



GRENADA

PARLIAMENTARY DEBATES

(HANSARD)

First Session of the Tenth Parliament

OFFICIAL REPORT

SENATE

Monday, 08th October, 2018

Table of Contents

Attendance	3
Prayers	4
Announcements.....	4 – 5
Motions.....	5 – 6
Bills	6 – 27
Adjournment	27 – 32

**Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.**

Attendance

PRESENT

Senator the Honourable Chester A.A. Humphrey	-	Mr. President (In the Chair)
Senator the Honourable Simon Stiell	-	Minister for Climate Resilience, the Environment, Forestry, Fisheries, Disaster Management and Information
Senator the Honourable Norland Cox	-	Minister for Youth Development, Sports, Culture and the Arts
Senator the Honourable Judd Cadet	-	Member
Senator the Honourable Kim George	-	Member
Senator the Honourable Cathisha Williams	-	Member
Senator the Honourable Kerryne James	-	Member
Senator the Honourable Ron Livingston Redhead	-	Member
Senator the Honourable Christopher De Allie	-	Deputy President
Senator the Honourable Mondy André Lewis	-	Member

ABSENT

Senator Dr. the Honourable Winston Garraway	-	Minister of State wrf Disaster Management and Information
Senator the Honourable Glynis Roberts	-	Member (Excuse tendered)
Senator Dr. the Honourable Dunstan Campbell	-	Member (Excuse tendered)

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Prayers
Announcements

The Sitting of the Senate began at 8:30 a.m.

Mr. President: Good morning, Honourable Members. Senator Norland Cox.

Sen. the Hon. Norland Cox: Honourable Members, let us pray.

(Senate prayer was said).

Sen. the Hon. Norland Cox: Honourable Members, please join me in the Lord's Prayer.

(Prayers were said).

Mr. President: Pray be seated. This Honourable House is in Session.

Ag. Clerk Assistant: Item No. 3 - Oath of Allegiance or Affirmation of a new Senator.

Item No. 4 - Confirmation of Minutes.

Item No. 5 - Messages from the Governor-General.

Item No. 6 - Announcements by Mr. President.

Mr. President: Honourable Members, this Session is a special extraordinary Session, and when such Sessions are called they are for a specific and defined purpose. There is one bill before us, and so that at today's Session, the entire proceedings would be narrowed to address just the bill before us. So, Honourable

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Announcements
Motions

Members, please take note that there is only one matter on the Order Paper, and that is the issue of the bill that is before us. Thank you.

Clerk Assistant: Item No. 7 - Ministerial Statements.

Item No. 8 - Presentation of Papers and Reports from Select Committees.

Item No. 9 - Petitions.

Item No. 10 - Government Notices.

Item No. 11 - Unofficial Notices.

Item No. 12 - Questions.

Item No. 13 - Personal Explanations.

Item No. 14 - Motions.

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Thank you, Mr. President.

WHEREAS the debate on the Gracious Address delivered by the Governor-General on the occasion of the Ceremonial State Opening of the First Session of the Tenth Parliament on Friday, 27th April, 2018 was deferred to a date to be named;

BE IT RESOLVED that the said Address be now debated.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Motions
Bills

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. President, I beg to move the Motion that the Motion put before us be amended to read: **BE IT RESOLVED** that the said Address be now deferred to a date to be fixed.

Question put and agreed to.

Motion amended and debate on the Address deferred to a date to be fixed.

Clerk Assistant: Item No. 15 - Bills.

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Thank you, Mr. President. Mr. President, I beg to introduce for first reading a Bill for an Act shortly entitled Representation of the People (Amendment) Bill, 2018.

Ag. Clerk: A Bill for an Act to amend the Representation of the People Act, Cap. 286A shortly entitled, Representation of the People (Amendment) Act, 2018.

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. President, I beg to move that the relevant Standing Order of the Senate be suspended to enable the bill to be taken through all its stages at this Sitting.

Question put and agreed to.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

Relevant Standing Order suspended.

Sen. the Hon. Simon Stiell: Mr. President, I beg to move the second reading of the bill.

Question proposed.

Sen. the Hon. Simon Stiell: Mr. President, I wish to start by thanking Members for their understanding and their cooperation in making themselves available for this Sitting, which, as we all know is held at very short notice by a reflection of the importance and the time, critical nature of this particular bill. But, again, as you said in your opening, Mr. President, it is important for us to restrict our discussions to the specifics of this Representation of the People's (Amendment) Bill.

So, Mr. President, this Representation of the People's (Amendment) Bill will close many of the loopholes and areas of concern that have existed for many years in our Electoral process. Areas of concern that have consistently been raised with different Political Parties and Supervisor of Elections, Civil Society and other observers over the years. And, some of the procedural matters that are reflected in the amendment have been given significant consideration by the Supervisor of Elections.

The amendments that are proposed today were proposed sometime ago, back in 2017, and what is before us is identical, save one change, which I would speak to a little bit later, but it is identical to what has been circulated since 2017. And, it is important to note that the amendments before, in addition to strengthening the Electoral process, are all, each one of them, on controversial issues.

Mr. President, the bill was presented for its first reading in that 'Other Place', back in 2017. The process the Government took back then and stands by today is that the process of amending the Act will be through consultation, will be an inclusive process with all stakeholders that have an interest in this, all Political Parties, Governments, Supervisors of Elections, Civil Society and others. But, we took the

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

position that unless that we were able to reach broad consensus with all Parties, then we would not move forward with this. So, although back in 2017, there was a verbal consensus on the amendment presented, save this one specific amendment, we were unable to get a formal agreement from all of the Political Parties, so the bill was withdrawn from that 'Other Place' after its first reading.

But, Mr. President, I am pleased to say that, as of today that Consultation process, with all stakeholders continued, and there is now formal agreement with regard to the amendments that have been put forward before us. The one exception was the proposed amendment that spoke to the dipping of your finger in the ink, as proof of your vote being cast for persons with medical conditions, who have received a Medical Certificate stating that they have some form of allergic reaction to the chemicals that may be present in the ink. But, it was felt, after extensive dialogue, that although there was an appreciation of persons with medical conditions, how this was presented could be opened for abuse. So, it was agreed, again, within the spirit of consensus-building that, that specific item be removed from the bill. So, as it would stand, if once this bill is passed, all persons casting their votes would be required to dip their fingers in the ink.

So, once again, Mr. President, what is before us today are a series of uncontroversial amendments, which strengthen the Electoral process and have the support of all Parties, all Stakeholders within the process. So, Mr. President, I would now run through the fourteen (14) Clauses that make up this bill.

Mr. President, Clause (2) affects an amendment to Section (6) of the principal Act, and it seeks to do the following: the words 'a Polling Division' is inserted under paragraph (a), to ensure the persons registering under the Act are, in fact, are, in fact, registered to a specific Polling Division in a Constituency. The amendment under paragraph (b) repeals and replaces paragraph (d). Persons, who are seeking registration are now required to show proof, to show proof, Mr. President, to the satisfaction of the Registration Officer that he or she is ordinarily resident in that Polling Division within that Constituency.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

Mr. President, all that is currently stated within the current Act is that a person is ordinarily resident in that Constituency. There is no proof, as things stand, for persons to... there isn't any requirement to provide proof that you are actually resident where you say you are, so that loophole is closed. The amendment under paragraph (c), inserts the form that Commonwealth citizens normally sign, upon registration and what is stated there is: "A Commonwealth citizen, who wishes to register under this Section,...", which is a person's right, once they fulfill the specific criteria to make them eligible, "...shall fill out and swear the Declaration contained in Form M in the Second Schedule".

Mr. President, therefore, the process of establishing the eligibility of Commonwealth citizens to vote in the State of Grenada, is now strengthened and made far more robust. And, in providing false information, through this Declaration, legal Declaration, under a very specified format, in terms of presenting your information and presenting that Declaration, providing false information, that will be a criminal offence.

Clause 3 amends Section 28 of the principal Act. Currently, this Section mandates the appointment of at least two (2) Assistant Supervisors of Elections. Mr. President, there is currently one Assistant Supervisor of Elections, and that is how it has always been. So, the combined effect of the proposed amendments under paragraphs (a), (b), (c) and (d) is to give the Governor-General more flexibility when appointing, specifically, Assistant Supervisors of Elections, and the Governor-General would now be able to appoint one or more Assistants, based on the needs of the Electoral Office.

Mr. President, this amendment legitimizes current practice, what has been exercised, to date; and it is viewed that one Assistant is able to meet the needs of the Nation throughout that Electoral process. However, stating it is one of more, then gives the Governor-General that flexibility to increase that number, whether it is two, three, four, five, whatever that number may be, that is appropriate to the needs at any given time.

Clause 4 amends Section 29 of the principal Act. This amendment inserts a new Section, subsection (4), to allow persons, appointed as Registration Officers, to carry

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

out the function of Returning Officers. Mr. President, again, this is something that is being practiced and has been practiced since the beginning of time. So, what we are doing is formalizing that common practice.

Clause 5 amends Section 39, subsection (5) of the principal Act. The amendment to this Section has two (2) parts, the first, it seeks to implement a new procedure, whereby a nominee, or someone on behalf of the nominee pays the nomination deposit into the Treasury, or the Revenue Office. So, instead, Mr. President, on Nomination Day, persons hustling to find their three hundred dollars (\$300.00) for their nomination, the additional challenges, additional workload on the Returning Officers with regard to processing and managing this, persons can pay their deposits directly to the Treasury, well in advance of Nomination Day; so that removes that piece of pressure, or inconvenience and it simplifies and adds a little more order to the proceedings with the Returning Officer on that day.

The second part of this amendment, Mr. President, is to increase the nomination deposit, from three hundred (300.00) to five hundred dollars (\$500.00). The fee of three hundred dollars (\$300.00) has been instituted for many, many years, and has been unchanged for an extremely long time. There are those that suggest that that figure should be far higher, far higher than the five hundred dollars (\$500.00) that is presented, and it should be there, as a barrier that ensures only the most serious minded of candidates put themselves forward for Election. If that threshold is too low, then any and anyone, who is able to scramble, together that three hundred dollars (\$300.00) is able to put themselves forward. There are others, who have the opposite argument, Mr. President, that the fee should be as low as possible, as that facilitates the democratic debate and enriches that democratic process. But, however, this recent decision, or the proposal that is before it is too late, a marginal increase, from three hundred to five hundred dollars for that nomination fee. In real terms, it is just a small increase.

Clause 6 amends Section 40 of the principal Act. The proposed amendment seeks to insert into the Legislation, the Certificate, which is normally issued by the

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

Supervisor of Elections for the return of the nomination deposit. Mr. President, the nomination deposit is returned once a candidate is either successful, has achieved a Poll not less than one-eighth of the total votes that have been counted, or that person has died on or before Polling Day. Those are the conditions attached to the returning of a nominee's deposit. The proposed amendment states the Certificate issued by the Supervisor of Elections for qualified nominees, be in a prescribed form. So, there is a formal Form that is associated with that Certificate and that prescribed Certificate is now prescribed within Law; so, again, formalizing that whole process.

Clause 7 amends Section 44, subsection (4) of the principal Act. This amendment deletes the reference to computation of time, which has led to ambiguity and uncertainty, as the mechanism for computing time is already provided under Section 109 of the Act. Mr. President, Section 109 of the Act clearly states the days that are to be excluded from the computation of any Proclamation, and what is specified under Section 109, the exclusions include Sundays, Bank Holidays, Public, Thanksgiving and Mourning. Therefore, the offending paragraph that created the ambiguity in Section 44 (4) has been deleted, so that brings clarity to that point.

Clause 8 amends Section 52 of the principal Act. This amendment repeals and replaces this Section. Currently, the Section allows the candidate to vote in any Polling Station in the Constituency in which he or she is a candidate other than the Constituency in which he or she appears on the official list of Electors.

Mr. President, the proposed amendment maintains this mechanism, so it allows those candidates, who may reside in another Constituency to be able to vote in the Constituency where they are nominated, and this has been normal practice, but, again, it has not been legitimized within the Law. So, in terms of the redrafting and the additional subsections that are included that would help formalize this current informal practice, under Section 4 (a) and (b), it states that a person who has been nominated and who intends to vote in the Constituency other than the Constituency in which he or she appears, shall complete, in duplicate, a notice in Form 5B in the Third Schedule,

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

etcetera, etcetera; (b) return the completed notice, under paragraph (a) to the Supervisor of Elections, at least seven (7) days before the holding of the Poll.

So, Mr. President, there is now a procedure that is outlined, that brings legitimacy to this common practice. And, what is behind the amendment within Clause 8, the overall intent is to ensure that no person shall vote in more than one Constituency, or at more than one Polling Station, or more than once on the same day. So, this tightens up that absolutely fundamental principle in an Election that it is one vote that is cast where you are supposed to cast that vote.

Mr. President, Clause 9 amends Section 87 of the principal Act. This provision is largely consistent with the current section, but the words: 'by whatever means' were inserted to capture persons, who may use Social Media, or other electronic platforms to influence an Elector on Voting Day. So, it is specified that within one hundred (100) yards of a Polling Station, there cannot be no interference, or attempt to interfere with Electors going to the Polling Stations; so this Clause and the addition of the words: 'by whatever means' takes into account technologies that can be used, Social Media, Twitter, WhatsApp, whatever it may be that can be used to influence persons in that particular scenario.

Clause 10 amends Section 96 and this amendment inserts a new paragraph (g), which criminalizes the publishing of images of marked ballots on Polling Day. Mr. President, using electronic devices includes, but it is not limited to cellphones and digital cameras. It is any electronic device that could record, photograph or otherwise capture and publish the image of a marked ballot; and the act of doing this will now become a criminal offence.

Mr. President, this addresses a practice that is seen within other jurisdictions, may well happen or have happened here in Grenada, where persons will photograph their mark on that Ballot Paper and use that to demonstrate their support for a particular Candidate, a particular Party in return for favours, in terms for payment. So, the inclusion of this Clause ensures that it is clear to all that this is illegal, is a criminal offence, and persons, who are found guilty of this will receive either a prison sentence,

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

be fined, or both. The current Act speaks only to fraudulent acts, with respect to the Ballot Paper, the Ballot Box, the tampering of Ballot Papers, Ballot Boxes, so the inclusion of this part about recording and photographing the marking of Ballots is a critical addition.

Clause 11 inserts a new Section 96A to the principal Act. This new Section seeks to prohibit persons from entering a Polling Booth to cast his or her vote on Polling Day with an electronic device. So, this is complimentary to the previous Clause stated. So, persons are prohibited from entering with electronic devices, and there is a procedure, as to how persons who may have forgotten that they are bringing in a device, it gives them the opportunity to hand over those devices before they go into the Polling Booths. But, again, breach of this is subject to a fine or imprisonment.

Mr. President, the remaining Clauses 12, 13 and 14 all speak to the specific amendments that I have just referenced, but in relation to the Schedules and the various forms that are associated with these amendments.

So, Mr. President, in closing, the proposed amendments to the Representation of the People's Act address issues, such as registration, ensuring that persons vote where they are supposed to, nothing controversial about that. It is an important and a fundamental principle, and that no person shall vote in more than one Constituency, or at more than one Polling Station more than once.

It regularizes common procedural practices, whether that is allowing Candidates to vote legitimately in the Constituencies where they are representing, they are nominated; the appointment of an Assistant Supervisor of Elections; the Registration Officers carrying out the functions of Returning Officers; the simplification of the nomination process, which would ease pressures on the Returning Officers and Candidates; the clarification of the Proclamation computations, bringing clarity there; the criminalizing of recording marks on your Ballot Paper; and the prohibition of electronic devices in Polling Stations.

Mr. President, all of these, all of these proposed amendments are uncontroversial, they all strengthen the Representation of the People's Act. It

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

strengthens our Electoral and Democratic process, it closes no loopholes that have been debated for many, many years. All of these, Mr. President, speak to free and fair Elections and that democratic process. All of the amendments have the support of Stakeholders, Political Parties, Government, the Supervisor of Elections and Civil Society.

Mr. President, these bring value. These address issues and concerns that have plagued us for many years, and it is for those reasons, Mr. President, that I commend this Bill for its second reading. I thank you. **(Applause)**.

Mr. President: Thank you, Senator Stiell.

Question proposed.

Mr. President: Senator Kerryne James.

Sen. the Hon. Kerryne James: Thank you, Mr. President. Mr. President, I stand in full support of this Representation of the People's (Amendment) Bill, 2018. It is a national issue, which transcends partisan politics, and by way of this conversation between the NDC and other Entities involved in the Electoral process, it leads us here today, and so I am extremely grateful that this is taken in its seriousness.

I want to stress the importance, Mr. President, of this Bill, because, as we embark on yet another voting exercise, the CCJ Referendum, it is important that the people have trust and confidence in the Electoral process.

Mr. President, we believe that this amendment Bill still needs strengthening. Some observations that I noted in this Bill's present form, the amendment of Section 28 of the principal Act, which speaks about the number of Assistant Supervisors of Elections. Part (a) is repealing the words: 'at least two' and substituting the words: 'one or more'. We believe that the word, 'more' is still somewhat ambiguous.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

Mr. President: What section is it?

Sen. the Hon. Kerryne James: That is Section 28 of the principal Act, that is 3, Clause 3.

Mr. President: Could you just repeat what you were saying?

Sen. the Hon. Kerryne James: So, Part (a) is repealing the words: 'at least two,' and substituting with the words: 'one or more.' We believe that the word, 'more' is still a bit ambiguous. Thank you, Mr. President.

Mr. President: Okay. Alright. Thank you, Senator James. Senator Redhead.

Sen. the Hon. Ron Livingston Redhead: Mr. President, we thank you very, very much for this opportunity and I would like to take the opportunity to apologize for missing the last Sitting. I would have loved to be here.

But, Mr. President, this morning, we want to rise and support this Bill, Mr. President. We believe it's a step in the right direction. It would eliminate the question of not having confidence in the Electoral System. And, Mr. President, we see this initiative as very important. As you know the National Democratic Congress was involved in this, we have been a part of it since the year, 2016.

Historically, Mr. President, we have also attempted to improve the Electoral System in 2012, when we introduced the new Voters' Identification System. So, we have a track record in that direction, Mr. President, and we have maintained eight (8) proposals to the Parties and Entities involved, including, Mr. President, the Government of Grenada and also, Mr. President, engaging the Electoral Office, of course, before the General Elections.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

We believe it is necessary, Mr. President, to implement these suggestions and more, as we go along, Mr. President, before, even holding any question of voting. Mr. President, for us, we do not believe that, by itself, just saying that we would have free and fair Elections, is sufficient. Mr. President, all of the loopholes needs to be filled, and that is the basis to which we want to maintain negotiations with the Entities involved and to continue on the path, Mr. President, for genuine democracy of the people.

Mr. President, despite we commend this move, Mr. President, we still think that the bill needs some strengthening. It is not sufficient, from where we sit, Mr. President. We have some areas that we have some concerns with, so we would like to put that out this morning.

Mr. President, Section 3, as Senator James has expressed, I don't need to go it over, but the word 'more' still, to us, is too ambiguous. We have never had a need, Mr. President, for more than one Assistant Supervisor of Elections, and we are not certain, as to why that word could not be just simply be one.

In the case, Mr. President, where a Supervisor retires, or is fired, Mr. President, we expect that the Assistant would act in his or her position, and we do not believe that you should promote the idea that there should be more than one Assistant Supervisors of Elections. It is not a necessity, as we see it, so that is just one area.

Mr. President, we have a second area in the question of influencing Electors to vote for any Candidate. Mr. President, as the Government of Grenada may be aware, we have negotiated with them, and we have expressed the concern that Candidates, on Election Day, have been going in other Constituencies, not directly to say vote for my candidate, Mr. President, but to greet and to meet people.

Mr. President, as we see it, whenever you become a Candidate in a General Election, you are effectively a brand of the Political Organization to which you represent; and wherever you go, whether it be before Elections, or even on Election Day, Mr. President, you will, more than likely, be able to influence. And, as you know, the Law doesn't say that it has to happen, but once the perception is created that it can happen, Mr. President, we still sight this as a loophole. So, we have some concerns with that.

**Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.**

Bills

We will continue to make our voices be heard on this issue, Mr. President, I guarantee you this, but, Mr. President, we are satisfied that progress is being made.

Mr. President, we have some areas that we believe should have been added in the bill, because, when we talk about strengthening, we are not concerned, primarily, with just the amendments before us. We know that the process is still ongoing, and we understand and accept that, but, Mr. President, there are some areas still that concern us. One such area, Mr. President, is the question of the campaign financing.

Now, it was recommended by the OAS, Mr. President, that we should move in this direction, to pass an Act to govern the question of campaign financing. And, Mr. President, this came, as a result from the Public Report, which the OAS published, after the March 13th Election, and with your permission, I would just like to read part of what the Report said about that. ***“While stakeholders recognize that access to financial resources, or a lack thereof plays an indisputable role in any Election, and can render the playing field unequal, most persons with whom the Mission spoke were uncertain about the origins of resources for Grenada’s Election, and whether, or to what extent this might have influenced the outcome of the Elections, in any way.*”**

Recognizing that unregulated financing from unidentifiable sources has potential to impact the equity of the democratic process, and in order to promote transparency and accountability in the Electoral process in Grenada, the Mission reiterates the recommendations of previous OAS Observation Missions that the Government of Grenada, along with other appropriate stakeholders consider Political Party and Campaign Finance Regulations that establish a clear limit on campaign spending, require Political Parties to disclose their sources of funding, prohibit anonymous and foreign donations and limit private and in-kind donations to Political and Electoral campaigns in this regard.” So, Mr. President, the OAS has made this abundantly clear. As you know...

(Partially inaudible statement by Mr. President).

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

Mr. President: ...copies available for Members of the Senate and ourselves; just for the future. This issue of campaign financing, are you representing a proposal for an amendment to the Bill before us?

Sen. the Hon. Ron Livingston Redhead: No, Mr. President. Mr. President, we believe that because the Referendum is coming soon, it is not going to make any sense to try to force that point. So, we are just stating these few features.

Mr. President: I have allowed you a little bit of liberty, because we're focusing on the Bill before us. Now, if it was your view that you wish to present an amendment to the Bill in order to incorporate into it campaign financing, and you made that presentation, then you could have then debated on that component part. But, since that is not your intention and there is nothing in this Bill dealing with campaign financing, I would advise that we stick to the Bill. Are you following me?

Sen. the Hon. Ron Redhead: Yes, Mr. President.

Mr. President: Because the Bill before us has nothing on campaign financing. You could have introduced campaign financing, provided that was your purpose to propose an amendment, then we will be debating the amendment that you would have presented, but there is no such thing before us. So, please stick to the Bill, because the Session has been convened, exclusively, to deal with the Bill, as being presented. You follow me?

Sen. the Hon. Ron Redhead: Fully understood, Mr. President. Thank you very much. Mr. President, and which would take me to my second point, which is in line with the Bill. The Section, which deals with claims and objections, Mr. President. (My apologies, Mr. President, not claims and objections. Mr. President, just bear with me for

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

one minute. I was really thrown off there, my apologies). Yes, Mr. President, so it is Clause 9, I believe.

Mr. President: Clause 9...

Sen. the Hon. Ron Redhead: Yes; amendment of Section 87 of the principal Act, Mr. President, 'Influencing Electors'. Now, Mr. President, I made mention to that earlier, Mr. President. We are satisfied with Part 1 of this amendment. We think it is okay, but, Mr. President, we want to suggest that we amend that Part and place an additional subsection to deal with the question of Candidates, Mr. President; govern how Candidates would vote. Because, Mr. President, in the question of influencing Electors, Mr. President, it is our view that there is still a loophole available, not necessarily for a Referendum, but in a General Election. And, Mr. President, we see the need to implement and put in place a system, which would govern how candidates go to other Constituencies on Election Day. We do not see the reason why this was not added. We have raised this with other Parties and we have spoken to this, Mr. President, in relation to negotiations that we had with the Government of Grenada, the Electoral Office and other Observer Missions, who, even indicated, to a less extent, such as Civil Society, Mr. President, that they observe that Candidates were going around influencing Electors, on Election Day, and, Mr. President, we thought that this should have been added, because there is no reason why it could not have been added, in our view. So, Mr. President, we have some concerns there, and we really would like it to be addressed.

Mr. President: What should be added? I am a little bit unclear.

Sen. the Hon. Ron Redhead: A Section, Mr. President, to barr Candidates from going in other Candidates' Constituencies on Election Day... Polling Divisions rather and Polling Stations on Election Day.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

In other words, Mr. President, Candidate 'A' should not be going in Candidate 'B's Polling Division and Polling Stations to greet people in lines and so on during an Election. This is our concern. We have observed this in the March 13th Election, and we would really like to bring that forward this morning, Mr. President.

I must confess that I had some other areas that I would have liked to speak on, in relation to other Observer Missions, Mr. President, but you have indicated that let us keep the discussions in line with the Bill. So, I am just trying to get my points here in order.

But, Mr. President, all-in-all, we think it is a good move. We are satisfied that the negotiations have brought us to this part. As you know, confidence, Mr. President, these days is very hard to come by and wherever we see the opportunity to improve, Mr. President, this Opposition would, certainly, support. But, Mr. President, we hope that this is not just an end, and the process will ongoing in terms of... consistently and as much as possible, engaging all Parties involved and trying to get, Mr. President, a sense that this is not just a bluff, but a real attempt to improve our democracy for all and sundry in the country.

Mr. President, voting in an Election is a right, certainly, that everyone enjoys. But, Mr. President, if there are loopholes to prevent the democratic process, or stifle it, Mr. President, we are against that, and we are in full support of this Bill. We think it is timely, and we know why it is timely, but we hope, Mr. President, that the process would be an ongoing one, and we look forward to continued negotiations. Thank you.

Mr. President: Thank you, Senator Redhead. Senator Cox.

Sen. the Hon. Norland Cox: Thank you very much, Mr. President. Mr. President, I, too, stand in full support of the amendment to the Representation of the People's Bill, 2018. And, just to start off by saying, Mr. President, I think this is a very important amendment. I think this increases the integrity of our Election process, and

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

more so, it affords Grenada, our country, good standing in the International Community, as it relates to hosting clean and fair Elections.

But, Mr. President, I want to just point to Clause 2, which speaks to ensuring that persons, who are voting in a particular Constituency must show evidence of been residing in that Constituency. I think this is a very important amendment. There have been a number of calls, a number of reports, a number of accusations, allegations of persons voting in other Constituencies and providing support to other Candidates, who might be weak in their Constituency, so I think this shows a significant maturity on the part of all involved, all stakeholders involved, political maturity to treat with this to ensure that no such reports are necessary, going forward.

However, Mr. President, I think it is important to note, and I think that the Leader of Government's Business, Honourable Stiell, said that in his presentation, that in since 2017 that this Government presented this very said amendment. It took us one (1) year, Mr. President, to get to this point, or more. So, it shows that we, as a Government have been pushing for this, and we have taken the lead to bring this on the Table since 2017, and I think that must be noted and recorded. I think that is important to show leadership on our part to ensure that we bring this process, to make it fairer as much as possible.

Mr. President, as it relates to some remarks, the contribution by Senator Redhead, regarding the number of Registration Officers, I don't see the issue, the risk in having more persons supervising a process, as against one or two. I do not see what is the risk there, by having more persons overseeing a process instead of having one or two individuals. I think it probably adds more integrity to the process, so the issue of the word being 'more' in the bill, I don't see any risk in that. There well may...

(Partially Inaudible Comment by Mr. President)

Mr. President: ...the original Bill to any significance, because the original Bill says: "an appointment of, at least, two (2), which means you could appoint four (4), five

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

(5), six (6), seven (7), eight (8), nine (9), but you must have no less than two (2), and we are substituting those words for 'one or more', so the consequential effect of the thing is the same. It is just the language seems to be a little bit tidier. Well, except that in the original, you must have a minimum of two (2), whereas, in this case, you could have only one. But, in respect of a number more than one, it is of no consequential effect, as far as I can read. But, anyway, I should not have interrupted you.

Sen. the Hon. Norland Cox: That's fine. That's fine, Mr. President. Mr. President, I was just speaking, not so much to that, but there seemed to be some inclination that by having the word 'more', there might be some degree of risk, or something, not being more definitive to say, well, five (5) or six (6). So, I was just making the point to state that I can't see any risk in having more persons overseeing a particular process than just one or two, given the nature of what Elections require, in terms of the magnitude and the process and the number of activities that take place during an Election, so I just wanted to point that out.

But, I must say, Mr. President, from the Government Side, I want to commend the Government for ensuring patience throughout the process, because Government could have well abandoned these amendments, but kept it alive by ensuring that we continue to engage our stakeholders, and because of the importance of this, I think Government must be commended and all stakeholders, as well, for staying the course for us to arrive at this moment today. It is a good place to start. There are other things that stakeholders are concerned about, and those, I believe can be looked at, going forward. So, Mr. President, I just want to give my full support to this amendment. Thank you very much. **(Applause)**

Mr. President: I hope you accepted the points that I made. It is not that I wanted to stop your debate. But, I just wanted to satisfy myself that you are clear on that. It is not a view that I am trying to stymie the discussions. I am not at all, trying to stymie the discussions. Just thought I should reinforce that point. Senator Cadet.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

Sen. the Hon. Judd Cadet: Mr. President, I rise, at this point in time, to give my unwavering support to this Bill. As we look, today, to strengthen the Electoral process, I am very satisfied of this Bill, and not only that, but the fact that we had the support from all stakeholders, all Political Parties, and I am very much in support of this.

But, more so, Mr. President, Clause 10 and 11, the use of cellphones and digital camera; Clause 10, part (c), “the use of cellphones, digital cameras, any other electronic devices to record, photograph or otherwise capture and publish the image of a marked ballot on Polling Day”. Mr. President, I couldn’t be much happier with this Clause, of a situation that would have happened I think, last year, at the last Referendum, when a particular individual would have gone to the Polling Station, to the Polling Booth and took a photo and immediately posted it on Facebook. And, I don’t know what was the reason for that; and I see my good Senator laughing, because I know he is very acquainted with the individual, but I don’t know what was the use for that. I don’t know what was the purpose. But, I believe it was some sort of, as well as, influencing other individuals, who did not as yet cast their ballots to show them, that, listen, this is the way that we are going to vote. But, I am happy that we inserted that. We want to avoid that in the future, and we want to ensure that when someone casts their ballot, it is their personal decision, and it should remain within that Booth, and the only time it should be released; well, we’ll know who the individual voted for is when it is time to count the Ballot, Mr. President. So, I am in full support of that Clause.

As it relates to the increase, from three hundred dollars (\$300.00) to five hundred dollars (\$500.00).

Mr. President: Senator Judd, even at that point, the secrecy of the Ballot is maintained, so you still don’t know.

Sen. the Hon. Judd Cadet: Yes, that’s why I said, we won’t know you, but...

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

Mr. President: But, what you are counting is not who voted, you will be counting the Ballots before you.

Sen. the Hon. Judd Cadet: Yes, yes, Mr. President.

Mr. President: So, the sacrosanctity of the system is based on the absolute secrecy of the vote. Now, after you have voted, you may wish to go and tell Town, well, I voted (a) or I voted (b), but you can't record how you voted.

Sen. the Hon. Judd Cadet: Exactly.

Mr. President: Because it undermines the whole system of secrecy.

Sen. the Hon. Judd Cadet: It undermines secrecy and, I am totally in support of that. As it relates to the fee, from three hundred (\$300.00) to five hundred dollars (\$500.00), I would have loved to see a much higher fee. I think Elections is a serious process, and even during the last Elections, when people were aware of that fee, of three hundred dollars (\$300.00), people, thought as well, it should be way more. It is just an increase of two hundred dollars (\$200.00). I would have loved to see, maybe, a minimum of, probably, one thousand dollars (\$1,000.00), but, in fact, the process is, it is increasing and I hope the next time, maybe, we make an amendment that we can see a substantial increase.

But, more so, Mr. President, I am happy of the fact that we are continuing to advance the step of strengthening our Electoral process, as time changes, as we see the advent of technology and how it can be used in the wrong way, I am in support that we continue to make the necessary strengthening of our Electoral process. I am in full support of this Bill, and I want to commend the Government for taking that decision.

(Applause)

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. President, in wrapping up the debate, I believe I have received comments from all sides, I wish to commend those Members for their contributions, especially those on the 'Other Side'. And, this spirit of bi-partisanship and cooperation, certainly, gives one a feeling of encouragement, and I just hope that this is the start of how we nurture this spirit, and this spirit of bi-partisanship can be extended to other areas of national importance, where we must put the needs of our people and the development of our country before those of partisan politics; so I am certainly encouraged by that.

Just picking up on some of the recommendations, some of the other areas that Members on the 'Other Side' wanted to explore. It is important for us to recognize that this is a work in progress. The Representation of the People's Act has been amended, maybe, half a dozen times since its inception and will continue, and like all Legislations, will evolve as there is greater engagement, as a Nation and the needs of our people evolve. So, it is a work in progress, and we can't always capture all that we want at any one time. So, in the spirit of bi-partisanship and the spirit of cooperation I, certainly, look forward to Members on the 'Other Side' continuing to engage in this dialogue that the Government has started to improve this and other pieces of Legislation.

I am also pleased to hear that there is this broad consensus of the amendments that have been brought before us, do engender trust and confidence in our Electoral process. This is very timely, as we are entering an Electoral cycle, with the upcoming Referendum on November 6th. So, I am pleased that that trust and that confidence that has been expressed by Members is genuinely felt. And, just building on my colleague on 'This Side' on his response to Senator James and Senator Redhead about their concerns about the appointment of Assistant Supervisors of Elections; and I think you summed it up very well, Mr. President, the changing to the 'one or more' statements, certainly, doesn't take away from the intent of the current wording. What it does do, it legitimizes our current practice, because we only have one. The current Legislation

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills

states 'two or more'... 'at least two' (sorry), but we have been operating since time immemorial with just one. So, first of all, it is necessary, because it legitimizes our current practice, but it provides the Governor-General with the flexibility that if circumstances dictate, at some point in the future, then that could be increased proportionally with the demands of the Electoral process. So, I certainly don't have the concerns, I don't share the concerns that were raised on the 'Other Side'.

So, Mr. President, in closing, it is clear that the Bill before us strengthens our Electoral process. There is broad-based consensus on the proposed amendments. It does engender that trust and confidence in the process, and is timely with the upcoming Referendum, and it is for those reasons, Mr. President, that I commend this Bill for its second reading. I thank you.

Question put and agreed to.

Bill read a second time.

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. President, I beg that the Senate resolve itself into a Committee of the Whole Senate to consider the Bill Clause by Clause.

Question put and agreed to.

Senate in Committee.

Senate resumes.

Mr. President: Honourable Members, I have to report that the Bill was considered by a Committee of the Whole House and passed without amendment. Senator Stiell.

Sen. the Hon. Simon Stiell: I beg to move the Chairman's Report be adopted.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Bills
Adjournment

Question put and agreed to.

Chairman's Report adopted.

Sen. the Hon. Simon Stiell: Mr. President, I beg to move the third reading of the Bill.

Question put and agreed to.

Bill read a third time and passed.

Clerk Assistant: Item No. 16 - Public Business.

Item No. 17 - Adjournment.

Mr. President: Senator the Honourable Simon Stiell.

Sen. the Hon. Simon Stiell: Mr. President, I beg to move for the adjournment, *sine die*.

Question proposed.

Mr. President: Alright. Thank you. Honourable Members, before I put the question, there is just a couple of things, which I wish to bring to Members' attention. First of all, absences, and I wish to refer to Standing Order No. 72, which, on your Standing Order, will be page No. 53. I think it is important for me to read the following Sections (1), (2) and (3). Sorry, 72, this is page 54, actually. I will read it in its entirety, because it's important: "Any Senator..." which is the same thing as saying: "all Senators...", "Any Senator...", is the same thing as saying, "without exception"...,

**Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.**

Adjournment

“Any Senator who is prevented from attending a Sitting of the Senate shall acquaint the Clerk as early as possible of his inability to attend.” I’ll make it gender neutral and say, “his or her inability to attend.”

“(2) Any member...”, that’s any Member of the Senate, “...who intends to leave the State shall so inform the President.

(3) If without leave of the President obtained in writing, any Senator absents himself from five (5) consecutive meetings of the Senate he shall vacate his seat in the Senate, under Sub-Section 2 (a) of Section 27 of the Grenada Constitution”, which I shall now read, verbatim, and I quote:

“A Senator shall vacate his seat in the Senate: (a) if he is absent from the Sitting of the Senate for such period and in such circumstances, as may be prescribed in the Rules or Procedure of the Senate.”

Rules of Procedure in the Senate is to be found in the Standing Orders. There are Senators leaving the State, I may be aware, by way of a casual conversation, but because having left the State you would be absent, you are required to inform the Clerk and we have circulated this before, and I just think it important to reinforce this so that all Senators are aware of the procedural requirements in the Senate. Thank you, Senators.

I just wish to announce that we did have excuses from Senator Glynis Roberts, who only recently returned to the Island after representing the Senate at a Meeting of Parl-Americas in Panama. And, to announce that Senators Dunstan Campbell and Judd Cadet shall both be leaving the State on Parliamentary Business, one Senator goes to Nairobi, Kenya and the other to Suriname.

(The Ag. Clerk informed the President that both Senators were going to Kenya)

Mr. President: Oh, both of them are going to Kenya. Well, something is wrong with this note. What is this now? (Oh, I got your handwriting right). Both Senators, one

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Adjournment

from either side of the House will leave, depart this afternoon for Kenya to represent the Grenada Parliament at the Senatorial level at a Commonwealth Parliamentary Association Seminar. I want to take the opportunity to wish you safe onward and return journeys, and I know that you will do Grenada proud. It's in our genes, so I wish to thank you at the same time.

(The Clerk conversed with the President).

I am also advised by the Clerk to let you know that Dr. Campbell has been invited to deliver a Paper at this Seminar on Climate Change, so please take note of that. I think I spoke also of Glynis Roberts. And, in terms of Ministerial responsibility, Senator Garraway is also currently out of State, and it is my understanding, I have been so advised that the Leader of Government's Business, Senator the Honourable Simon Stiell, in his Ministerial capacity will also be on his way out of State this afternoon. I think your flight is at 1:00 o'clock; well, may I bid you the same, safe onward journey and return. Anyone else wish to say anything on the Adjournment?

Sen. the Hon. Ron Livingston Redhead: Yes, Mr. President, just to ask a question for some clarification, quickly. Mr. President, in our stipend slip from the Parliament, Mr. President, it speaks about the Telephone Allowance. I just wanted a bit of clarity on it, if you could just expound.

Mr. President: Don't you think that would be better placed with a chat with the Clerk?

Sen. the Hon. Ron. Redhead: Well, I did, I did, engage and...

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Adjournment

Mr. President: Alright, venture forth, see if I can help you. Well, the option is yours. I was asking if you don't think it might have been more appropriate to have a chat with the Clerk, but, if you wish to raise it here is a matter for you.

Sen. the Hon. Ron. Redhead: Well, Mr. President, let me follow up with the Clerk again, and let me see what could be the result. I don't think that is necessary, if I have to go through all of that, Mr. President. Sorry, about that.

(Partial inaudible comment by the President)

Mr. President: It is so steeped in tradition that it is very slow to move with the times, you know, it's very, very, very slow to move with the times. We can have a little chat on it, and I think it is something that we really need to address, because Senate procedure is so anchored, as I say, in tradition that we have forgotten, for the likes of us, that in the early days of the House of Representation, otherwise referred to as the Representatives Assembly, the persons who constituted the Assembly were afforded a greater degree of democracy than the mass; in fact, the mass of us had no democracy at all. We were in a semi-slave and in some instances a slave position. So, we had very limited, or no democratic rights. The people who sat in these Assemblies came from the wealthy plant and merchant class. So, to them, serving in the Assembly was a part of their Civic duty. They needed no compensation, simply because they represented the property class and were well endowed. Over time, those relationships have changed and today you have Attorneys who otherwise could be making income; yes, they want to carry out their Civic duty, but like everybody else and like for all Parliamentarians we have other responsibilities, as well. But, the tradition of overwhelming service, and not needing any compensation, because you were endowed by the privileged position from which you came, that sentiment still prevails. But, the social composition of our Parliament has dramatically changed, over time.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Adjournment

So, Senator Redhead, I understand your problem. We will try to address it. But, as I am saying, it's part of a wider problem. It's part of a really wider problem. I wouldn't like to indicate to you what my pension was after twenty-three (23) consecutive years in the House. But, as I say, that's the tradition and I have learnt that in another quarter this matter is being addressed. So, I am speaking with a sort of Trade Union bias hat. And, I am not speaking of myself, I am using the opportunity to advocate, on your behalf, but to understand that I understand the problem. Okay Senators? Yes. Senator Lewis.

Sen. the Hon. Mondy André Lewis: Thank you very much, Mr. President. And, before I make the substantive contribution I wanted to make, I just to take off on this point that you raised about how the social composition has changed and reward. But, I want to put it in a sharper historical context. You made comparison during the Slavery period and probably feudalism, but I want to say that thirty something years ago, '79 to '83, that period in the leadership, people gave their service. I am not saying it should be done now, because it's a different period, but we do not have to go back so far as to show that people served and basically didn't get much, because they were propertied. Our Leaders of which I am sure you will be aware, Mr. President, served at the highest level and their remuneration was little or nothing, but it was done in the interest of the Nation. I know it's a different period. I am not saying we should do that now, but I just want to put it in that context.

So, having gotten that out of the way, I am very heartened by the process this morning, the bi-partisanship and more than bi-partisanship, because it involved the whole of society in addressing the Electoral reforms. And, because the Leader of Government's Business and Members of 'This Side' here have indicated that the reason why consensus has been able to arrived at is the fact that because it is a work in progress, you can come back in the next Senate, or two (2) Sittings from now, or three (3) Sittings from now and make other relevant amendments, it's a clear indication of all of our willingness to work for the interest of the country.

Senate Meeting
Held at the Parliament Chamber
On Monday, 8th October, 2018.

Adjournment

Having said that, it is important that when matters concerning the interest of the Nation cannot be amended just by the fact of just coming to the Senate, and we have an opportunity to so do, we must seize upon that opportunity and not rush into it. This is a clear indication. So, this discussion here on the amendments to the Representation Bill is an indication that as we go along we can be here next month, two (2) months from now. But, as we go into matters of national importance that cannot be amended by just coming to the Senate and making a special request, that we will continue working together. But, if we observed something that is of extreme importance to the Nation and the advancement of our people, let us just slow down a while, let us get back around the table, let us make the necessary amendment, so that when we come here we can stand proud and say that we have taken a decision in the interest of our country, and the reason why we had to slow down a bit, it was because we cannot come back to the Senate. And, it is not a matter that is just in the hands of the Senate in one (1) month or two (2) months, it might be twenty (20) years from now. So, I am very heartened by that approach and hope that we will learn from this and take this approach, and this is my contribution to the process. Thank you very much.

Question put and agreed to.

House adjourned sine die at 10:00 a.m.

PREPARED BY

HANSARD REPORTERS

Mrs. Bernice Horsford-Bridgeman

Miss Janelle Palmer

EDITORS

Mr. Andrew Augustine (Clerk)

Ms. Daniele Blackman (Secretary to the Clerk)