing retroactive legislation and making the statement..., Mr. Speaker, sometimes I wonder why Sir James does this thing, he say not even God, he say not even God bright enough, he repeated it, he say, not even God bright enough to put in retroactive legislation [interjection] Mr. Speaker, how do I stand with time, 10 minutes?

HONOURABLE MR. SPEAKER: Yes, just about that.

HONOURABLE JULIAN FRANCIS: Ten, okay, I am timing myself well. Mr. Speaker, the Leeward Highway Road, the Leeward Highway Mr. Speaker, and these are no large landowners you know, these are multiple of small landowners along the boundaries of the Leeward Highway suffered under the New Democratic Party for compensation for the land that they acquired to fix the road. When we came to office, no survey plan was registered, the people could not get compensation, we had to send back the surveyor and the surveyor was paid already you know. The Central Leeward Highway, we had to send back the surveyor to resurvey the place and then we compensated the people. So we compensated the Michael's for ten years ago compensation for the A' level College property, we compensated the people for the Leeward Highway. The New Democratic Party does not have the moral authority to speak on the matter of land acquisition [applause].

Mr. Speaker, the worse of it all, but you know why I do not talk and why people do not talk too much about it, because plenty family was involved. Sir James acquired a lot of family lands down in Bequia for the Airport. Mr. Speaker, up until today there are members of certain families who have not been paid for those lands. This is the administration that is telling us that what we have here as reasonable for the seller and the buyer is not the good formulation, we must put in current market value. Mr. Speaker, when the Buccama Project was coming here the New Democratic Party advanced..., a Government can only acquire lands for public purpose *eh*, a Government cannot acquire lands and give it to a private individual to use, so when Buccama was coming they leveled the acquisition at us that we had acquire the lands at Buccama and give it to Harlequin, but the lands were Government lands. We never acquire any lands at Buccama you know, not one square foot of lands was acquired at Buccama to be given or sold to any private operator like Harlequin. There were some persons who had taken advantage of the conditions of the least and got their free hold title, they claimed certain compensations for that land, and Harlequin was prepared to pay them anything that they asked for the land and in fact went in paid these landowners substantial sums more than reasonable compensation for the lands that they occupied. So [interjection] well that is what I am saying, far above current market value, so maybe that is what they see and want to put in at least current market value. You cannot put it as at least current market value, it doesn't make sense. So we are objecting for objecting sake and not coming with a reasonable change to the formulation that we have in the Constitution.

Mr. Speaker, there is the matter of the Marcus De Freitas acquisition and I am putting it to you, there is part of the Marcus acquisition that is subjugate, I am not going to speak on that aspect of it. I see the Prime Minister, I done see him out of the corner of my eye coming down. I was looking but I see him behind here, I got ears behind here and my good council here who keeps me on my toes tells me it subjugate, but we know the history to this and I am putting it to the Opposition that this is forming the basis of their position on land acquisition. It is this example that they are using and that is the one that seem to be hurting them. Mr. Speaker, the people of this country know that the Physical Planning of this country, the Government, the Attorney General's Chambers took Marcus De Freitas to court for operating a business in the middle of a school compound next to the Bishop of the Anglican Church against residence of the Beach Mount where we also had an office at that time, persons abandoned their properties inside of Beach Mount because of a cement operation, while his party was in Government. We had to bring the action against him, we protested, we led protestors to that site for the closure. All the schools around there were complaining, eventually, here is a guy operating a business, selling cement in the middle of an educational area and the court ordered him \$500 I think was the penalty what was charged, \$500 he paid the \$500 and continued. But Mr. Speaker, the rest of it I do not want to get into, but the point I am making is there was a dispute with regards to the value of the property a matter still which is before the court and that matter is yet to be settled and I would not argue anything other thing on that matter, but I am saying, I am highlighting what were there highlights to acquisition.

HONOURABLE MR. SPEAKER: Two minutes.

HONOURABLE JULIAN FRANCIS: Two minutes. Mr. Speaker, I want to say this, the airport was another acquisition route, major acquisition and I will say this to the people of this country, 96% of the people whose properties were acquired or purchased for the development of the International Airport are satisfied with their

compensation [applause] and we are talking here over \$150 million worth of property, if that says anything, I am putting it to the people of this country that the New Democratic Party has no credibility in this matter of compensation for land and land acquisition, leave it to the Unity Labour Party who has done it properly so far and we will continue the track record [applause].

Mr. Speaker, I will continue to do my part in the promotion of this Constitutional Reform, I suppose that the next objection you will hear in this House is that as Minister or as a Member of Parliament, I am placed as Director of Operations for a campaign for the “yes” vote you would hear that, but it is all part of my duty Mr. Speaker and I am saying to the people of this country we need 67% to get this thing pass. We came to this Parliament; we got twelve out of fifteen persons voting “yes” for it. It is the responsibility and the charge I want to give to you the people out there vote “yes” for this campaign. You will see the campaign Headquarters taking shape, operation centre, I stand corrected and within a couple..., by weekend you will see the colours on it, you will see no red in it, you will other colours in it, but you will see no red, not even a red curtain, not even a red button. We are carrying this campaign at a national level. The New Democratic Party has chosen to bring partisan politics into this Constitution. We have advanced this thing from day one on a nonpartisan basis.

Sir James Mitchell give you a threshold that you have to meet 51% [interjection] crapaud done smoke your pipe [laughter] he said, crapaud go smoke all yo pipe, I am telling you, crapaud done smoke your pipe, because I am going to be even more generous than Sir James that it is going to be more difficult for you to get the 42% that you get in 2005 on this matter. You are hoping that partisan and party colours would help you maintain that 42% but I am putting it to you that a lot of your sensible and right thinking supporters are going to go with us and vote “yes” for the new Constitution. I thank you [applause].

HONOURABLE MR. SPEAKER: Thank you very much any further debate, Honourable Senator Leacock.

HONOURABLE ST. CLAIR LEACOCK: Mr. Speaker, Honourable Members, take some advice, my family is taking care of me. Mr. Speaker, Honourable Members, I really did not intend to participate very much in the affairs today in the Parliament and I took a decision depending upon the contribution that I heard from the other side, I may just make a few comments so at best what I have to say this evening really represents so random thoughts on the exercise in which we are involve. Maybe though I should first address the substantive issue before us, the Referendum or election as Honourable Senator Francis chose to refer to it that is schedule for November 25th. I think it is correct Mr. Speaker that on one of the occasion of the Parliament I did raised in the House that we did not yet have in place legislation for the conduct of a Referendum and I think that in response the Honourable Prime Minister indicated that that was coming shortly and we are at that point today. So in a sense we are not witnessing something out of the blue, it is a natural progression of the Constitutional Reform Exercise in which we have been involved for some time now.

Mr. Speaker, in that regard there are items on the Bill itself which jump out to me that merit some clarification and or observation start first with section 3 to the ballot paper to be use for the purpose of the Referendum shall be in the form set out in the first schedule and the schedule is at the back here and I see a new design being given to us, I do not know if this is to suggest that it will be slightly different to what is on the Order Paper, it is

in fact. But one way or the other, my concerns there were essentially to raise whether for the purpose of this exercise and in so far as we are conforming with the normal provisions of the representation of the Peoples Act whether the ballot paper would have the normal controls associated with a ballot paper namely bar codes, counterfoil facility and they would be produced in stub forms that is, if an audit or an account is required or if a matter has to go before the court, the necessary cross references could be provided and I..., the Prime Minister nods his head and whispers across board that the Supervisor of Elections does that. I am simply asking for it to be confirmed because you know Mr. Speaker, we have had these experiences before where best practices were not exercise.

In fact, I go back to an electoral observation general elections report of 2001 and of course they may say at that time they were not the Government of the day and they did not put the machinery in place, but I will just read an extract with respect to activities in Central Kingstown that caught my attention. It says at two polling stations

Peter Ville School Kingstown Park and Apostolic Faith Church Paul Over, we notice that seals were not on the ballot boxes when we visited in the morning and although there were seals on the ballot boxes when they return in the evening, no proper explanation was given for this unsealed situation. They went on to say, the closing of the polling station and the counting procedures were not precisely followed. The total number of ballots issued were not compared to the sum spoiled, properly marked and unused ballots. Though the ballots were fairly counted in full view of each party agent, the poll workers could not confirmed if they were missing or extra marked ballots. The Presiding Officer appeared overly concerned with ballots marks touching the lines dividing each candidate, just observations to show that things can go wrong in the polling exercise and this is coming from the OAS and it is important for observation.

In the same breath Mr. Speaker, I remind the Honourable House that in the 2005 elections and I have done this before in this House, the NMCM did identify some fifteen breaches which did not satisfy them that there was a high enough level of transparency of the lection machinery. And in so far as we have thus far given, out tasked support to the present supervisor of elections, we are simply saying that we as a party are still required to maintain maximum levels of vigilance in the Referendum machinery and for that matter, all election machinery and I appeal to the Honourable Minister responsible for electoral matters to undertake that those concerns raised by the NMCM are corrected on time and do not show their ugly heads again in the Referendum, because there is a sense in which when one listens to the contribution from the other side they either assume that what they say that their mouth is a Bible as the people say, a gospel and that they cannot be subject to errors. So I am just calling for a tightening of the machinery.

Mr. Speaker, the other issue with respect to the document itself that I have some very serious reservations about comes out of section 5(3)(b) that is the number of votes cast or which speaks about the way the ballots would be counted, it says that the number of votes cast for and against the proposition in his constituency, I am using exact language to explain the point I want to make, the point I want to make Mr. Speaker, there is that I have more than a passing concern that this Referendum and the information gathered from it is not information neutral and to the extent that it is not information neutral it becomes politically sensitive and open to manipulation

DR. THE HONOURABLE RALPH GONSALVES: Explain that.

HONOURABLE ST CLAIR LEACOCK: I am going to explain that. It means that the information on the Referendum is being gathered on the constituency basis that is my interpretation of this. And if that is so what is garnered outside of the Referendum is not solely a 'Yes' 'No' vote; but the Government gathers information on the relative strength in particular constituencies. If that is in fact the case or the intention ... I will give way to you Mr. Prime Minister, but let me finish my ...

DR. THE HONOURABLE RALPH GONSALVES: Okay.

HONOURABLE ST CLAIR LEACOCK: I will give way to you. If that is the intention that information be gathered on a constituency basis then one ought to be duly worried.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, as the Honourable Senator Leacock knows, first of all constituency list are published that is available to everyone, then when people vote as was made clear this morning we all fully expect that we will have agents from each of the political parties here represented in the House: at the polling stations. Counting will be done, this is what is says. The counting will obviously be done in the presence of the Agents and you will know, your agent will know how many persons voted, how many persons voted for, how many persons voted against and how many ballots were spoilt. Your agent would know that, the agent for the "Yes" campaign would know that. There is nothing strange about that. What happens currently, Mr. Speaker, there is no declaration at any polling station as to who wins a polling station in every constituency. And there is no constituency declaration as you have say in the United Kingdom; here all the polling stations numbers are taken by the Returning Officer for the Constituency.

Each Polling Station has a Presiding Officer, they are responsible; they do everything in the presence of the Agents not just the polling agents who are employed by the office of the Supervisor of Elections; but agents representing political parties and those numbers in the Constituencies if they are 15 Polling Stations, the numbers for the 15 polling stations would be known to the Returning Officer who will take those numbers and they will hold them and the next day they will have a recount in the particular area. All this is saying is that there is no such recount in the morning; this is what I understand this to be saying; but everybody will know from each polling station what it is and there will be a general declaration by the Supervisor of Elections. [Interjection] No, it will be the next day they will know obviously. [Interjection inaudible] You will know, your agents will know in each of the polling stations what the numbers are and they will tell you. It is just like what happens in the usual elections. I explain it so that my friend would not feel that anybody is having any advantage.

HONOURABLE ST CLAIR LEACOCK: Mr. Speaker, nothing the Honourable Prime Minister says satisfies me that my worst fears are not justified. The point is he cannot speak with respect to any current exercise; because as was alluded to before; this is the first time we are doing a Referendum. Certainly for me in my life time, this is the first time we are having a Referendum, so we cannot speak on the historiography of the matter;

because it is a first time situation and ... Mr. Prime Minister, you will have enough, you have spoken, you want me to give way?

DR. THE HONOURABLE RALPH GONSALVES: No. I just was going to say something because we need to be very clear, 45 ... sorry, Mr. Speaker, clause 5 (3) says:-

“The Returning Officer shall not declare the results of the ballot in his constituency, but shall certify to the Supervisor or Elections:-

- a. **The total number of ballot papers counted and;**
- b. **the number of votes cast for and against the proposition in his constituency.”**

All I am saying is that before the Supervisor of Elections does that in every polling station in each constituency the Agents will know in each polling station; that is to say the Party Agents will know, in each polling station how many ballots were counted, how many persons voted and who voted yes or no. And then those ... if there are 15 presiding officers, those 15 presiding officers will deliver the results to the Returning Officer who will certify it to the Supervisor of Elections. It's, it's ...

HONOURABLE ST CLAIR LEACOCK: Mr. Speaker, my question is not a transparency or non transparency and I will move on. I simply want to say emphatically that the Referendum exercise gathers information on a constituency basis whether that information resides with individual (a), (b) or (c) it perhaps is necessary that some mechanism be put in place that information outside of the substantive reason for the calling of Referendum is not at the disposal of the Government. The substantive information that is required here is the percentage of people in this country who favoured 'Yes' or 'No' that is the basic information that is required. Once we go beyond that 'Yes' and 'No' and that there is a body of information that says the "Yes' and the "No' in constituency (a), (b), (c), (d), (e), (f) or (g) is available and can be accessed it provides political intelligence in a country, which therefore makes the Referendum to be serving a purpose over and beyond a 'Yes' 'No' argument and that is a concern ...

HONOURABLE LOUIS STRAKER: Well, you should not have an agent in the polling station.

HONOURABLE ST CLAIR LEACOCK: And that is a concern that was raised in the original debate that we could have had a better result if the constitutional reform exercise was not held a hostage of the political process. This Referendum further compounds that. [Interjections] It compounds it by a government that already recognises that it is faltering in a number of constituencies and therefore they use that information to buttress them in an election that follows.

DR. THE HONOURABLE RALPH GONSALVES: Nah.

HONOURABLE ST CLAIR LEACOCK: Whether you want to debate this morning, noon and night that is my belief to which I am entitled and I am so expressing it that the public are aware the Referendum may be used for ulterior motive. That is my view to which I am entitled.

HONOURABLE LOUIS STRAKER: Your Party should not have agents.

HONOURABLE JULIAN FRANCIS: But you will have the same information too.

HONOURABLE ST CLAIR LEACOCK: Mr. Speaker; Mr. Speaker You want ... you asking me to ...

HONOURABLE MR. SPEAKER: No! No!

DR. THE HONOURABLE RALPH GONSALVES: I am sorry, you on a sticky wicket.

HONOURABLE ST CLAIR LEACOCK: Mr. Speaker ... No. I am not on a sticky wicket. What we have heard today in some of the contributions is frightening and I want to comment on a repeated statement from Senator Francis that I am going to interpret literally and the apprehension that I am nursing, God forbids, I really do not want us to go there where in quick time, double quick march we begin to see what in some other jurisdiction is referred to as the paramountcy of the Party where we are unable to separate the activities of a political party from a government. And I am not going to be insulted by any member who has said to me that this is not a campaign or this is an exercise in which there is only one political party involved namely the New Democratic Party and we are chasing a ghost. These are my words; because on the other side the ULP as a political party does not exist what we will witness is a government in motion wrapped in national garb: gold, green and blue and so in essence the New Democratic party is coming up against the Government of the day: hogwash. You do not even say that to a child. And when the insult gets to the point ...

HONOURABLE MR. SPEAKER: Senator, you ...

HONOURABLE ST CLAIR LEACOCK: You want me to withdraw something.

HONOURABLE MR. SPEAKER: You complained about the word 'mess around' 'hogwash' is not a parliamentary word.

HONOURABLE ST CLAIR LEACOCK: It is not?

HONOURABLE MR. SPEAKER: No Sir.

HONOURABLE ST CLAIR LEACOCK: You know, I actually had some other choice words I planned to use to test you on some stage or the other, Mr. Speaker, and I will not use them this evening, because that is how I am you know; because I am not satisfied in your ruling then but I accept it. But I know it will come, you know. So, you would let me take back 'hogwash'?

HONOURABLE MR. SPEAKER: No, I did not ask you to take it back. I just said it is not parliamentary language.

HONOURABLE JULIAN FRANCIS: Take back the ‘hog’ not the ‘wash’ [laughter].

HONOURABLE ST CLAIR LEACOCK: This is nonsense!

HONOURABLE MR. SPEAKER: I am just telling you ... [Laughter]

HONOURABLE ST CLAIR LEACOCK: You are pretty sharp this evening, Mr. Speaker.

HONOURABLE MR. SPEAKER: Just avoid

HONOURABLE ST CLAIR LEACOCK: You are pretty sharp this evening. And making a point to tell me that the New Democratic Party is coming up against not the ULP but a government is insulting my intelligence: is insulting my intelligence. This is a contest and if I want to use the Prime Minister’s favourite word: a gladiatorial contest between the NDP and the ULP full stop; and whether they want to guise that to use state resources to conduct a campaign their consciences will address that. Their consciences will address that; but I am satisfied that for him to go on to say that at some stage he would be relieved of his ministerial functions: duties and he will wrap the gold, green and blue around him and go into some office where a vote ‘Yes’ campaign is conducted and in that regard he is not ULP, neither is he Minister of whatever he is. I cannot remember his portfolio right now, Mr. Speaker, but he is now Director or chief honcho of operations for both campaigns, the public will listen and decide. If we have descended to that; well God forbids we are in big S doo doo. Mr. Speaker, we are in big S doo doo.

HONOURABLE MR. SPEAKER: What is that?

HONOURABLE ST CLAIR LEACOCK: Well, you figure that out, Mr. Speaker.

HONOURABLE MR. SPEAKER: No you cannot tell me figure it out.

HONOURABLE ST CLAIR LEACOCK: I said big S doo doo.

HONOURABLE MR. SPEAKER: If you are using a language I cannot understand I have a right to ask you what it is.

HONOURABLE ST CLAIR LEACOCK: [Laughs]

DR. THE HONOURABLE RALPH GONSALVES: It is a calypso [inaudible]

HONOURABLE MR. SPEAKER: [Laughs]

HONOURABLE ST CLAIR LEACOCK: Mr. Speaker, what we are seeing here is what the administration have attempted to do from day one that party and government are fused and that is what they said you know that their manifesto was in fact the bible for government policy and we are seeing it being acted out.

HONOURABLE MR. SPEAKER: Honourable Minister of Health, you need to use your mike.

HONOURABLE DR. DOUGLAS SLATER: Correction. The Honourable Senator suggested ... unfortunately Honourable Minister of Works is not here [interjection] of Housing, sorry. I think I heard you said that he said he is going to relieve himself of ministerial portfolio to lead the campaign and I do not think that that is what he said. I think there is a correction. I cannot recall him saying that he will relieve himself of the ministerial portfolio to do so.

HONOURABLE MR. SPEAKER: Maybe when he comes he can correct him.

DR. THE HONOURABLE RALPH GONSALVES: Yes; but in his absence that is why I object.

HONOURABLE ST CLAIR LEACOCK: [Inaudible]

HONOURABLE MR. SPEAKER: Since you cannot remember exactly what let us leave it until the Minister comes.

HONOURABLE DR. DOUGLAS SLATER: He did not say he will relieve himself of the ministerial portfolio, he said he will be the Director of ...

HONOURABLE MR. SPEAKER: Let us leave it until the member comes.

HONOURABLE ST CLAIR LEACOCK: Mr. Speaker, you know, I am just commenting on two other issues you know, I said these are random thoughts; random thoughts. The evening is light and we do not have to get too heavy, and heady. [Interjection] And there is no refreshment; no refreshment [laughs] Mr. Speaker, this market value issue that we listen to, I keep insisting that it is a little unfortunate that the rules of the House did not allow us to carry some of the discussions of the debate of the Committee of the whole House because I know that matter had extensive ventilation.

HONOURABLE MR. SPEAKER: We can amend that.

HONOURABLE ST CLAIR LEACOCK: But I still remain of the view and that is why I said that from a constitution point of view I always want to see where the issues of the individual rights and that of the State are in conflict that the Constitution goes overboard to put the right of the individual ahead of that of the State; because they are not evenly yoked, they are not evenly matched. This notion of the State requiring property for a public good is something we understand can arise and will always arise. We are not going to get into a debate

as to what is the public good, the fact is the individual who has his or her property did not ask anybody to take their land and their property.

DR. THE HONOURABLE GODWIN FRIDAY: Good point.

HONOURABLE ST CLAIR LEACOCK: The State did not ask you, you determine that what I have can be better used for a public good and in the process of taking my property, land or my little shack or whatever you call it for the public good you have acquired it using all the legal instruments. You pay me a price that you consider to be fair and reasonable in the circumstances the fact is that I may not be able to put myself back where I was before the State acquired and it is not an unreasonable argument for an individual to advance that if you take away from me something that was of great value and sacrifice to myself that whatever you compensate me with should put me back into a equal position than I was before. That is not a difficult argument to accept, not difficult to accept especially and it is worst so when we come to the measures that are applied because there is a difference between accounting value and economic value. It happens all the time you know; VINLEC for example is a standard case in point where the company may go and cut down a person's breadfruit tree, a mango tree or some other fruit tree and look upon them and say that the tree is only worth \$200.00, \$300.00 but that is an accounting judgement; but if you apply an economic value of what the stream could have been for that person over the next 15 years or 20 years as a fruit bearing tree is not \$300.00, they have virtually lost a livelihood [interjection] they have virtually lost a livelihood so the \$200.00 or \$300.00 or the \$200,000.00 really does not take ...

HONOURABLE DR. DOUGLAS SLATER: Well [inaudible] the \$300.00 [inaudible]

HONOURABLE ST CLAIR LEACOCK: The \$200,000 really does not take the person ...

HONOURABLE CONRAD SAYERS: Mr. Speaker.

HONOURABLE MR. SPEAKER: Member for ...

HONOURABLE CONRAD SAYERS: If my Honourable friend would give way, Mr. Speaker.

HONOURABLE ST CLAIR LEACOCK: State the Point of Order please. Just state the point of order please.

HONOURABLE CONRAD SAYERS: Your statement my Honourable friend is very misleading. I would like to ask you a question I will clarify the fact that you are misleading the point.

HONOURABLE ST CLAIR LEACOCK: Which statement is misleading, Mr. Speaker?

HONOURABLE CONRAD SAYERS: Are you going to give way for me to state.

HONOURABLE MR. SPEAKER: State [interruption]

HONOURABLE ST CLAIR LEACOCK: You have to state the point of order.

HONOURABLE MR. SPEAKER: Yes. [Interruptions]

HONOURABLE CONRAD SAYERS: The clarification I wanted to ask you [interjections] Mr. Speaker ...

HONOURABLE MR. SPEAKER: He has risen on a point of order.

HONOURABLE CONRADE SAYERS: The clarification I am trying to seek, Mr. Speaker, I want to elucidate the point as to whether or not the current Constitution protects one from the fears he is addressing here now, whether there is any better position offered in the current Constitution than he is explaining here and trying to allude to, to the public?

HONOURABLE MR. SPEAKER: Move on. Honourable ... Honourable Senator ...

HONOURABLE ST CLAIR LEACOCK: [Laughs] [Laughter]

DR. THE HONOURABLE RALPH GONSALVES: Answer it if you think you are a man.

HONOURABLE MR. ST CLAIR: [Laughs] would not have to answer. Have not you heard the Honourable Speaker told me to move on? Read between the lines [interjections] Mr. Speaker, I thank you, I thank you, and I thank you. [Laughs] So, Mr. ... [laughs] I am thanking the Speaker.

DR. THE HONOURABLE RALPH GONSALVES: Answer it if you name man.

HONOURABLE ST CLAIR LEACOCK: Behave yourself.

HONOURABLE CONRAD SAYERS: I am demanding an answer, Mr. Speaker.

HONOURABLE ST CLAIR LEACOCK: You cannot demand an answer, the Speaker has ruled.

HONOURABLE CONRAD SAYERS: You cannot afford to mislead the public, Mr. Speaker, we need an answer.

HONOURABLE ST CLAIR LEACOCK: Please Honourable Minister do not expose yourself the Speaker has asked me [laughs]

HONOURABLE MR. SPEAKER: Continue the debate.

HONOURABLE ST CLAIR LEACOCK: Continue the debate, thank you again, Mr. Speaker.

DR. THE HONOURABLE RALPH GONSALVES: Answer it nevertheless.

HONOURABLE ST CLAIR LEACOCK: Answer it nevertheless [laughs]. Mr. Speaker, I was on a serious point there though, accounting and economic values are two different things; very seriously and therefore this fair thing and the notion that a person should be put back where they were is not a ludicrous argument and I did make the point. I want to remind us you know, I did make the point in the Committees of the whole House that sometimes the thing goes the other way that a government can acquire for a public purpose and the nature of that public purpose can put an individual in a far worse off position than they were and for the rest of their life and I sighted some examples. The government acquires a plot of land for public purpose; you put a cemetery next to it land depreciates; the Prime Minister gave a joke to the Committee of the whole House that he does not afraid of jumbie and so forth; but that is not the point. Or you put a power plant next to it or it becomes an aerodrome strip, or you begin to store oil for a bunker, or you put down antennas for telecom transmission; it can cause the land to devalue and in those cases we have no mechanism in place save and except to suggest that the individual may take the Government to court. Now, we know how long that can take for the person to get his justice. I just want to make that point to suggest that we must not gloat over this argument and to suggest that this fair and reasonable thing takes care and puts the individual in the best position that he could be that is all I want to make on that point.

MR. Speaker the crowning point of Minister Francis's presentation was his observation that not just only that all remember on that side to tune in to Sir James presentation last night; but within the first few minutes, Sir James referred to my party that he was coming back for his Party. Well, he formed it, it is his Party but there are others now in charge of the Party that he formed.

DR. THE HONOURABLE RALPH GONSALVES: It is his own.

HONOURABLE ST CLAIR LEACOCK: And I am glad for once the Honourable Prime Minister agrees with me.

DR. THE HONOURABLE RALPH GONSALVES: Yes.

HONOURABLE ST CLAIR LEACOCK: This is something you have practiced for years, when you left YULIMO it died, you left UPM it died, you left MNU and it died.

DR. THE HONOURABLE RALPH GONSALVES: And he is coming back for it.

HONOURABLE ST CLAIR LEACOCK: And I have no doubt when you leave the ULP, it will die too.

DR. THE HONOURABLE RALPH GONSALVES: He said the NDP dead he is coming back for it.

HONOURABLE ST CLAIR LEACOCK: So, ULP is also your Party; massa bull, massa cow that is your argument, Mr. Prime Minister. Alright

DR. THE HONOURABLE RALPH GONSALVES: I will bring you something [inaudible] Massa cow.

HONOURABLE ST CLAIR LEACOCK: Win one lose one. He has one Party you have one [laughter]. You see what I mean [interjection] [laughter] Win one; lose one it is your Party that is how it is. Mr. Speaker, I want to make a comment on some discussion that have entered this whole constitution reform exercise because you know for the main part most of us today have said our two cents on the Referendum exercise and we have seized the opportunity to go back to revisit the Constitution Bill a little bit, you know. I mean there are some of us have a privilege to speak I believe with a little bit more authority and passion on this monarchical argument than others, you know. As a young man then in '79 and the Officer in charge of the Cadet Force, I was on parade that night when we lowered the Union Jack; Davia Wood, the Regimental Sergeant Major for the Cadets and I think the young lady Malcolm from the Rangers, I think she is now Dr. Malcolm. Is she still here practicing? No she went abroad were the ones who were involved in that: the two officers on duty. I remember those things [inaudible] like the taking down of the Jack and changing colours and all of those things. I say that to highlight and emphasise that we do not need lessons on this side about patriotism, we have walked the talk, we know about that; patriotism. It is really a kind of self serving argument for some convenience.

This is not an anti-Republican argument, it is when you push the envelope that gets at me, you know because there are times when I get the impression that we are pushing the sovereignty envelope and bearing our chest on independence and its value almost to the point of ignoring the greater value of our interdependence and without balancing the picture. Because in the same months that we are getting rid of the monarchical system we are shipping out our bravest, our best, our finest young men and women out of the Ministry of Foreign Affairs to go to England in the Marines, Navy and the Air Force to defend the same Monarchy that we are trying to get rid of. It is like approbating and reprobating we want to get rid of it and we want to hold on to it in one hand we need the income stream [interjections]. We are sending our young men to fight the British wars because it is that income that is transforming thousands of Vincentian's homes in St Vincent and the Grenadines [interjection]. I do not know how many of them we have there ... well if they go and join the British military they will fight wars; they will end up in Afghanistan [interjections]

HONOURABLE DR. DOUGLAS SLATER: Yes, but what that has to do with monarchy?

HONOURABLE ST CLAIR LEACOCK: It will end up in Afghanistan; if we are so strong against that relation do not send our children there to fight wars. We are doing that [interjections] I am saying that; I am saying that [interjections]

HONOURABLE LOUIS STRAKER: [Inaudible] also

HONOURABLE ST CLAIR LEACOCK: You do not want to hear that.

HONOURABLE LOUIS STRAKER: [Inaudible] it is a republican [inaudible]. Do not go there I am telling you.

HONOURABLE ST CLAIR LEACOCK: You do not tell me do not go there, I can talk about that my son was a marine, so, I know what I am experiencing, who feels it knows it.

HONOURABLE LOUIS STRAKER: Well, you go there.

HONOURABLE ST CLAIR LEACOCK: Who feels it knows it, you understand. So, I have come from a generation because we spoke about it this morning. We spoke about that this morning and those of us who came up in the '60s and the 70's. These are not new arguments, you know, all of us who went to university went through these things before; of us getting our independence; taking charge of the commanding heights of our economy and all these fancy things 30 years after today, the same issues that we are facing on the economic front were there 30 years ago. [Interjections] and I do not want ... [knocking of gavel on desk]. And I do not want in our St Vincent and the Grenadines to reduce ourselves to the point and you will excuse me if I put it this way because there is no disrespect meant, when we have to replace Queen Elizabeth with King Ralph.

HONOURABLE RENE BAPTISTE: What? [Interjections] Oh no! [Laughter]

HONOURABLE MR. SPEAKER: Just a minute Honourable Senator, I want you to ... I will tell you why I will not allow that statement, if you look at sixty ... if we look at thirty ... [interruption]

HONOURABLE ST CLAIR LEACOCK: No you do not have to go so far, I will take it back.

HONOURABLE MR. SPEAKER: Oh you take it back? Okay fine, alright.

DR. THE HONOURABLE RALPH GONSALVES: We are [Inaudible]

HONOURABLE ST CLAIR LEACOCK: I take it back Mr. Speaker [interjection] and I take it back with all sincerity, Mr. Speaker.

HONOURABLE MR. SPEAKER: I believe you; I know you are an honest man.

HONOURABLE ST CLAIR LEACOCK: Honest to goodness speaking that is why I said before I was not so sure if you will allow me ...

DR. THE HONOURABLE RALPH GONSALVES: [Inaudible] listen to me [inaudible] walk out admitting. [Laughs]

HONOURABLE ST CLAIR LEACOCK: A better way maybe to put it, Mr. Speaker is that we ought not as a country and a society to be seen or to be perceived to be establishing political dynasties, you know and you have heard me about these things on the political rostrum before like Williams for Williams; and Gonsalves for

Gonsalves; Thompson for Thompson [interjections] and that [knocking of gavel]. You know, these are my thoughts. These are just my original thoughts.

DR. THE HONOURABLE RALPH GONSALVES: [Inaudible] random?

HONOURABLE ST CLAIR LEACOCK: Because I do not want them ... random and original ... I do not want them to be six of one and half of dozen of the other. You see Mr. Speaker ...

DR. THE HONOURABLE RALPH GONSALVES: I like Leacock and Leacock.

HONOURABLE ST CLAIR LEACOCK: Laughs.

DR. THE HONOURABLE RALPH GONSALVES: Laughs [inaudible]

HONOURABLE ST CLAIR LEACOCK: You see Mr. Speaker, [interjection]

DR. THE HONOURABLE RALPH GONSALVES: [Inaudible] laughs.

HONOURABLE ST CLAIR LEACOCK: [Laughs] the Prime Minister has and I discussed that sometimes with my colleagues, you know, Honourable Prime Minister has what in the literature is described as a Rogerian Approach to debate that is he catches you out one fact, a second and a third, then clearly it is inadmissible for the person to believe the person a fourth and fifth time if he was wrong the first time, second time why would you believe him now and that is normal political construct. And so he has chosen quite deliberately in this Referendum debate and his presentation to establish a notion of life being about opposites that is what I understood. Life is virtually about opposites you either for me or you are against me.

DR. THE HONOURABLE RALPH GONSALVES: No that is George Bush,

HONOURABLE ST CLAIR LEACOCK: That is George Bush.

DR. THE HONOURABLE RALPH GONSALVES: I believe in synthesis.

HONOURABLE ST CLAIR LEACOCK: Synthesis.

DR. THE HONOURABLE RALPH GONSALVES: Yes.

HONOURABLE ST CLAIR LEACOCK: So, that ...

DR. THE HONOURABLE RALPH GONSALVES: The unity of the opposites.

HONOURABLE ST CLAIR LEACOCK: if you vote yes you embrace these sets of constructs, and if you vote no you reject those sets of constructs.

DR. THE HONOURABLE RALPH GONSALVES: You vote yes, you vote [inaudible]

HONOURABLE ST CLAIR LEACOCK: There is nothing between.

DR. THE HONOURABLE RALPH GONSALVES: You are between. [Laughs]

HONOURABLE ST CLAIR LEACOCK: And that so ... so that in the process we end up or can end up as a people living a lie. Both sides of the House by now must be aware that the reform exercise in which we are involved is an extremely difficult one to reconcile and I do not have to back off of any earlier argument that I said. The fact of the matter is that as we move from the West Minister System, Honourable Sir Louis to the Republican form of Government there are some inherent challenges that are difficult to overcome. [Interjection] Very difficult to overcome that is: the so call reducing of the powers of the Prime Minister, the diminution of his power and authority does not necessarily have to represent a physical taking away of things that he is doing or has been doing because on the Republican side of the argument they have been able to achieve what the West Minister System did not achieve, a far clearer distinction between legislative Executive and the Judicial function. Our critical problem here is that we still have this fusion of legislative and executive functions. This evening for example, you are sitting over there as legislatures and tomorrow morning most of you may be over there in your various offices functioning ...

HONOURABLE LOUIS STRAKER: As executives.

HONOURABLE ST CLAIR LEACOCK: as executives. So, you have the privilege now for a dual role, we on this side have to confirm ourselves to legislative functions.

HONOURABLE LOUIS STRAKER: So what we have to [inaudible] again.

HONOURABLE ST CLAIR LEACOCK: And that is the point I am saying; that is the point I am saying and therefore it is really pulling wool over people's eyes when we advance the mathematical solution of the backbencher's argument that the backbenchers, increasing the size of the Parliament and so on and so forth would allow those sets of people to be independent and to say no against the Party wishes. That is not going to happen. And 72 (b) I think takes care of our (e) where Senators who appoint can disappoint. Senators came off a Party List and they can disappear from Party List. They can disappear on both sides [interjection] so that in essence I was trying to make the point ...

HONOURABLE MR. SPEAKER: Ten minutes.

HONOURABLE ST CLAIR LEACOCK: Yes, Mr. Speaker, it is enough for the random talk. I was trying to make the point; I was trying to make the point that to a large measure, there is still much that can be done. So, I

can borrow from the expression ‘better by far’ it might be more appropriate to say we can do far better an argument which you have in fact rejected that we can in fact do far better. And so, it is really, I do not want to say unbecoming because you are entitled to your opinions; but to continue to represent that in the New Democratic Party because we hold a position and the argument has been advanced that we will vote no because there are a number of things which did not satisfy the Parties conditions is not fair to us. Far from being fair because the Party can in fact, establish their own rational and have successfully done so in many cases.

HONOURABLE LOUIS STRAKER: That is why we are doing the campaign.

HONOURABLE ST CLAIR LEACOCK: Hello.

HONOURABLE LOUIS STRAKER: That is why we are doing the campaign.

HONOURABLE ST CLAIR LEACOCK: I agree I have no problem that is what the campaign is all about. The campaign I must dare say of the ULP and the NDP you will go on to say that too.

HONOURABLE LOUIS STRAKER: [Inaudible]

HONOURABLE ST CLAIR LEACOCK: No, I just want you to agree with me it is the campaign between the ULP and the NDP.

HONOURABLE LOUIS STRAKER: No, it is against a government initiative and the NDP.

HONOURABLE ST CLAIR LEACOCK: You are catching yourself now [laughs]. [Laughter] So, Mr. Speaker, let us remember therefore, in all of this ridding ourselves of the monarchical system and all these promises and setting up and establishing of our own images and symbols replacing the Queen with our own Vincentian homegrown person that we can respect ...

DR. THE HONOURABLE RALPH GONSALVES: You support that.

HONOURABLE ST CLAIR LEACOCK: Of course.

DR. THE HONOURABLE RALPH GONSALVES: Okay.

HONOURABLE ST CLAIR LEACOCK: And I never would have shaken down Sir Charles Antrobus in the yard when he was alive; I would not have done that.

DR. THE HONOURABLE RALPH GONSALVES: Somebody threw him down?

HONOURABLE ST CLAIR LEACOCK: Oh yes!! Out of a bundle of respect; but he was homegrown, he was best of the best of Vincentians but your Party shook him down in the yard in the Courthouse yard right there; highest level of disrespect.

HONOURABLE LOUIS STRAKER: But we kept him in office long after we took over.

HONOURABLE ST CLAIR LEACOCK: I am saying; I am saying if people judge you by your deeds very often you will be found wanting. Mr. Speaker, Honourable Members, I mean some of the things that are being represented now and it is not to take away that there are not advances; the Human Rights Commission; you have to impress me that as we practice it today that you are the strongest supporter of the existing Human Rights body in St Vincent and the Grenadines. I do not get that impression you know. Do not we have a Human Rights Association here today, do we?

HONOURABLE RENE BAPTISTE: You do not remember?

HONOURABLE ST CLAIR LEACOCK: I think so, I know so; but they almost always seemed to be at the receiving end of your administration and you see I just want to know where and when the transformation will come. And in fact, when it happens, when we establish this Human Rights Commission what will be the difference between them if the other body decides that they will continue; is it that one would have more legal teeth I suspect why people will go here and not go there. But you see I am saying in the same six, seven, eight year hiatus between reform work it is not just the legislative activities, you also have to be judged by your deeds and that is where some of the discomfort. You know Rasta man put it quite comfortably the other day is not only whether the food is good, he said he wants to know who cooked the food. I am borrowing that from him, you know what I mean. So, the Government system, we really in a referendum exercise also have to be satisfied as to would we step up to the plate as a people, as a government and in this regard now we ought not probably to be think about ULP and NDP because government is government and the Constitution is for all political sides but the point is a good constitution as Parnel Campbell says does not a good government make; there has to be a relationship and a very direct relationship. Good constitutions also deserve or require good men to give effect to it you know, so the people also have to make a judgement on that.

And the last point I just want to make in passing on the Integrity Commission, as I understand it the Commission is really the superintendent body we still have to go and legislate, we have to bring the laws that the Commission itself will exercise oversight; but you did not put a time line to the Integrity Laws coming into being. To use your word it is continuously one of those things that you seem to have this serious apprehension. You did put a time line I think to the what the Ombudsman coming into being, that is the one you said that is coming into being within 3 years or something like that?

HONOURABLE LOUIS STRAKER: But you do not have to put all those details in a constitution.

HONOURABLE ST CLAIR LEACOCK: Probably not; probably not; you do not have to put it all, but it probably will give more comfort, you know. You probably do not have to. So, Mr. Speaker, as it is now somewhere out of the blue, Honourable Prime Minister, said this 3 times, 4 times, 5 times; Senator Leacock said the Constitution has significant advances, Sir Louis ...

HONOURABLE LOUIS STRAKER: You would not back off from that.

HONOURABLE ST CLAIR LEACOCK: [Laughs] Sir Louis 3 times, 4 times.

HONOURABLE LOUIS STRAKER: You would not back off of that.

HONOURABLE ST CLAIR LEACOCK: And I suspect [interjections] for the next few months my ears would ring [laughs].

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, if my Honourable friend would give way. Mr. Speaker, I would like my Honourable friend to quote himself properly. I did not say that he said that this Constitution the proposed one has significant advances over the existing one; what I said that he said and it shows in the record; the record is here. He said, "The proposed Constitution is a significant improvement". I did not use advances, he said, "It is a significant improvement over the existing one". So, I just want, Mr. Speaker, I just want to have the record straight that that is what he said.

HONOURABLE ST CLAIR LEACOCK: Mr. Speaker, in my final minute or two; I will not borrow from the Prime Minister's description of me the last time; I have been a *truction* person [laughter], you know, I do not use these opportunities to get to you.

DR. THE HONOURABLE RALPH GONSALVES: You are delivering a speech of avoidance [laughs] [interjections].

HONOURABLE ST CLAIR LEACOCK: But I have spoken, I have spoken in the Parliament all of my statements are on record in the Parliament ...

HONOURABLE LOUIS STRAKER: We are [inaudible] and you stand by your statement.

HONOURABLE ST CLAIR LEACOCK: And let me for emphasis indicate to the Honourable Members on the other side of the House, as far as I am concern ...

DR. THE HONOURABLE RALPH GONSALVES: I am a Party man.

HONOURABLE ST CLAIR LEACOCK: Well, it is more than that; it is more than that; the next few weeks in St Vincent and the Grenadines are a period to measure the metal from which we are all made, our consistency and our commitment to a national good and to a purpose.

DR. THE HONOURABLE RALPH GONSALVES: I love you.

HONOURABLE ST CLAIR LEACOCK: I have not gotten this far in my political journey without paying my own dues and I know what it is like to be made uncomfortable on any side of the political fence but I give you

the assurance that I am here for a cause that I believe in and I would be shoulder to shoulder with my Party, the Leadership of my Party ...

HONOURABLE JULIAN FRANCIS: Why are you smiling? [Interjections]

HONOURABLE ST CLAIR LEACOCK: [Laughter] you love me eh! [Laughs] You love me eh! [Laughs] You love me! And the supporters of the New Democratic Party would be in no doubt as to my loyalty to party support and principle comes November 25th.

HONOURABLE LOUIS STRAKER: You need that assurance. [Interjections]

HONOURABLE ST CLAIR LEACOCK: We will, we will not only prevail; we will [interjection] vote.

DR. THE HONOURABLE RALPH GONSALVES: Are you with some [inaudible] you are with some or the [inaudible]

HONOURABLE ST CLAIR LEACOCK: You want me to answer that?

DR. THE HONOURABLE RALPH GONSALVES: Ye! Ye! Ye!

HONOURABLE ST CLAIR LEACOCK: You think I am afraid to answer that? The Honourable Arnhim Eustace invited me to serve him. I am loyal and I am faithful to his cause. [Interjection] we will vote. Thank you. Much oblige, Mr. Speaker.

HONOURABLE MR. SPEAKER: Any further debate? It does not seem so; Honourable Minister of Culture.

DR. THE HONOURABLE RALPH GONSALVES: St Clair boy, I feel your pain [laughs]. I feel your pain.

HONOURABLE MR. SPEAKER: Minister of Culture, you have half an hour in which to wind up this debate or wind down the debate. [Laughter]

HONOURABLE RENE BAPTISTE: Just permit me a few minutes, Mr. Speaker. Thank you very much, Mr. Speaker. Mr. Speaker, I am indebted to all Honourable Members for their contribution to the debate on this Bill before the Honourable House, the Referendum alteration of the Constitution Bill, 2009. I read the concerns of the Honourable Leader of the Opposition relating to the practical aspects and the issues which he raised. Some were referred to by Honourable members including Honourable Prime Minister in his contribution to the debate in relation to the role of Party Agents if this is going to be the case or there could be significant difficulties. The Bill speaks to construing the representation of the People Act in clause 6; and the application of the representation of the People's Act when it says:-

“The proceedings shall be conducted, so far as may be as if the Referendum were a general election of members of the House of Assembly; and the Representation of the People Act and any regulations in force there under shall for those purposes be construed accordingly”.

Accordingly, in the Rules under this Representation of the People’s Act, while the Act and the rules do not speak about Party Agents it has become a convention for us to have “Party Agents”. In this instance where there is a Referendum; we would not be having Party persons because it is the Government that is holding the Referendum but obviously there will be agents who would be there to guide people may be looking for their names, the usual procedure that they do when they come to the poll and having the distance away and et cetera.

He said in going through the process with the new Identification Card ... well you must have read the mind of the Supervisor of Elections because she indicated ... I am not there to direct her; she has informed me that at some time, she is looking at her weeks and the progress made with registration for first time registrants and those who are re-registering to get new cards that she will announce a date when she will give priority to the first time registrants because the legislation provides that you can vote as long as your name appears on the list and there is some means of identifying who is voting. And the law provides for that as I already outlined in my presentation. The late registration period, yes that is also there because that is part of the process which is provided for under the Representation of the People Act. You were concern about the capacity to do both and as I have indicated she is setting up her timetable in relation seeing how the flow is going and the extra staff which you are aware is always hired during the election period and extra staff will be hired to assist to speed up the process; but people love the new ID Card, so they are really trying to rush and they are trying to push as far as possible, but we will do what is practical without creating bottle necks in the system as far as humanly possible.

The ballot paper you made some observations and I took a second and third look at it as you spoke and went through the regulation here [showing the Bill to alter the Constitution] because I think it is in the Representation of the People Act, Cap 2 section 33; if I am not mistaken (where are you?) that speaks about the House of Assembly rules so I went to the House of Assembly rules in booklet 1 to look at the guidance notes that is given to voters in voting and saw on the page that there are two lines and you know how people get accustom to seeing two things and we do not want to give them something that is so new and different, we want them to have a measure of comfort going in to a polling station and something that is familiar. So, when we go in to Committee, I will move as early as possible for the amendment which has been circulated so that we get a ballot paper that looks as familiar as possible outlining what the ballot paper should be especially since the ballot paper is provided for here in the main statute.

You mention your relationship with the Supervisor of Elections and I myself, I make sure I stay in my little corner; because I am very much aware that I am a politically elected person and that I gave her professional space because I would like to have that same professional respect given to me in my profession and I gave her that professional respect, I have to trust her judgement, if she has any doubts about any issue she would raise it with me and I refer her to the Honourable Attorney General because the Honourable Attorney General would have to make the final decision on some matters which will have a legal import on it. The monitors and

observers you made that representation and I have given you the assurance that there would be monitors and observers. At some time we would be having meeting with the Christian Council and I am quite sure they will revive that organisation in due course; it is closes to the time of the last session.

In relation to the polling stations, I think some polling stations would be different because there were complaints in some polling stations that they were much too small and people could have heard especially when you took someone who is incapacitated for one reason or the other, you can hear what is happening and so on and I think some of those polling stations would be replaced. And just last week the Supervisor of Elections said she is starting to using the last information to look at her confirmations throughout the State and that is why she has hired some extra staff since the beginning of this month so that she can start doing some of this work on her own and giving the staff some extra training.

In relation to ... we will disagree on the position of Parnel Campbell QC as SPEAKER of the Committee and he is indeed a person who does his research. Just off the bat since he was created, the post of SPEAKER is a creature of this Honourable House not of statute but of this Honourable House by a resolution, but I did not myself recall precisely how the resolution read and he sought and obtained copies of the Minutes of the thirteenth meeting of the second session of the eight Parliament held at the House of Assembly on Thursday 7th June, 2007 and a copy is here; I believe, Mr. Speaker, a copy was prefer to you. Resolutions: and this Resolution was moved and seconded in this Honourable House and we were all present it is on the face of the Minutes, there was a full House, Honourable Sir Louis Straker, member for Central Leeward was the only one absent and in this Resolution, in the operative part of the Resolution:-

“Whereas be it resolve as follows

I quote Mr. Speaker,

this constituted a body called the Constitution Reform Steering Committee, Parnel R. Campbell Q.C. SPEAKER.

One (a), but then I go to (11):-

The CRSC shall discharge its duty from the 1st November, 2006 continuously, until the further resolution of this Honourable House and the following, (12) shall be the general terms of the CRSC.

And under term (1) which he has quoted in his press release, which was issued a copy which I have here; and I believe you have one, Mr. Speaker, it says:-

Under the guidance of the Honourable Speaker of the House to carry out all acts deemed expedient and necessary to assist the House of Assembly implementing constitution reform in St Vincent and the Grenadines.

And at (5) it says:-

Provide public education to the office of the Supervisor of Elections;

But they have their own programme.

and other arrangements, for the execution of any Referendum which may be required to be undertaken in the Constitution Reform process”.

So, it appears as though he has ensured that his legal authority is there to be involved in the process to bring constitution reform to its fruition and finality and its finality would be when the referendum is approved. So, he appears to be standing on fairly solid ground.

HONOURABLE MR. SPEAKER: Very solid ground.

HONOURABLE RENE BAPTISTE: So, I can understand your position I mean we sat in Select Committee, you are polite, but you do have your differences and sometimes these differences are difficulty in certain circumstances; but I guess we have to live with what the position is. I also heard but I am indeed grateful for your contribution in this Honourable House and the issues which you have raised and which I can assure you that without giving directions to the Supervisor of Elections that the Electoral Department will certainly take them under advisement. In relation to Honourable Member of the Southern Grenadines where he has [interjection] Northern Grenadines, I beg your pardon, he raised about the Bill and the fairness of the process; and that they will be vigilant. I would expect no less, I would expect no less; but I want to assure him when he makes mention that the poll clerks would be competent people and they would not be a preponderance of ULP or NDP supporters that they would be neutral and would not reflect a bias and dominance by any political party.

And the Supervisor of Elections they selected their people, I must tell you that there will be a period of training because there were certain issues which we must look at when we look at the reports and we do not just look at 2005 report, we went back and look at what the recommendations were '98, 2001 and seeing how we could make the process better. It makes no sense you pat yourself on the back and feel you are doing so well, but you always must look at the other side of the coin. I always ... maybe it comes from training, you know, when you have the perfect witness and they go in the witness box and they say things you have never heard. You just never heard of it. So, you try to cater for surprises and I know the Honourable Member, usually no sleight of hand will do us any good; well this is not the Wizard of Oz and certainly there will be no clicking of the shoe on the yellow brick road; but what is required to be done will be done at the Supervisor's office. It is indeed, the work will be very seriously done we will be making preparation for some extra space; because there has been a delay in us going into our new premises which we are very anxious to move into but we are making alternative arrangements.

HONOURABLE ST CLAIR LEACOCK: Are we having one election or 15 elections? Because that is the question I raised in a sense with respect to the constituency information. [Interjections] Hello.

HONOURABLE RENE BAPTISTE: You see you will get the number for each cast for and against the proposition that is what it states in the law and that is how she has to prepare the result and transmit to the Governor General and then she will cause to be prepared a report and submit to the Minister to be laid in the House. A report on the holding, including the number of votes cast for and against; the number of rejected ballots together with any other information she may deem fit to include. So, it is there provided for and we will follow the statute faithfully. Finally, Mr. Speaker,

HONOURABLE MR. SPEAKER: Another point for clarification, Honourable Leader of the Opposition.

HONOURABLE RENE BAPTISTE: Yes.

HONOURABLE ARNHIM EUSTACE: Mr. Speaker, thank you very much, with respect to 5 (3), (4) and (5) can we expect that there will be any announcement on the same night of the Elections as to the results of the Referendum?

HONOURABLE RENE BAPTISTE: Mr. Speaker, we have to follow what the procedures are for the conduct of the election; so the Supervisor of Elections will make that judgement call. As I said, I think, I believe with your agents there present for the counting that they will be able to give you that result and it is also possible on that night she may be sufficiently comfortable saying it is a preliminary result because you have to have the final count the following day; and she has to transmit this immediately when he does the final tallying of the votes cast to the Governor General. Mr. Speaker, the amendment which is circulated to Honourable Members in the first schedule; the first schedule, it was circulated on a separate piece of paper, the Honourable Clerk, Madam Clerk should have a copy where we proposed the following amendment from this box [displaying handout] to this which is the more regular way that we see the ballot paper with two lines, so that you vote within the lines here [inaudible question] yes? No, that is how the ballot paper will be styled with the perforation, the numbers and so on this, okay? I did hear some ... Mr. Speaker, just one thing before I move the amendment of this section.

In some jurisdiction, Mr. Speaker, the Referendum on constitutional reform and a general election are held at the same time. That took place the 10th October, 2007, the report of the Referendum in Ontario, and strange enough the Referendum was on. They were given two ballots an election ballot and a referendum ballot. So, it is not unheard of and it was not only in Ontario that this has happened, like I said doing the research we saw these things; but in our history that is why the Constitution in providing for an Executive President we take it in steps because we are quite aware of our culture a step at a time, they felt pretty comfortable giving people two ballots, one ballot asking if you want to do a certain electoral procedure and the other ballot to vote for a legislator. So, it is not unheard of or unknown, both can happen at the same time, I just said that *en passant*. Finally, Mr. Speaker, I will like to move the amendment of the first schedule in the form as circulated to members.

HONOURABLE MR. SPEAKER: No; that should be done in the Committee.

HONOURABLE RENE BAPTISTE: In the Committee.

HONOURABLE MR. SPEAKER: Yes.

HONOURABLE RENE BAPTISTE: Yes. So, I just want to draw that to members' attention and I think was there one other correction? Let me see, no, I think that was it, that was the only one correction, it was just drawn about something in the note in the Objects and Reasons which we did not, I just read one portion.

Mr. Speaker, I beg to move that the House resolves itself in a Committee of the whole House to consider the Bill clause by clause.

**Motion moved and adopted
House resolved into Committee**

HONOURABLE MR. SPEAKER: Honourable Member.

HONOURABLE RENE BAPTISTE: Mr. Speaker, I move that the Committee rise, the House resumes and the presiding member reports to the House.

HONOURABLE MR. SPEAKER: Honourable Member the question is the Committee rise, the House resumes and report to this Honourable House.

**Question put and agreed to.
House resumes**

HONOURABLE MR. SPEAKER: Honourable Members I have the honour to report that a Bill for an Act to make provision for the holding of a Referendum to alter the Constitution of St Vincent and the Grenadines in accordance with section 38 (3) (b) of the Constitution has passed the Committee stage with one amendment.

HONOURABLE RENE BAPTISTE: Mr. Speaker, Honourable Members, I beg to move that the Bill be read a third time by title and pass.

HONOURABLE MR. SPEAKER: Honourable Member, the question is that the Bill for an Act to make provision for the holding of a Referendum to alter the Constitution of St Vincent and the Grenadines in accordance with section 38 (3) (b) of the Constitution be read a third time by title and pass.

Question put and agreed to.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, may I ask for a division so we could make sure [inaudible] [interjections] [laughter].

HONOURABLE ARNHIM EUSTACE: You are something else, you know.

DR. THE HONOURABLE RALPH GONSALVES: I did not hear him say ‘Aye’.

HONOURABLE ARNHIM EUSTACE: You did not hear me say ‘Aye’.

HONOURABLE MR. SPEAKER: You still need a division? He needs a division.

MADAM CLERK OF THE HOUSE: Honourable Members how do you vote?

Honourable Prime Minister: Aye.

Honourable Minister of Foreign Affairs: Aye.

Honourable Minister of Education: Aye.

Honourable Minister of Rural Transformation: Aye.

Honourable Minister of Health and the Environment: Aye.

Honourable Minister of Urban Development, Culture and Electoral Affairs: Aye.

Honourable Minister of Transport and Works: Aye.

Honourable Minister of Agriculture: Aye.

Honourable Minister of Telecommunications: Aye.

Honourable Minister of State in the Prime Minister’s Office: Aye.

Honourable Minister of Housing: Aye.

Honourable Senator Forde: Aye.

Honourable Leader of the Opposition: Aye.

Honourable Member for the Southern Grenadine: Aye. [Laughter]

HONOURABLE JULIAN FRANCIS: Last but not least. [Laughter]

HONOURABLE ST CLAIR LEACOCK: Your Password. [Laughter]

DR. THE HONOURABLE RALPH GONSALVES: And I support my Leader Eustace.

HONOURABLE ST CLAIR LEACOCK: Of course.

MADAM CLERK OF THE HOUSE: Honourable Senator St Clair Leacock.

Honourable St Clair Leacock: Aye.

HONOURABLE DOUGLAS SLATER: Damn. [Laughter] [Interjection]

HONOURABLE MR. SPEAKER: What is the count?

MADAM CLERK OF THE HOUSE: Fifteen members voted unanimously in favour of the Bill. [Knocking of desks]

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, may I just crave your indulgence, Mr. Speaker. I did not ask for the division simply to put any Honourable Member on the spot what I wanted to do, Mr. Speaker, since this is the first time we are having a Referendum Bill and we are holding this matter of such great importance so that the outside world in addition to our own citizens would see that the entire House is satisfied. We are unanimous that we have a Bill with an election process where we are going forward, which is sound transparent fair and I think that is important for us to ground confidence as we move forward. That is the only reason, Mr. Speaker.

HONOURABLE MR. SPEAKER: Yes. Honourable Minister.

HONOURABLE RENE BAPTISTE: I am obliged to the Honourable Prime Minister for requesting a division and also I wish to thank the members of Her Majesty's loyal Opposition for voting in favour of this Bill and it has been part of the pattern in this Honourable House that members whenever there is a good measure for the benefit, the welfare and upliftment of the people of St Vincent and the Grenadines that we have the support of the loyal Opposition in this Parliament. I wish to thank all the members for the contribution they made in this debate and we are surely in step 2 on the way to Constitution Reform and Approval of the Constitution Bill that is before this Honourable House. I am obliged Mr. Speaker.

MADAM CLERK OF THE HOUSE: Referendum Alteration of the Constitution Act 2009.

HOPE EVANGELISM OUTREACH MINISTRIES INCORPORATION BILL 2009

HONOURABLE MR. SPEAKER: We need to set up the Select Committee on this Bill, I think we had the second reading the last time. We need to establish the Select Committee now.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, the usual members would include the Minister for Ecclesiastical Affairs; the Honourable Minister of Education; the Honourable Minister of State in the Prime Minister's Office and the Honourable Attorney General.

HONOURABLE MR. SPEAKER: We are dealing with the Hope Evangelism Outreach Ministries. We are just setting up the Select Committee on this, so you need to name one person at least.

HONOURABLE ARNHIM EUSTACE: [Inaudible] Senator Leacock [Interjections] [Laughter]

HONOURABLE MR. SPEAKER: Adjournment.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, we would have work for I think for at least one more meeting before the 25th November, I want to suggest Wednesday the 21st October. I beg to move Mr. Speaker that this Honourable House do stand adjourn until Wednesday the 21st, October at 10:00 a.m.

**Question put and agreed
House adjourn at 6:41 p.m.**