



PARLIAMENT

REPUBLIC OF TRINIDAD AND TOBAGO

FOURTH SESSION OF THE ELEVENTH PARLIAMENT (2018/2019)

SECOND INTERIM REPORT OF
THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON THE CONSTITUTION
(AMENDMENT) (TOBAGO SELF-GOVERNMENT) BILL, 2018

Ordered to be printed

TOGETHER WITH THE MINUTES OF PROCEEDINGS

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MANDATE

1. Pursuant to resolutions of the House of Representatives on Friday September 28, 2018, and of the Senate on Friday October 19, 2018, a Joint Select Committee was established:

“to consider and report on a Bill entitled “The Constitution (Amendment) (Tobago Self Government) Bill, 2018”;

to adopt the work of the Joint Select Committee in the Third Session, Eleventh Parliament; and

to report by May 27, 2019”.

MEMBERSHIP OF THE COMMITTEE

2. The following persons were appointed to serve on the Committee:

- **Mrs. Camille Robinson-Regis MP**
- **Mr. Terrence Deyalsingh MP**
- **Ms. Shamfa Cudjoe MP**
- **Mr. Fitzgerald Hinds MP**
- **Mr. Rudranath Indarsingh MP**
- **Ms. Ramona Ramdial MP**
- **Mr. Foster Cummings**
- **Mr. Nigel De Freitas**
- **Mr. Clarence Rambharat**
- **Mr. Saddam Hosein**
- **Mr. Stephen Creese**
- **Dr. Varma Deyalsingh**

3. At a sitting of the Senate held on Tuesday November 27, 2018, Dr. Maria Dillon-Remy was appointed to serve as a member in lieu of Mr. Stephen Creese who was no longer a Senator.

CHAIRMANSHIP

4. At its First Meeting held on Thursday November 22, 2018, the Committee elected Mrs. Camille Robinson-Regis, MP to be its Chair, in accordance with House of Representatives Standing Order 97(3) and Senate Standing Order 87(3).

SECRETARIAT AND TECHNICAL SUPPORT

5. The following persons were assigned to provide Secretariat support to the Committee:
 - Mrs. Jacqui Sampson-Meiguel, Clerk of the House Secretary
 - Ms. Keiba Jacob, Procedural Clerk Assistant Secretary

- Mr. Darien Buckmire, Graduate Research Assistant Researcher
- Mr. Stephen Boodhram, Public Procurement Manager Researcher
- Ms. Keisha Bharath, Project Manager Researcher

INTERIM REPORT

6. The Committee’s First Interim Report was presented in the House of Representatives on Monday December 17 2018 and in Senate on Wednesday December 19, 2018. The Committee requested and was granted a five (5) month extension to Monday May 27, 2019 in order to complete its work.

MEETINGS

7. Since the presentation of the First Interim Report, the Committee has held three (3) meetings on the following dates:
- **Thursday January 3, 2019;**
 - **Friday February 8, 2019; and**
 - **Tuesday March 19, 2019.**
8. The Minutes of the Meetings are attached at **Appendix I.**

WORK TO DATE

9. At its Fifth Meeting held on Thursday January 3, 2019, the Committee held a public hearing with the Director of Personnel Administration and her team from the Service Commissions Department. The purpose of the meeting was for the invited stakeholders to provide clarification and commentary further to their written submissions focusing primarily on the proposed establishment of a Tobago Civil Service and Tobago Service Commission.
10. At the Sixth Meeting held on Friday February 8, 2019, the Committee held a public hearing with senior representatives from the Ministry of Finance and the Central Bank of Trinidad and Tobago. The purpose of the meeting was for the invited stakeholders to provide clarification and commentary further to their written submissions focusing primarily on Clause 18 of the Bill which outlined the proposed financial provisions between the Government of the Republic of Trinidad and Tobago and the Tobago Island Government.

11. At the Seventh Meeting held on Tuesday March 19, 2019, the Committee held an in-camera meeting with Professor Nico Steytler, the consultant the Committee has engaged to offer assistance in its deliberations. The focus of the discussions were the comments Professor Steytler submitted in relation to the fiscal arrangements and financial provisions set out in Clause 18 of the Bill.

REPORT

12. The Committee wishes to report that, it was not able to conclude its clause by clause examination of the Bill. Additional time is required by the Committee to continue and complete it's in depth review the Bill and to compile proposed amendments. As such, the Committee is unable to submit its final report by the deadline of May 27, 2019.

RECOMMENDATION

13. The Committee therefore recommends that it be allotted a further period of four (4) months to complete its work and to submit a final report to Parliament by September 27, 2019.

Respectfully Submitted,

Sgd
Mrs. Camille Robinson-Regis, MP
Chairman
May 24, 2019

APPENDIX I

MINUTES OF THE 5TH MEETING
OF THE
JOINT SELECT COMMITTEE
CONSTITUTION (AMENDMENT) (TOBAGO SELF-GOVERNMENT) BILL, 2018
HELD IN THE ANR ROBINSON (EAST) ROOM, LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, 1A
WRIGHTSON ROAD, PORT OF SPAIN
THURSDAY JANUARY 3, 2019 AT 10:26 A.M.

PRESENT

Committee Members

Mrs. Camille Robinson-Regis, MP	Chairman
Mr. Terrence Deyalsingh, MP	Member
Mr. Fitzgerald Hinds, MP	Member
Mr. Nigel De Freitas	Member
Dr. Maria Dillon-Remy	Member
Mr. Saddam Hosein	Member
Mr. Foster Cummings	Member
Dr. Varma Deyalsingh	Member

Secretariat

Mrs. Jacqui Sampson-Meiguel	Secretary
Mrs. Angelique Massiah	Parliamentary Legal Officer
Mr. Darien Buckmire	Researcher
Mr. Stephen Boodhram	Researcher
Ms. Keisha Bharath	Researcher
Ms. Kenika Espinosa	Researcher
Ms. Vanna Jankiepersad	Researcher

ABSENT/EXCUSED

Mr. Rudranath Indarsingh, MP	Member
Ms. Shamfa Cudjoe, MP	Member

Ms. Ramona Ramdial, MP
Mr. Clarence Rambharat

Member
Member

CALL TO ORDER

1.1 The Chairman called the Meeting to order at 10:26 a.m.

ANNOUNCEMENTS

2.1 The Chairman welcomed Members present and informed them that Mr. Rambharat, Ms. Ramdial, Ms. Cudjoe and Mr. Indarsingh had asked to be excused from the meeting.

CONFIRMATION OF MINUTES

3.1 The Committee considered the Minutes of the Fourth Meeting held on December 13, 2018.

3.2 The following corrections were made:

- Para 2.2, page 2: Mr. Allen Richards should be spelt Mr. Allan Richards; and
- Para 4.3 (v), page 3: replace “Central Bank” with “Chief Personnel Officer”.

3.3 There being no further omissions or corrections, the Minutes, as amended, were confirmed on a motion moved by Mr. De Freitas and seconded by Mr. Hosein.

MATTERS ARISING FROM THE MINUTES

Paragraph 4.3(x)

4.1 The Chairman informed Members that the Office of the Parliament’s Procurement Manager, with the assistance of the UNDP, was able to source and propose an expert on fiscal federalism to the Clerk of the House to assist the Committee. His resume was circulated to all members present.

Paragraph 4.4 (ii)

4.2 The Chairman informed Members that by letters dated December 21, 2018 the Director of Personnel Administration (Ag.) was invited to the instant public hearing to assist the Committee with its consideration of issues relevant to the proposed Tobago Civil Service and the Tobago Service Commission.

4.3 The Chairman informed Members that by letters dated December 21, 2018 the Tobago Forum of Political Parties and the Chief Administrator of the Tobago House of Assembly were informed of the instant public hearing and invited to be present.

4.4 The Chairman informed Members that by letters dated December 21, 2018, the Permanent Secretary (Ag.), Ministry of Finance and the Governor of the Central Bank of Trinidad and Tobago were invited to the Committee's Sixth Meeting scheduled for January 14, 2019 at 2:00pm (given that critical office holders at the Ministry of Finance and the Central Bank would have been unavailable for the meeting of January 3rd).

PRE-HEARING DISCUSSIONS

5.1 The Chairman advised Members that the main objective of the instant hearing was to obtain expert opinion on the proposed establishment of a Tobago Civil Service and Tobago Service Commission from the Service Commissions Department.

5.2 The Chairman invited brief discussion and there being no other issues to address, the meeting was suspended at 10:34 a.m.

PUBLIC HEARING WITH OFFICIALS FROM THE SERVICE COMMISSIONS DEPARTMENT:

6.1 The following persons joined the meeting:

SERVICE COMMISSIONS DEPARTMENT

Mrs. Debra Parkinson	Director of Personnel Administration (Ag.)
Ms. Marcia Pile O'Brady	Deputy Director of Personnel Administration (Ag.)
Ms. Margaret Morales	Executive Director, Human Resource Management (Public Service Commission)
Mrs. Natasha Seecharan	Legal Advisor

P.S. SECRETARIAT MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

Mr. Aneil Joseph	Senior Parliamentary Counsel (Ag.)
Ms. Vashti Maharaj	Head, Legal Services
Ms. Janelle Smith	Legal Officer II

TOBAGO FORUM OF POLITICAL PARTIES

The Honourable Kelvin Charles	Chief Secretary, Tobago House of Assembly
Mr. Raye Sandy	Chief Administrator, Tobago House of Assembly

Mr. Gilbert Peterson	Senior Counsel
Mr. Hochoy Charles	The Platform of Truth (TPT)
Mr. Samuel Mapp	The Platform of Truth (TPT)
Mrs. Juliana Henry-King	The Platform of Truth (TPT)
Mr. Stanford Callender	People's National Movement (PNM)
Mr. Wendell Berkley	People's National Movement (PNM)
Mr. Kwesi Des Vignes	People's National Movement (PNM)
Dr. Levis Guy-Obiakor	Head, Autonomy Secretariat
Ms. Ingrid Melville	Autonomy Secretariat
Mr. Allan Richards	Autonomy Secretariat

6.2 The meeting resumed in public at 10:42 a.m.

6.3 The Chairman indicated that the hearing was being broadcast live on the Parliament Channel 11, Radio 105.5 FM, and the Parliament's YouTube Channel, ParlView.

6.4 The Chairman informed the public that the Committee was supported by technocrats from the P.S. Secretariat Ministry of The Attorney General And Legal Affairs and members of staff from the Office of the Parliament.

6.4 Introductions were made.

6.5 The Chairman reiterated the objective of the hearing *"to obtain expert opinion on the proposed establishment of a Tobago Civil Service and Tobago Service Commission"*

6.6 The key issues raised with the Service Commissions Department included:

- i. The history of Tobago's relationship with the Public Service Commission of Trinidad and Tobago resident in Trinidad;
- ii. Whether the proposed Tobago Service Commission (TSC) will operate along similar lines of the other Service Commissions;
- iii. Whether persons employed under the proposed TSC would be able to be transferred or be seconded to another Commission;
- iv. The scope of upward mobility for a person employed under the proposed TSC;
- v. Whether the administrative challenges that currently plague the Public Service would be replicated in the Tobago Civil Service as proposed;
- vi. The likelihood that with the establishment of the proposed TSC, the growing number of vacant offices with bodies (acting positions) would decrease;

- vii. Whether a citizen resident in Trinidad would be able to apply for a post in the Tobago civil service;
- viii. Whether a citizen resident in Tobago would be able to apply for a post in Trinidad in the Civil Service of Trinidad and Tobago;
- ix. The practicality of creating a Deputy Director of Personnel Administration – Tobago office specifically for Tobago public officers as opposed to a completely separate service commission;
- x. If prison and fire service officers based in Tobago that are currently managed by the Public Service Commission would become the responsibility of the proposed TSC within the boundaries of Tobago;
- xi. Whether the Teaching Service Commission would continue to be responsible for Tobago based teachers;
- xii. If public officers under the proposed TSC would be able to file appeals with the Public Service Appeal Board;
- xiii. Whether the proposed changes will require separate central agencies specific to Tobago namely a Tobago National Insurance Board, Tobago Board of Inland Revenue and Tobago Chief Personnel Officer;
- xiv. The proposed veto by the Chief Secretary of executive level public officers of the proposed TSC;
- xv. The option of leaving the power of veto with the Prime Minister of Trinidad and Tobago, but requiring consultation with the Chief Secretary on the proposed TSC appointments; and

6.7 With the agreement of the Committee, the Chairman opened the floor to allow the Committee to receive comments from the Members of the Forum of Political Parties.

6.8 The Director of Personnel Administration gave an undertaking to make a comprehensive written submission based on the issues raised during the hearing.

6.9 The Tobago Forum of Parties gave the assurance that it would provide written comments on particular issues that arose during the meeting.

6.10 At the conclusion of the hearing, the Chairman thanked the officials from the Service Commissions Department and the Tobago Forum of Political Parties for attending and suspended the meeting at 12:38 p.m.

6.11 The representatives from the Service Commissions Department and the Tobago Forum of Political Parties left the Meeting

POST-HEARING DISCUSSION

7.1 The Committee reconvened at 12:38 p.m. and engaged in brief post-hearing discussions in relation to the issues raised during the public hearing.

7.2 Concern was raised by Members over the practicality of the proposed Tobago Service Commission and Tobago Civil Service. Members agreed on the following course of action:

Issue	Action	Action Officers
The need to examine the rationale and feasibility of establishing a separate Tobago Service Commission given that this will create added bureaucracy and a duplication of issues.	1) Assessing the rationale of a separate Tobago Service Commission; and 2) Formulating options for amendments to the Constitution to either devolve or delegate the responsibilities of the Service Commissions Department to an independent body or public officer in Tobago.	Office of the Chief Parliamentary Counsel
The need to examine and clarify the scope and powers of the proposed Tobago Service Commission, its relations to the Service Commissions Department and the likely recruitment difficulties given the limited pool of qualified personnel residing in Tobago.	1) Assessing the proposed scope and powers of the Tobago Service Commission in relation to the operations of the Service Commissions Department; and 2) Determining the possibility of mandating that the composition of the Service Commissions Department includes two Tobagonians for matters involving Tobago based public officers.	Service Commissions Department

7.3 The Committee agreed to:

- i. Forward all correspondence received by the Tobago Forum of Political Parties, and Service Commissions Department to the technocrats at the Office of the Chief Parliamentary Counsel; and
- ii. Invite the Chief Personnel Officer to a meeting with the Committee to discuss the Personnel Department's role in the establishment of a Tobago Civil Service and Tobago Service Commission

7.4 The Committee proposed that:

- i. The expert identified by the UNDP who would be available to assist the Committee with understanding of fiscal federalism should also be approached with regard to the Committee's concerns on the Tobago Civil Service and Tobago Service Commission; and
- ii. It should engage with someone who understands the nuances of the Service Commissions in Trinidad and Tobago and its Commonwealth neighbours. The Commonwealth Secretariat was suggested.

NEXT MEETING

8.1 The Committee agreed to meet again on Monday January 14, 2018 at 2:00 p.m., at which the Committee will engage the Ministry of Finance and Central Bank to gauge their opinions on the financial provisions proposed in the Bill.

ADJOURNMENT

9.1 There being no other business, the Chairman thanked all Members and adjourned the meeting to Monday January 14, 2018 at 2:00 p.m.

9.2 The adjournment was taken at 1:20 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

**MINUTES OF THE 6TH MEETING
OF THE
JOINT SELECT COMMITTEE
CONSTITUTION (AMENDMENT) (TOBAGO SELF-GOVERNMENT) BILL, 2018
HELD IN THE ANR ROBINSON (EAST) ROOM, LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, 1A
WRIGHTSON ROAD, PORT OF SPAIN
FRIDAY FEBRUARY 8, 2019 AT 9:35 A.M.**

PRESENT

Committee Members

Mrs. Camille Robinson-Regis, MP	Chairman
Mr. Terrence Deyalsingh, MP	Member
Mr. Fitzgerald Hinds, MP	Member
Mr. Rudranath Indarsingh, MP	Member
Mr. Nigel De Freitas	Member
Dr. Maria Dillon-Remy	Member
Mr. Saddam Hosein	Member
Mr. Foster Cummings	Member
Dr. Varma Deyalsingh	Member
Mr. Clarence Rambharat	Member

Secretariat

Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Keiba Jacob	Assistant Secretary
Mrs. Angelique Massiah	Parliamentary Legal Officer
Mr. Darien Buckmire	Researcher
Mr. Stephen Boodhram	Researcher
Ms. Kenika Espinosa	Researcher

ABSENT/EXCUSED

Ms. Shamfa Cudjoe, MP	Member
Ms. Ramona Ramdial, MP	Member

ELECTION OF INTERIM CHAIRMAN

- 1.1 Mr. De Freitas was nominated by Dr. Dillon-Remy as Interim Chairman until the arrival of the Chairman.
- 1.2 Mr. Deyalsingh seconded the motion.
- 1.3 No other nominations were made. Mr. De Freitas took the Chair as Interim Chairman.

CALL TO ORDER

- 2.1 The Interim Chairman called the Meeting to order at 9:35 a.m.

ANNOUNCEMENTS

- 3.1 The Interim Chairman welcomed Members present and informed them that Ms. Ramdial and Ms. Cudjoe had asked to be excused from the meeting.

CONFIRMATION OF MINUTES

- 4.1 The Committee considered the Minutes of the Fifth Meeting held on January 3, 2019.
- 4.2 The following corrections were made:
 - Para 6.1 Dr. Levis Guy-Obiakor, Head of the Autonomy Secretariat, was not in attendance of the meeting and his name should be removed.
- 4.3 There being no further omissions or corrections, the Minutes, as amended, were confirmed on a motion moved by Mr. Hinds and seconded by Mr. Deyalsingh.

MATTERS ARISING FROM THE MINUTES

Re Para 7.4 (i.)

5.1 The Interim Chairman informed Members that the Procurement Unit of the Office of the Parliament, after liaising with the UNDP, as requested, contacted Professor Nico Steytler, an expert on Fiscal Federalism based in the University of Western Cape, South Africa to assist the Committee. Professor Steytler compiled a document offering his commentary on matters of finance and revenue sharing in the Bill which was submitted to the Committee Secretariat and circulated to members.

Re: para 7.4 (ii)

5.2 The Interim Chairman informed Members that the Secretariat was in the process of contacting the Commonwealth Secretariat to gain a better understanding of the nuances of the Service Commissions in Trinidad and Tobago and its Commonwealth neighbours.

Re: para 7.2

5.3 The Interim Chairman kindly requested Members to hold their commentary on the issues that arose out of the previous meeting which addressed the practicality of the proposed Tobago Service Commission and Tobago Civil Service pending the Committee's discussions on this issue with Professor Steytler at a date to be confirmed.

5.4 The Interim Chairman informed Members that by letters dated January 29, 2019 the Permanent Secretary to the Ministry of Finance and the Governor of the Central Bank of Trinidad and Tobago were invited to the instant public hearing to provide their expert opinion on the subject matter.

5.5 The Interim Chairman informed Members that by letters dated January 29, 2019 the Tobago Forum of Political Parties and the Chief Administrator of the Tobago House of Assembly were informed of the instant public hearing and invited to attend and that they had agreed to be present.

Re: para 6.8 & 6.9

5.6 The Interim Chairman informed Members that letters will be sent to Tobago Forum of Political Parties and the Director of Personnel Administration to remind them of the commitments made at the prior meeting to provide written submissions to the Committee.

PRE-HEARING DISCUSSIONS

6.1 The Interim Chairman advised Members that the main objective of the hearing was to obtain expert opinion on the proposed financial provisions outlined in the Bill.

6.2 The Interim Chairman invited brief discussions during which a number of issues were raised including the need to examine the restrictions placed on national borrowing and to consider whether the recommendations offered by Professor Steytler concerning enforcing borrowing limits and ensuring accountability on the part of the Tobago Executive Council were in line with this.

(The Chairman joined the meeting and took the Chair)

6.3 The meeting was suspended at 9:51 a.m.

PUBLIC HEARING WITH OFFICIALS FROM THE SERVICE COMMISSIONS DEPARTMENT:

7.1 The following persons joined the meeting:

THE MINISTRY OF FINANCE

Mrs. Suzette Lee-Chee	Permanent Secretary
Mrs. Michelle Durham-Kissoon	Permanent Secretary
Mr. Narine Charran	Assistant Director of the Economic Management Division

THE CENTRAL BANK OF TRINIDAD AND TOBAGO

Dr. Sandra Sookram	Deputy Governor
Mr. Garnett Samuel	Manager, Research
Ms. Giselle Samuel	Senior Legal Counsel

**P.S. SECRETARIAT MINISTRY OF THE
ATTORNEY GENERAL AND LEGAL AFFAIRS**

Mr. Samraj Harripaul, SC	Senior Counsel, Law Reform Commission
Mr. Aneil Joseph	Senior Parliamentary Counsel (Ag)
Ms. Janelle Smith	Legal Officer II

THE TOBAGO HOUSE OF ASSEMBLY

Mr. Raye Sandy	Chief Administrator, THA
Ms. Cheryl-Ann Solomon	Administrator, Community Development, Enterprise Development and Labour, THA
Mrs. Denese Toby-Quashie	Administrator, Finance and the Economy, THA
Mrs. Wendy Guy-Hernandez	Administrator, Sport and Youth Affairs, THA
Mr. Wendell Bernard	Director of Finance, THA
Mrs. Petal-Ann Roberts	Chief Management Accountant, THA

Ms. Shelly Trim Budget Analyst IV, THA
Mrs. Petal Daniel-Benoit Senior Financial Analyst, THA

THE TOBAGO FORUM OF POLITICAL PARTIES

The Honourable Kelvin Charles Chief Secretary, THA
Mr. Hochoy Charles The Platform of Truth (TPT)
Mr. Samuel Mapp The Platform of Truth (TPT)
Mrs. Juliana Henry-King The Platform of Truth (TPT)
Mr. Stanford Callender People's National Movement (PNM)
Mr. Wendell Berkley People's National Movement (PNM)
Mr. Allan Richards Autonomy Secretariat
Mr. Vanus James Autonomy Secretariat

7.2 The Chairman resumed the meeting in public at 10:11 a.m. and welcomed all in attendance.

7.3 The Chairman indicated that the hearing was being broadcast live on the Parliament Channel 11, Radio 105.5 FM, and the Parliament's YouTube Channel, ParlView.

7.4 The Chairman informed the public that the Committee was supported by technocrats from the P.S. Secretariat Ministry of The Attorney General And Legal Affairs and members of staff from the Office of the Parliament.

7.5 Introductions were made.

7.6 The Chairman reiterated the objective of the hearing: *"To obtain expert opinion on the proposed financial provisions outlined in the Bill for the Committee"*

7.7 The key issues raised by the Ministry of Finance and the Central Bank included:

- The need for a policy statement that explains with the use of data, the formula which resulted in the proposed minimum transfer of 8% of appropriation per fiscal year by the Parliament to the Tobago House of Assembly, such policy to include the accountability and reporting mechanisms and the process by which these funds will be appropriated for use in Tobago;
- The need for clarification on whether the revenues collected in Tobago and in Trinidad for the account of Tobago are to be netted out of the 8% or whether such revenues are in addition to the 8%;

- The need for clarification on how the proposed Fiscal Review Commission (FRC) is to execute its outlined responsibilities, given the fact that it seems to have no executive powers;
- The role of the Ministry of Finance in financial matters, generally;
- The requirement for the Ministry of Finance to be enlisted to provide technical support and guidance for the proposed FRC;
- The need for the entities charged with ensuring that funds are spent in accordance with parliamentary appropriations to be identified;
- The jurisdiction of the Tobago Island Government over the coastal waters should be clearly defined. Clarity is also required in relation to the definition of “marine resources”, “marine boundaries”, “superjacent airspace” and “telecommunications” as referred to in the Bill;
- What would be the relationship between the proposed FRC and the Board of Inland Revenue;;
- The need for a clear policy statement on the legislative and regulatory framework that will govern the execution and management of the Tobago borrowing programme;
- That any borrowing by a subnational government could potentially impact the credit ratings of the central government by increasing the level of risk in the debt portfolio;
- An important question to be determined is whether a publicly traded holding company which has offices or subsidiaries in both islands of Trinidad and Tobago should pay taxes to the Central Government alone or to the Tobago Island Government as well;
- That the data for the disaggregated revenue for Tobago as well as the revenue generating potential of the Island be generated;
- That in relation to the proposed Contingency Fund, there must be clearly established guidelines for the application, the approval and the distribution of expenditure of the funds for extraordinary expenditures;
- That it be clarified whether existing national policies for adherence to corporate governance standards and fiduciary responsibilities of accounting for revenue and expenditure would be streamlined in the policies of the Tobago Island Government in regard to State Enterprises;
- the need for the legislation which will guide the financial management of Tobago i.e. Financial Rules which should be subject to review by a Joint Select Committee of Parliament;
- That a comprehensive policy paper be developed to clarify the intent of the Bill on all financial matters.

7.8 With the agreement of the Committee, the Chairman opened the floor to allow the Committee to receive comments from the Members of the Forum of Political Parties.

7.9 The Chief Secretary of Tobago explained that the proposed 8% appropriation was based on the quantum of funds the Tobago economy would have been deprived of over the last 22 years as well as other factors such as the perceived underfunding and underdevelopment of the island of Tobago. Mr. Hochoy Charles added that many of the issues raised were items which had been addressed by the Tobago House of Assembly Act No. 40 of 1996.

7.10 The Tobago Forum of Parties gave the assurance that it would provide written comments on particular issues that arose during the meeting.

7.11 At the conclusion of the hearing, the Chairman thanked the officials from the Central Bank, the Ministry of Finance and the Tobago Forum of Political Parties for attending and suspended the meeting at 12:13 p.m.

7.12 The representatives from the Central Bank, the Ministry of Finance and the Tobago Forum of Political Parties left the Meeting.

POST-HEARING DISCUSSION

8.1 The Committee reconvened at 12:17 p.m. and engaged in brief post-hearing discussions in relation to the issues raised during the public hearing.

8.2 Concern was raised by Members over the proposed financial arrangements outlined in the Bill. Members agreed on the following course of action:

Issue	Responsibility of the JSC	Responsible officials
The need to address issues arising over the fiscal arrangements between the Central Government of Trinidad and Tobago and the Tobago Island Government.	Virtual meeting with the expert on fiscal federalism, Professor Nico Steytler for a brain storming session on his written comments	Committee Secretariat
	Conduct a hearing with the Auditor General, the Business Chambers and other relevant persons for their expert opinions on the fiscal arrangements contained in the Bill	Committee Secretariat
	Examine the data and statistics on taxes and other revenues generated of revenue raised in Tobago	Ministry of Planning and Development & The Ministry of Finance-Treasury Division
	Arrive at a policy position on the fiscal arrangements between the Tobago Island Government and the Central Government, including the role of the proposed Fiscal Review Commission	The Ministry of Finance to draft options for consideration by the Committee

	Arrive at a policy position on the Dispute Resolution Commission which was raised by the Tobago Forum at an earlier meeting	The Chief Parliamentary Counsel to advise

NEXT MEETING

9.1 The Committee agreed to meet again on Friday 22 February, 2019 at 10:00 a.m. At this meeting the Committee will hold discussions with Professor Nico Steytler, Fiscal Federalism Expert.

ADJOURNMENT

10.1 There being no other business, the Chairman thanked all Members and adjourned the meeting to Friday 22 February, 2019 at 10:00 a.m.

10.2 The adjournment was taken at 12:36 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

MINUTES OF THE 7TH MEETING
OF THE
JOINT SELECT COMMITTEE
CONSTITUTION (AMENDMENT) (TOBAGO SELF-GOVERNMENT) BILL, 2018
HELD IN THE ANR ROBINSON (EAST) ROOM, LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, 1A
WRIGHTSON ROAD, PORT OF SPAIN
TUESDAY MARCH 19, 2019 AT 10:31 A.M.

PRESENT

Committee Members

Mrs. Camille Robinson-Regis, MP	Chairman
Mr. Rudranath Indarsingh, MP	Member
Ms. Shamfa Cudjoe, MP	Member
Ms. Ramona Ramdial, MP	Member
Mr. Nigel De Freitas	Member
Dr. Maria Dillon-Remy	Member
Mr. Saddam Hosein	Member

Secretariat

Ms. Keiba Jacob	Assistant Secretary
Mr. Darien Buckmire	Researcher
Mr. Stephen Boodhram	Researcher
Ms. Ashaki Alexis	Researcher

ABSENT/EXCUSED

Mr. Terrence Deyalsingh, MP	Member
Mr. Fitzgerald Hinds, MP	Member
Mr. Foster Cummings	Member
Dr. Varma Deyalsingh	Member
Mr. Clarence Rambharat	Member

ELECTION OF INTERIM CHAIRMAN

1.1 Mr. De Freitas was nominated by Dr. Dillon-Remy as Interim Chairman until the arrival of the Chairman.

1.2 Ms. Ramona Ramdial seconded the motion.

1.3 No other nominations were made. Mr. De Freitas took the Chair as Interim Chairman.

CALL TO ORDER

2.1 The Interim Chairman called the Meeting to order at 10:33 a.m.

ANNOUNCEMENTS

3.1 The Interim Chairman welcomed Members present and informed them that Mr. Rambharat Dr. Deyalsingh, Mr. Hinds, and Mr. Cummings had asked to be excused from the meeting.

CONFIRMATION OF MINUTES

4.1 The Committee considered the Minutes of the Sixth Meeting held on February 8, 2019.

4.3 The motion for the confirmation of the Minutes, was moved by Dr. Dillon-Remy and seconded by Mr. Hosein. The Minutes were confirmed.

MATTERS ARISING FROM THE MINUTES

Re Para 5.2

5.1 The Interim Chairman informed Members that the Secretariat requested assistance from the Commonwealth Secretariat on the nuances of Service Commission in other Commonwealth jurisdictions via the Ministry of Foreign and CARICOM Affairs. The Secretariat is awaiting correspondence from the Commonwealth Secretariat.

Re: para 5.6

5.2 The Interim Chairman informed Members that letters of reminder were sent to the Tobago Forum of Political Parties and the Director of Personnel Administration to provide written submissions to the Committee.

5.3 The Tobago Forum of Political Parties indicated that their submissions would be forwarded to the Committee by March 25, 2019. The Director of Personnel Administration indicated that their submissions would be forwarded to the Committee by March 29, 2019.

Re: para 8.2

5.4 The Interim Chairman informed the Committee that by letter dated February 14, 2019, a request for data was made to the Ministry of Finance for the disaggregated revenue for Tobago, the revenue generating potential of the Island and a policy position of the financial provisions in the Bill.

5.5. The Ministry of Finance forwarded preliminary data and statistics related to the revenue generated in Trinidad and Tobago respectively for the last 22 years. Verified data and statistics would be sent to the Committee at a later date.

5.4 The Interim Chairman informed Members that by letters dated March 7, 2019, the Ministry of Finance requested an extension to April 5th, 2019 to submit their proposed policy options for the fiscal arrangements and for revenue sharing between Trinidad and Tobago due to the Ministry needing to collate input from its various departments.

REVIEW OF SUBMISSIONS WITH PROFESSOR NICO STEYTLER

6.1 The Interim Chairman advised Members that the main objective of the meeting was to discuss Professor Nico Steytler's comments on the Bill.

(The Chairman joined the meeting and took the Chair)

6.3 The meeting was suspended at 10:42 a.m.

6.4 The Chairman informed Members that Attorneys at Law from the Office of the Chief Parliamentary Counsel (CPC) and Members from the Ministry of the Attorney General and Legal Affairs (AGLA) were invited to join the Committee's discussion.

6.5 The following persons joined the meeting:

Staff from CPC and PS Secretariat AGLA -

- | | |
|-------------------------------|--|
| - Mrs. Jannetta Jeet-Ramsahai | - Assistant Chief Parliamentary Counsel |
| - Ms. Stacy-lee Daniell | - Parliamentary Counsel II (Ag) |
| - Ms. Vashti Maharaj | - Head Legal Services, PS Secretariat AGLA |
| - Ms. Janelle Smith | - Legal Officer II, PS Secretariat AGLA |

6.6 The Chairman resumed the meeting at 10:53 a.m. and welcomed all in attendance.

- 6.7 The Chairman informed Members and stakeholders that Professor Nico Steytler will be contacted via Skype.
- 6.8 Introductions were made.
- 6.9 Discussions ensued on Professor Nico Steytler's comments on the Bill.
- 6.10 The key issues raised Professor Nico Steytler included:
- The number of structural uncertainties that directly affect the financial arrangements outlined in the Bill;
 - The difficulty of properly defining the powers and functions of the Tobago Island Government (TIG) given the limited number matters listed under Schedule Four;
 - The means by which the TIG will finance the expenses associated with the execution of the provisions outlined in the Bill;
 - The possibility of the TIG having its own currency given that Monetary Policy is not included under Schedule Four of the Bill;
 - There was no reference to who would be responsible for custom duties in Tobago;
 - Whether there should be concurrency between the executive powers of the National Parliament and the Tobago Legislature;
 - The need for a dispute resolution clause/mechanism to be included in the Bill as a means of resolving any conflict that may arise between the National Government and the TIG;
 - The need for either the Ministry of Finance or the Central Bank of Trinidad and Tobago to articulate a financing model for the TIG that should clearly defined the taxing powers and Monetary Policy for Tobago;
 - The likelihood that the absence of taxing responsibilities and monetary policy in Schedule 4 of the Bill may cause a different revenue raising situation in Tobago;
 - The possibility of having to use Transfers to correct the vertical fiscal gaps that may arise when expenditure exceeds the revenue collected by the TIG as a means of maintaining equalized services on both islands,
 - The need to clearly define the areas of responsibility the proposed Fiscal Review Commission (FRC) will be mandated to execute as well as the powers and authority granted to execute those functions;
 - The need to clarify who would regulate and manage the revenue collection and sharing of the non-renewable natural resources found within the territorial waters of Tobago;
 - The ambiguity of the provisions in the Bill given that there is no policy statement to define the overall framework with regards to roles, powers, functions and autonomy status of the TIG;

- The need for a needs assessment to determine whether the proposed minimum transfer of 8% of appropriation per fiscal year by the National Parliament would be sufficient to satisfy all the functions to be performed by the TIG;
- The methods and justifications used by sub-national governments in other countries to determine the amount of funds appropriated to them by their National Parliament;
- The possible need for oversight and reporting mechanisms to ensure there is transparency, accountability and value for money in the use of funds appropriated to the TIG;
- The impact of the TIG having the unfettered ability to impose business and corporate taxes on all companies operating in Tobago or which operate offices, branches or do any kind of business in any way in Tobago
- Thoughts on an overarching Revenue Authority to administer the financial relationship between Trinidad and Tobago given that the role and responsibilities of the FRC maybe too extensive for it handle alone;
- There is a need for a clear policy statement on the legislative and regulatory framework that will govern the execution and management of the Tobago borrowing programme given that the Bill on face value proposes that the TIG have limitless powers to borrow locally and internationally;
- The potential impact of a Subnational Government's inability to service a loan affecting the creditworthiness of the Central Government which is implicitly the guarantor of all borrowings done by Subnational Governments;
- The possible need for the inclusion of provisions that will allow the Central Government to intervene in matters that may affect the country as a whole or any instance where administrative discrepancies may lead to the island government failure in Tobago;
- The need for established principles that should define the monitoring and supporting role of the central government as it assists the TIG in fulfills its function allocated to it in the Constitution; and
- The monitoring and intervention role the Ministry of Finance, Auditor General or a Joint Select Committee could play with respect to the oversight of the TIG as well as the need for fairly strict rules established in the Constitution to govern this monitoring and intervention.

6.11 At the conclusion of the Meeting, the Chairman thanked Professor Nico Steytler and suspended the meeting at 12:15 p.m.

6.12 The Attorneys at Law from the Office of the Chief Parliamentary Counsel (CPC) and Members from the Ministry of the Attorney General and Legal Affairs (AGLA) left the Meeting.

POST-MEETING DISCUSSION

7.1 The Committee reconvened at 12:17 p.m. and Members raised further concerns in relation to:

- i. The need to establish a Tax Policy that will define the taxing powers of the THA;
- ii. The 8% not reflecting the financial needs of Tobago;
- iii. Tobago's revenue raising potential;
- iv. The issues with regard to then regulation of marine resources; and
- v. The delineation of Tobago separate and apart from Trinidad.

7.2 The Members requested the following:

- i. That the Policy Paper received from the Tobago Forum of Political Parties be circulated to Members; and
- ii. That the link to the meeting with Professor Nico Steytler be forwarded to Members and the Tobago Forum of Political Parties.

7.3 The Chairman suggested that the Committee hold another meeting with Professor Nico Steytler where the Tobago Forum of Political Parties would be invited to pose questions and seek clarification on the topics discussed at the day's meeting.

7.4 The Chairman remind Members that the deadline date to submit the report to Parliament is May 27th, 2019.

ADJOURNMENT

8.1 There being no other business, the Chairman thanked all Members and adjourned the meeting to a date to be determined by the Secretariat.

8.2 The Chairman thanked Members for attending.

8.3 The adjournment was taken at 12:27 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary