

Season's Greetings

Friday, December 15, 1995

HOUSE OF REPRESENTATIVES

Friday, December 15, 1995

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

SEASON'S GREETINGS

Mr. Speaker: Hon. Members, I have received the following letter from His Excellency The President of the Republic of Trinidad and Tobago:

"December 8, 1995

The Honourable The Speaker

House of Representatives

Parliament

Red House

St. Vincent Street

Port of Spain

My Dear Sir,

On behalf of my wife and myself, I wish you and the other honourable Members of the House of Representatives and their respective families good health—in peace and happiness during the Christmas holidays and throughout the new year.

Yours sincerely

Noor Hassanali

President of the

Republic of Trinidad and Tobago"

The Minister Extraordinaire and Adviser SC, DCL (Hon. A. N. R. Robinson): Mr. Speaker, on behalf of hon. Members on this side of the House, I

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wish to express our thanks to His Excellency The President, for the felicitations that he has extended to us on his behalf and his family, and to extend on our behalf, our best wishes for a peaceful and holy Christmas, and a healthy and happy New Year.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, on behalf of Members on this side of the House I join with the Government in expressing to the President and members of the national community a holy season and a prosperous 1996.

Mr. Speaker, you would know that this new Parliament has an abundance of new Members. In this House of 36 Members, about 14 are new—correction by the Chief Whip, there are 37 Members—I think there are 10 on the Government side and four on the Opposition. You sat in this Parliament many moons ago as an elected Member. In addition, I think there are four persons who served in the other place for some time even if temporarily. I think there are two on that side, one of whom served for a very limited period.

Of course, those of us who have been here before would know the camaraderie that exists between the Government and the Opposition at this time of good cheer. It is good that we remember that we can disagree without being disagreeable, as was said in a former place. While we disagree on principles, there is nothing that one has against the personalities of those on either side. We are certain without reservation that the same holds for Members on the other side.

With that thinking, it is a pleasure for me to wish my colleagues on the other side of the House and my colleagues here, all the best for the season and a bright and prosperous 1996.

Mr. Speaker: Hon. Members, I wish to join with all other hon. Members in thanking His Excellency The President of the Republic of Trinidad and Tobago, for the good wishes which he has extended to the Members of this honourable House and our families; 37 of us.

An appropriate letter conveying the good wishes of Members will be sent to His Excellency and his family.

SESSIONAL SELECT COMMITTEES**(Appointment of)**

Mr. Speaker: Hon. Members in accordance with Standing Order 71, I have appointed the following Members to serve on the undermentioned Sessional Select Committees of the House of Representatives.

Standing Orders Committee

Mr. Hector McClean (Speaker)	Chairman
Mr. Ramesh Lawrence Maharaj	
Hon. Trevor Sudama	
Hon. Mervyn Assam	
Mr. Gordon Draper	
Mr. Fitzgerald Hinds	
Mr. Barendra Sinanan	

House Committee

Hon. Kamla Persad-Bissessar	Chairman
Hon. Dr. Reeza Mohammed	
Hon. Pamela Nicholson	
Hon. Manohar Ramsaran	
Mr. Kenneth Valley	
Dr. Rupert Griffith	

Committee of Privileges

Mr. Hector McClean (Speaker)	Chairman
Mr. Ramesh Lawrence Maharaj	
Mr. Chandresh Sharma	
Hon. Ralph Maraj	
Mrs. Camille Robinson-Regis	
Mr. Martin Joseph	

Regulations Committee

Mr. Hector McClean (Speaker)	Chairman
Hon. Harry Partap	
Hon. Razack Ali	
Hon. Ganga Singh	
Mr. Roger Boynes	
Mr. Jarrette Narine	

PAPERS LAID

1. The Patents (Amdt.) Rules, 1995. [*The Attorney General and Minister of Legal Affairs (Hon. Kamla Persad-Bissessar)*]
2. Annual Administration Report 1991 of the National Lotteries Control Board. [*Hon. K. Persad-Bissessar*]
3. Report of the Auditor General on the accounts of the Trinidad and Tobago Export Development Corporation for the year ended December 31, 1993. [*Hon. K. Persad-Bissessar*]
4. Report of the Auditor General on the accounts of the Trinidad and Tobago Export Development Corporation for the year ended December 31, 1994. [*Hon. K. Persad-Bissessar*]
5. Report of the Auditor General on the accounts of the Board of Industrial Training of Trinidad and Tobago for the year ended December 31, 1993. [*Hon. K. Persad-Bissessar*]
6. Report of the Auditor General on the accounts of the Board of Industrial Training of Trinidad and Tobago for the year ended December 31, 1994. [*Hon. K. Persad-Bissessar*]

Papers 3 to 6 to be referred to the Public Accounts Committee.

1.40 p.m.

**ANTI-DUMPING AND COUNTERVAILING DUTIES ACT
(Proclamation of)**

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, first of all permit me to congratulate you on your election as Speaker of this honourable House. It is with regret that I noticed that your election was not accompanied by the usual convention of unanimity.

Allow me also to write into the records of the House my deep gratitude to the people of the constituency of St. Joseph in having reposed confidence in me and having elected me as their representative in the Parliament.

This afternoon I am making a statement with respect to the Anti-Dumping and Countervailing Duties Act, the proclamation of Act No. 11 of 1992, as amended by Act No. 23 of 1995.

The background to this Act—the institution of Anti-Dumping measures—was one of a series of trade policy measures which were considered necessary to safeguard the local manufacturing sector from the prospect of the increased incidence of unfair trading practices consequent on the dismantling of the Negative List. Other items of trade policies included the increased monitoring of standards of imported products, reform of the customs regime to mitigate the incidence of fraud, and the proposed introduction of competition policy.

The Anti-Dumping and Countervailing Duties Act, 1995 is the third attempt made by previous governments to establish an anti-dumping regime in Trinidad and Tobago. The first was the Customs Duties (Dumping and Subsidies) Act 1958, Chap. 78:04, which among its many deficiencies did not allow for local industry to make complaints and did not incorporate the basic elements of the 1968 GATT Anti-Dumping Code, which came into effect after the legislation was enacted. This Act was, therefore, never brought into effect.

The 1958 Act was repealed and replaced by the Anti-dumping and Countervailing Duties Act, 1992. However, presidential proclamation was not pursued to bring this Act into effect.

With the establishment of the 1994 GATT Dumping Code and the 1994 GATT Subsidies Code on the conclusion of the Uruguay Round, the 1992 legislation and the draft implementing regulations which were based on the 1968 GATT Anti-Dumping Code were required to be accordingly amended.

In keeping with the recommendations of a consultancy firm, which was commissioned by Government in March, 1994, to review the existing legislation, the 1992 Anti-Dumping and Countervailing Duties Act was amended and subsequently enacted on September 28, 1995 by Act No. 23 of 1995. The recommendations of the consultants also pertained to the staffing and operation of an anti-dumping unit, as well as a handbook which provided detailed procedures for the conduct of anti-dumping investigations.

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Mr. Speaker, with respect to the delay in implementation of legislation, particularly the 1992 legislation, presidential proclamation was not pursued due to several reasons. These included the heavy workload of the Chief Parliamentary Counsel which impacted on the preparation of the implementing regulations; the pre-occupation by the Ministry of Trade & Industry with the process of dismantling the Negative List; the implementation of other elements of the trade reform programme and the resolution of the relevant technical and administrative issues; the delay in identifying a source of funding to review the legislation and draft regulations; and the fact that the negotiations pertaining to the provisions of the GATT Anti-Dumping Code, 1994 were still in progress at that time.

However, the consultants subsequently indicated in their report of September, 1994, that in their opinion there were no serious shortcomings in the 1992 legislation which could not have been corrected by judicious exercise of administrative discretion in order to facilitate its use, pending review.

I turn now to the disadvantages caused by the delay. The inability to bring the 1992 legislation into effect at a time when quantitative restrictions were being dismantled, would have exposed the manufacturing sector to dumping and subsidy practices by extra-Caricom territories.

In the absence of an anti-dumping and subsidies regime, it is assumed that the element of competitive fallout experienced in some areas of the manufacturing sector would have been due in part to the presence of dumped or subsidized products on the domestic market. By extension, it could also be said that the inability to bring the legislation into effect contributed to the fallout in employment experienced in the manufacturing sector at that time.

The consultants also reported that subsequent to the enactment of the 1992 legislation, the local manufacturers were frustrated at having anti-dumping and countervailing legislation but not being able to use it in the face of the unrestricted entry of competing foreign goods into an unprotected domestic market.

Consistent with the assumption that anti-dumping and subsidized goods had been traded on the domestic market, another effect would have been the loss of customs revenue by the Government as a result of the declared value of the imported goods which would have been lower than their true market value.

The Government, therefore, considers it a matter of urgency that Act No. 23 of 1995 be proclaimed and the implementing regulations brought into force,

bearing in mind that the dismantling of the Negative List for manufactured goods was substantially completed in 1992 and that almost a year has passed since agricultural products were removed from the Negative List with effect from January 1, 1995.

The bringing into effect of the Anti-Dumping legislation and the establishment of the Anti-Dumping Unit in the Ministry of Trade and Industry would be beneficial for the local manufacturing sector in many ways, among which would be:

- (a) a sense of assurance and comfort in view of the existence of an effective legal instrument to address suspected cases of anti-dumping;
- (b) the existence of a forum, that is, the Anti-Dumping Unit, where complaints can be lodged and investigations undertaken to probe such complaints;
- (c) an enhancement in the level of productivity and in the ability of local producers to compete with foreign competition both in the domestic market and the wider international market place;
- (d) a greater vigilance among manufacturers with regard to anti-dumping and other unfair trade practices;
- (e) an increased awareness that the initiative in combating anti-dumping should come from local industry and not the Government, which would be constrained under the rules of GATT to undertake anti-dumping investigations without a complaint from the private sector. Moreover local industry would have more information than Government about its own injury.

Dumped or subsidized imports may appear in the short term to benefit the local consumer because they may be sold at cheaper prices than the local product. But this advantage, Sir, may be short lived since prices may be increased once sufficient market share has been won. On the other hand, an anti-dumping regime would foster fair competition and enable the local producer to offer competitive prices in the domestic market on a sustained basis.

1.50 p.m.

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Cabinet has therefore decided that the Anti-Dumping and Countervailing Duties Act No. 11 of 1992, as amended by Act No. 23 of 1995, be proclaimed with effect from January 1, 1996, pursuant to the proclamation of the said Act that:

- a) The Anti-Dumping and Countervailing (Subsidies) Regulations and the Anti-Dumping and Countervailing Duties Regulations 1995 which were signed by the then Minister of Trade and Industry on October 10, 1995, would then be published and steps would be taken to make them effective;
- b) The Anti-Dumping Unit in the Ministry of Trade and Industry shall come into operation.

I thank you, Mr. Speaker.

INSTITUTE OF MARINE AFFAIRS (AMDT.) BILL

Bill to amend the Institute of Marine Affairs Act, Chap. 37:01, [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

PUBLIC ACCOUNTS COMMITTEE

(Appointment of)

The Attorney General and Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I beg to move,

Whereas it is provided by subsection (1) of section 119 of the Constitution of the Republic Trinidad and Tobago that there shall be a Public Accounts Committee, which shall consist of not less than six nor more than 10 members;

Be it resolved:

That this House appoint the following five members to serve with an equal number from the Senate on the Public Accounts Committee:

Dr. Faud Khan

Mr. Chandresh Sharma

Mr. Razack Ali

Mr. Kenneth Valley

Mr. Colm Imbert

Question put and agreed to.

PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE

(Appointment of)

The Attorney General and Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I beg to move,

Whereas it is provided by subsection (5) of section 119 of the Constitution of the Republic of Trinidad and Tobago that there shall be a Public Accounts (Enterprises) Committee, which shall consist of not less than six nor more than 10 members,

Be it resolved:

That this House appoint the following five members to serve with an equal number from the Senate on the Public Accounts (Enterprises) Committee:

Dr. Fuad Khan

Mr. Chandresh Sharma

Mr. Razack Ali

Mr. Kenneth Valley

Mr. Colm Imbert

Question put and agreed to.

FINANCE COMMITTEE

The Attorney General and Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, in accordance with Standing Order 64(7) of the House of Representatives, I beg to move that this House do now resolve itself into Finance Committee to consider the variation to the 1995 appropriations.

Question put and agreed to.

Mr. Speaker: I wish to point out that Standing Order 64(1) does not, in fact, permit strangers, that is people other than Members of the House and the relevant staff to be present during the deliberations of the Finance Committee. In those circumstances, regrettably, we have to ask visitors to vacate the Chamber for a short while, until committee meeting is finished; they are free to return immediately upon its completion. Accordingly, I ask the Sergeant-at-arms to clear the galleries.

1.59 p.m.: *Sitting suspended.*

2.08 p.m.: *Sitting resumed.*

MUNICIPAL CORPORATIONS (AMDT.) BILL

Order for second reading read.

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, I beg to move,

That a Bill to amend the Municipal Corporations Act, 1990, be now read a second time.

The relevant section to be amended is Part II section 11(4). I quote:

"The term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office."

Additionally, section 11(4)(A.), as amended by the Municipal Corporations (Amdt.) Act, No. 8 of 1992 states:

"An Election referred to in subsection (1) shall be held within three months of the expiry of the term of office of the Mayors, Councillors and Aldermen comprising the Council."

The main objective of this Bill is to provide for the extension of the period of holding elections under section 11 of the Municipal Corporations Act, 1990 from the stipulated three months to nine months for the next local government elections. That is to say, six months from December 27, 1995, the date on which such elections are constitutionally due.

In addition, this Bill seeks to:

- (1) Enable the incumbent mayors and chairmen of the councils to continue in office until new elections are held and councils sworn in.
- (2) Validate the acts or omissions done by the mayors, chairmen, aldermen and councillors subsequent to the expiration of their term of office and up to the date on which the Act would have come into force.

It is instructive to note that this Bill would not have been brought before this honourable House, had local government elections been called in September, 1995 or even in November, 1995 for that matter. However, it is now history that a general election was called on November 6, 1995 and the ensuing result is reflective of the present composition of the Government and Opposition in this Parliament. [*Desk thumping*]

More importantly, this Government states categorically and unequivocally that it subscribes to the law and the Constitution, and therefore, the holding of local government elections when they are constitutionally due is a principle for which it has the utmost respect. Consequently, immediately upon assuming office and pursuant to our election promise to convene and hold local government elections on December 18, 1995, my ministry communicated with the Elections and Boundaries Commission enquiring about its state of readiness to hold such elections. Mr. Speaker, I take this liberty to quote from my letter dated November 27, 1995 to the Elections and Boundaries Commission.

"November 27, 1995

The Chairman

Elections and Boundaries Commission

Salvatori Building

PORT OF SPAIN

"Dear Sir

"Local Government elections are constitutionally due before December 27, 1995. The hon. Minister of Local Government would like to be advised on the state of readiness of the Elections and Boundaries Commission to administer this election within the period it is due.

Your urgent response will be appreciated.

Yours sincerely,

Dhanraj Singh

Minister of Local Government"

In response thereto, the Elections and Boundaries Commission, by letter dated November 29, 1995—I have a copy here, Sir—indicated to the Minister of Local Government its inability to accommodate the holding of local government elections by the constitutionally due date. Again, I take this liberty to quote the response received under the hand of the Chairman of the Elections and Boundaries Commission:

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"Thank you for yours of November 27 in reference to the state of readiness of the Elections and Boundaries Commission to conduct the next local government elections which, as you state, are constitutionally due before December 27, 1995.

It is a requirement of Rule 40(6) of the Election Rules that every elector after marking and folding his or her ballot should immerse his or her finger in the electoral ink provided before such elector is allowed to insert such ballot into the ballot box.

However, the Commission is at the moment without a supply of electoral ink and the materials for its manufacture by the Government Chemist, ordered through Caribbean Chemicals Ltd. on November 15, 1995 are not expected in the country before the end of the year. Please be guided accordingly."

Mr. Speaker, I draw your attention to an article carried today in the *Newsday*, in which the Elections and Boundaries Commission Chairman further endorsed what I have just stated.

I am certain that Members on both sides of this honourable House would recall the dissatisfaction raised by members of the voting public as to the quality of electoral ink used during the November 6, 1995 general election. [*Desk thumping*] The general concern expressed by a large section of the voting population on the date of the said election related to the ink which was expected to remain on your finger for at least five days, as proof of voting, but which disappeared after washing, in some cases, within hours after the voting exercise.

Furthermore, this Government recognizes that the efficient and effective administration of an election is related, *inter alia*, to the citizens' perception of its being free and fair from all possible encumbrances. Consequently, the Elections and Boundaries Commission requires some time to mobilize itself to ensure a smooth election whenever it is called.

Mr. Speaker, in closing, I state that the purposes of this Bill are as follows:

- (i) To provide for the extension of the period for holding elections under section 11 of the Municipal Corporations Act, 1990, from three months after the expiry of the life of the Councils to nine months.

- (ii) To validate any Acts or things done or omitted to be done by the mayors, chairmen and councillors subsequent to the expiry of their term of office and up to the date on which the Act comes into force.

I wish to state that this Government is committed to holding elections when they are practically possible.

Mr. Speaker, I beg to move.

Question proposed.

2.15 p.m.

Mrs. Camille Robinson-Regis (*Arouca South*): Mr. Speaker, I must confess some surprise at the brevity of the Minister's presentation with regard to a Bill of this nature. In fact, I honestly believed that his presentation would have indicated to us the reason behind postponing the elections that are constitutionally due on December 27, 1995.

I must say that I am not clear from his presentation what the reasons are. In addition to that, I must say that his presentation was somewhat illusory. He did not present to us any fact situation that can make us comfortable that the elections should be postponed, and I must confess a great deal of concern about what the Minister said.

In addition to that, this coalition Government continues to surprise not only the alternative government but, indeed the population of Trinidad and Tobago. Mr. Speaker, on receipt of the Bill, I examined it clause by clause. There are three clauses which make up the Bill and I will go through each one indicating the concerns on this side with regard to the Bill.

Clause 1 of the Bill is the normal short title. Let me move quickly to clause 2 which says: "(4B) Notwithstanding subsection (4A), for the purposes only of the elections due in the year, 1995,..." Clause 2 (a) seeks to extend the time for the holding of the local government elections. We have no fundamental difficulty with this clause. There may be an indication as to why nine months, but we have no fundamental difficulty with this particular clause.

With regard to clause 2(b) which seeks to amend section 273(1) of the existing legislation—and this section says:

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“Notwithstanding the provisions of any written law relating to the term of office of members of the councils constituting the local authorities, the term of office of members of local authorities holding office on the 13th September, 1990, is hereby extended for a period of one year or to such date as the President may specify by order published in the *Gazette* whichever first occurs.”

This particular section sought to extend the time for the holding specifically of the 1990 local government elections which were due. Clearly from the wording, the members of the local authorities that is mayors, councillors and aldermen were still in office at that time. The section of the Bill which is now before the House, states that those councillors and aldermen whose term of office expired on September 27, 1995 shall vacate office, except that mayors shall continue in office in accordance with a particular section which I will go into subsequently.

According to the Municipal Corporations legislation, Act No. 21 of 1990, section 11(4) states quite clearly that the term of office of councillors shall be three years and they shall retire together on the last day of every triennial period.

It is clear from this section that the term of office of the councillors has already ended and consequently, there appears to be no need for a section which states that these councillors shall vacate office. They have already vacated office.

2.25 p.m.

It is passing strange that such a section should be placed in this legislation. This, to me, appears to be a superfluous section, because the councillors and aldermen do not now hold office. All councillors and aldermen should have and must have vacated office on September 27, 1995. The section goes on to state, Mr. Speaker, that there is an exception in that "Mayors shall continue in office in accordance with section 15(2)"; and let me refer to section 15(2). Section 15(2) states quite clearly that—

"Unless the Mayor resigns or ceases to be qualified or becomes disqualified or is removed from office in accordance with this Act, he shall continue in office until his successor in office has accepted office and has made and subscribed the appropriate declaration."

Mr. Speaker, an examination of section 15(2) indicates quite clearly that the mayors must be still in office because they have not had any successors in office. The mayors, consequently, remain in office after the term of office of the councillors has expired.

Let me continue, Mr. Speaker, by referring to Act No. 8 of 1992, section 4 which states:

"An election referred to in subsection (1) shall be held within three months of the expiry of the term of office of the Mayor, Councillors and Aldermen..."

Indeed, clause 2(a) of the instant Bill before this House deals with this particular section. In addition to that, Mr. Speaker, referring again to Act No. 8 of 1992, section 5 of which amends section 15 of the parent Act and states quite clearly that—

"The Mayor shall hold office for a term which shall be the same as that of the Councillors and Aldermen."

The first inclination, Mr. Speaker, is that the Mayor's term of office and the councillors' and aldermen's term of office are equal. However, section 15(2) goes on to qualify this section by stating that "the Mayor remains in office until his successor has been appointed." And a successor to the mayor would be appointed once an election is held.

Consequently, Mr. Speaker, my argument is that clause 2(b) of the Bill before this House is clearly unnecessary and leaves us to wonder what is the purpose of this particular section. Are there councillors and aldermen in some corporations who have not vacated office? That question needs to be answered because, once we read the legislation as it exists, there should be no person who has not vacated office (when I say no person I mean no councillor or no alderman who has not vacated office) on September 27, 1995. Consequently, this section should not be part of this particular piece of legislation at all.

Mr. Speaker, I go on to clause 3 of the Bill before the House. This section states:

"All acts or things done or omitted to be done between the 27th day of September, 1995 and the commencement of this Act by Councillors or Aldermen in the purported exercise of their functions under the Municipal

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Corporations Act, 1990, shall be deemed to have been lawfully done or omitted to be done as though their terms of office had not expired."

This particular section, Mr. Speaker, has given me, and indeed given the alternative government, particular concern and worry.

Mr. Speaker, how could councillors and aldermen who should have vacated office on September 27, 1995 still be acting or omitting to do particular acts or things? *[Interruption]*

Mr. Valley: Ask Razack Ali.

Mrs. C. Robinson-Regis: Mr. Speaker, this particular section is, for this side of the House, particularly abhorrent, because all Aldermen and Councillors, I repeat, should have vacated office and if there are any who did not vacate office, then they are acting illegally. They are acting outside the laws of Trinidad and Tobago. *[Interruption]*

Mr. Manning: They should be charged!

Mrs. C. Robinson-Regis: Mr. Speaker, I was of the view that having this particular section in the Bill before the House, the Minister would have indicated to us the persons who have done acts or things since September 27, 1995. *[Interruption]*

Mr. Manning: Acts or things.

Mrs. C. Robinson-Regis: This section is of particular worry to those on this side who uphold the law and the Constitution, and who have pledged to uphold the law and the Constitution and represent the people of Trinidad and Tobago. *[Desk thumping]*

Mr. Speaker, I am really concerned about this tendency within this piece of legislation to bring retrospective legislation before this Parliament. *[Interruption]*

Mr. Manning: Ask the Member for St. Augustine.

Mrs. C. Robinson-Regis: Mr. Speaker, I am not for one moment suggesting that the Parliament cannot agree to make retrospective legislation. The Parliament is the supreme law-making body of Trinidad and Tobago and consequently, can bring retrospective legislation to the House. But the circumstances must be such that that type of legislation is warranted. Indeed, we got no suggestion

from the Minister, in his presentation today, which allows us to understand what is the necessity for this retrospective legislation now before us.

There must be a clear and well-articulated reason for retrospective legislation being agreed to by the Parliament. It must never be that the Parliament must introduce or agree to retrospective legislation without a clearly-articulated reason for that type of legislation being placed before us to agree to.

Mr. Speaker, I would like to take some time to deal with situations where retrospective legislation has, in fact, been agreed to by Parliament. I would like to deal with retrospective legislation in the United Kingdom Parliament, the Westminster Parliament, on which this Parliament is based. The first Act that I would like to refer to is the War Damage Act of 1965, of the United Kingdom. This Act came about because of a particular case before the law lords of the United Kingdom courts. The case that I refer to specifically is the *Burma Oil Company vs. the Lord Advocate*. That is found in the 1966 (82) *Law Quarterly* at page 97. In that particular case, the decision of that case established that where private property was taken under the prerogative of the Crown the owner was entitled to compensation from the Crown.

2.35 p.m.

However, the Parliament of that time passed what was called, the War Damage Act, retrospectively, providing that no person should be entitled to receive compensation in respect of damage to property caused by lawful acts of the Crown during or in contemplation of war. The consequence of that Act was to ensure that retrospectively, the Burma Oil Company got no compensation.

I would like to turn to another piece of legislation which was agreed to by the United Kingdom Parliament retrospectively. That piece of legislation was called the Northern Ireland Act of 1972. It conferred on the Northern Ireland Parliament retrospectively the power to confer powers of arrest to the armed forces. This was during a time of terrorism in the United Kingdom. I would even refer to a piece of legislation on our own statute books. It is the Central Tenders Board (Amdt.) Act. It is a 1987 piece of legislation which operated retrospectively.

You will remember, I am sure, which government was in office in 1987. Retrospective legislation was passed during that period. But let me point out that in the same vein as the War Damage Act of 1965 and the Northern Ireland Act of 1972, this particular piece of legislation which is on our statute books, Act No. 22 of 1987 at section 2(b)(i)(e) states:

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"as a result of the occurrence or anticipation of flooding, hurricane, landslide, earthquake or other natural disasters, the Minister is of the opinion that an emergency situation has arisen in any part of Trinidad and Tobago, the abatement, prevention or alleviation of which necessitates the obtaining of articles or the undertaking of immediate works or services by the Government."

The reason I have introduced these pieces of legislation which were agreed to by the UK Parliament retrospectively, and this Act of our Parliament which was passed on July 17, 1987 but was deemed to have come into effect on May 05, 1987, is that you would notice that there is a particular thread running through all those pieces of legislation. In the War Damage Act it was to deal with war; in the Northern Ireland Act it was to deal with acts of terrorism; in this Central Tenders Board amendment, it was to deal with a situation of natural disaster; retrospective legislation in situations where people felt that they may have been under siege.

Are we under siege? Is that why this coalition Government has felt that it needed to introduce retrospective legislation in our Parliament at this time? What emergency situation is it attempting to deal with by introducing retrospective legislation in what could be a very simple piece of legislation to extend the time for holding the local government elections? As you know, I am sure, retrospective legislation is legislation which seeks to deal with an occurrence which took place before the date of the legislation coming to the Parliament.

I repeat that the term of office of councillors and aldermen expired on September 27 and they could not lawfully act after that date. The question that I seek to get an answer to is what illegality has taken place that needs to be covered by this piece of legislation? In addition to that concern, I notice that clause 3 states:

"All acts or things done or omitted to be done..."

I stress the word, "all." So whether the particular act was a legal or an illegal one, if we are to agree with this clause, then that illegal act—if it is an illegal act—would be justified by this piece of legislation being passed by this Parliament.

I would also like to make the point that there is a definition for mayors. The mayor includes, chairman; the deputy mayor includes vice chairman. The mayor is seen as separate from the other councillors and aldermen. The mayor may be a

councillor or he may be an alderman, but he is treated separately in the parent legislation.

So even if the argument might be that this piece of legislation seeks to validate the acts of the mayors, then that should have been stated specifically because the mayor is treated as a separate entity. However, even that is not necessary, because the mayor is allowed to continue in office and act once a successor has not been appointed.

I am, therefore, seeking information from the coalition Government. What has occurred that has led to a Bill of this nature coming before the House this afternoon? We have heard the coalition Government state on several occasions that it will be open, transparent; it will let the population know exactly what is happening and the presentation by the Minister does not leave me believing that that is, in fact, his situation.

2.45 p.m.

Mr. Speaker, it is not that we are opposing the Bill just for opposing sake; we are concerned about the clauses in the Bill. Our decision to be concerned is based on the clauses and is compounded by the presentation by the Minister before the House this afternoon. We are, therefore, very cautious about what we would agree to. Our caution, therefore, is based on ensuring that the coalition Government remains, as they say, open and honest and does not arouse the suspicion of the alternative government, or the people of Trinidad and Tobago.

It is clear that the record shows that we must be concerned about the instant piece of legislation. I would seek to point out the record of which I speak by quoting from the contribution of the Minister of Planning and Development, the Member for Oropouche, in the Opposition then, in the debate on the Elections and Boundaries Commission Order before this House in 1991. Let me indicate why I continue to have concerns and be suspicious of the actions of this coalition Government. I quote:

“...I felt that it was necessary...to make the point of how they are undermining the democratic process...Perhaps they do not know the damage they are doing to the political process by their actions.”

Mr. Speaker, I probably could have said the same thing.

“They may be ignorant of it, but in the long term, it will have certain consequences. The Member for Caroni East, who is a past master of these

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things—subterfuge and deviousness,...He has, perhaps, been well trained by the Member for Tobago East in this respect.”

In this respect,

“He has learnt well.”

Mr. Speaker, in 1991, the Member for Oropouche was concerned about the subterfuge and deviousness of the Member for Tobago East.

Mr. Robinson: Mr. Speaker, I think the hon. Member meant the Member for San Fernando East. *[Laughter and desk thumping]*

Mr. Speaker: I think that it is still necessary to indicate to hon. Members that the interruption of a Member who is speaking is done in very clear ways, or the interruption, for that matter, of the Speaker.

I would simply like to remind Members that if one is rising on a point of order there is a procedure for that. If one is seeking clarification, it is a question, really of asking whether the Member who is speaking would kindly agree to give way.

Mr. Robinson: I do apologize, Mr. Speaker. *[Desk thumping]*

Mrs. C. Robinson-Regis: Thank you, very much, Mr. Speaker. Let me state that I was being gracious to the Member for Tobago East, not necessarily believing that he was a past master of subterfuge and deviousness, and consequently, I did not believe that his rising was a devious act. But, I thank you for your guidance to the House. *[Desk thumping]*

Mr. Speaker, let me continue by stating that if the coalition Government wants to postpone the elections, we have no difficulty with that. If they believe that they cannot face the polls at this time, in a local government election, and they feel it is necessary to postpone the election, they should come to this House and say so quite openly. We have no difficulty with that. But, they should not resort to what may be perceived as deception.

On that point I would like to take the opportunity to remind our hon. Prime Minister, the Member for Couva North, about his concerns when he was on this side of the House. Not that I am saying that we agree with his concerns, but I would like to take the opportunity to reiterate the concerns that he raised at the time. Permit me, again, to quote from the *Hansard* of June 21, 1991, in the same debate that the hon. Member for Oropouche spoke. He said:

“The second thing, lest I forget, is that he...”

and from the preceding information on this document, the “he” he was referring to is the erstwhile Member for Tobago East.

“...did mention that the life of the local government bodies come to an end on September 12, this year—that is a couple of weeks from now—and whether the Government intended to extend the life of the local government bodies again, or whether they intended to hold the elections and, if so, when, I thought that is something he would have wanted to inform the population. Because as I remember the Member for Tobago East, when he was in the Opposition, always complained about the power of the Government to determine when elections will be held and that this was a tremendous disadvantage to everybody else besides the government. It is a pity that having assumed the office of the Government, that he now continues in the same vein and does the same thing of which he criticized so bitterly when he was on this side. But then they say, "*c'est la vie*, that is how it works.”

I will use the Member's words, "*c'est la vie;*" that is, in fact, how it works"

2.55 p.m.

Mr. Speaker, I am patiently awaiting the reasoning behind this piece of legislation before this House. There may be a good reason for clauses 2(b) and (3), but before we can support the Bill as it appears we would need to know what are the reasons behind clauses 2(b) and (3).

The coalition Government is not afraid of deceiving the people of Trinidad and Tobago. They have done that on more than one occasion since assuming office. What may seem as simple situations—and I am not for any moment indicating that this Bill before the House is a simple situation; it is not—but let me just point out the kind of simple situation in which the people of Trinidad and Tobago have been deceived. There was a newspaper report dated November 30, 1995 in which the aide to the hon. Prime Minister indicated that the new Senator to be appointed would have been a surprise.*[Interruption]*

Mr. Sudama: What is the relevance of that to this Bill?

Mrs. C. Robinson-Regis: The aide to the Prime Minister stated that the replacement to Mr. Ashvanie Mahabir would be a woman. That that woman had been spoken to and she had agreed to accept the position. In addition to that, that the person would have been a surprise choice. The person had agreed and that the President just needed to be spoken to.

Mr. Speaker, a simple situation where the population was deceived. As we all know, that person, the new Senator, turned out to be a man. I do not know if they see things differently from us. But as far as we can see, the new Senator turned out to be a man. In simple situations, deceptions appear to be the order of the day. If that can occur in such a simple situation what would happen in more than serious situations?

I would now like to turn to the situation that would occur if this particular piece of legislation is agreed to and the local government election date postponed for nine months. The concern on this side is what would happen to the people of Trinidad and Tobago in terms of representation of the municipal corporations. The Bill is silent on that and the Minister was equally silent with regard to how the people of Trinidad and Tobago would be represented at the local government level during this period when the councils have been dissolved and the elections are to be held.

The mayors stay in office but the councillors and aldermen have vacated their offices. If the municipal corporations are to subsist for another six months without persons who would be seeking the interest of the people of Trinidad and Tobago at the local government level, we on this side have a serious concern. The people of Trinidad and Tobago must continually be represented at the local government level, in addition to the proper representation that they receive, particularly on this side, at the national level. [*Desk thumping*] I hope that something would be said with regard to what will happen during the six-month period when there are no councillors and aldermen to seek the interest of the people of Trinidad and Tobago.

If, I might make reference to the Tunapuna/Piarco Regional Corporation where my constituency is serviced [*Interruption*]. Arouca South exists in the Tunapuna/Piarco Regional Corporation.

Mr. Maharaj: I thought it was San Fernando East.

Mrs. C. Robinson-Regis: Just for the Member's clarification. I do not know if the Member knows which corporation services Couva South. The concern on

this side is what would happen to the people and the areas that need to be serviced by these regional corporations. Something should be put in place and this, an extension of the time for holding local government elections is not an uncommon situation. It occurred in 1990 and 1991.

If the coalition Government, particularly the Minister of Local Government had spoken with the Member for Tobago East, who dealt with the situation in 1990 and 1991, or even the Member for St. Joseph, as someone indicated to me, who was the official *locus classicus* of local government in all its glory, the Member for St. Joseph, would have been able to indicate what could have been done to deal with the situation that now exists.

I am hoping that the coalition Government will give us some more information with regard to clauses 2(b) and (3) of the Bill before this House. That is our main concern. Until we are given that information we will have to withhold our support. I repeat, we have no difficulty if there is a good reason for the delay of the local government elections but we do have a difficulty if there seems to be some subterfuge of the Bill which is before this House.

Thank you, Mr. Speaker.

3.05 p.m.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, it is quite an honour to have to respond to the Member for Arouca South this evening, although it is with some regret, I must say, that she appeared to be rather contradictory in a number of the statements she made. She did not seem to have read the Bill carefully in certain areas, notwithstanding the fact that she spoke of how short it was. She alluded to the brevity of the hon. Minister who made this presentation. I am sure that if she went to a good school, particularly a primary school she would have known that brevity is the soul of wit. [*Desk thumping*]

She seemed to have taken such a long time in attempting to voice some of her objections to what is relatively a very simple Bill before this honourable House. In the first instance, what generated this Bill was the political bungling of the other side, because if they knew they were going to call a general election on November 6 and announced it in this honourable House on October 6, when the life of the councils went out on September 27, some provisions should have been made by the previous administration for the continuation of the life of local

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government. To come today and question the *bona fides* of this Bill and the hon. Minister of Local Government is to say the least, an act of shamelessness. [*Desk thumping*]

The hon. Member stated that she is not clear about the reasons for postponing the election. This Government has no choice in so doing. The hon. Minister of Local Government read a letter which he sent to the Chairman of the Elections and Boundaries Commission. He also read the response from the Elections and Boundaries Commission which stated very clearly that they are unable to hold elections before the end of the year. We did not say that. It was the Elections and Boundaries Commission that said they cannot hold elections before the end of the year.

Mr. Valley: Mr. Speaker, just on a point of clarification.

Mr. Speaker: Are you on a point of clarification?

Mr. Valley: Yes, Mr. Speaker.

Mr. Speaker: Are you asking the Minister if he is prepared to give way? Are you prepared to give way?

Hon. M. Assam: Yes, Mr. Speaker.

Mr. Valley: Thank you very much, Mr. Speaker, and Member for St. Joseph. I just wanted to know whether the Elections and Boundaries Commission stated that they could not hold the elections by the end of the year, or that they did not expect to get electoral ink before the end of the year.

Hon. Member: Ignore him.

Hon. M. Assam: I will not ignore him because it seems as though Members opposite, including the Member for Arouca South and the Member who just spoke, must be given lessons in logic. I do not understand what he is saying. If the Elections and Boundaries Commission said that they do not have electoral ink, which is an important ingredient for holding elections in accordance with the Representation of the People Act, how can the Member for Diego Martin Central ask such a question? It is a *non sequitur*.

Mr. K. Valley (*Diego Martin Central*) *rose:*

Hon. M. Assam: I am not giving way this time. I think he is being difficult.

The reason for not holding the election is a very simple one. The reason for the nine months is also very simple. Three months have already elapsed. We on this side of the House are saying that within six months after the due date which is December 27, 1995, this Government proposes to hold local government elections. Is that not reasonable, hon. Members? This Government has just come into office and has found itself completely submerged with all the things that the former government failed to do; we are now trying to clean up, and they expect us to perform miracles and to hold a local government election by December 18.

The hon. Member for Arouca South said that we are deceptive. I will deal with that. We are not miracle workers. The hon. Member for Arouca South has no quarrel with clause 2, so there is no need to deal with it. Given the fact that she has no quarrel with holding elections within nine months, I do not know why anyone else on that side should be worrying about why we are not holding elections before the nine months.

She then went on to query subclause (2) (b) and said that it was superfluous. What is wrong with superfluity in order to be precise, clear and to leave no doubt in anyone's mind that we are not being an ambiguous government? If the hon. Member did any teaching in her life she would realize that one of the qualities of a good teacher is repetition and superfluity, particularly for those who are slow learners.

Now I go to clause 3 of the Bill. She is worried. She says that there is something hidden with respect to clause 3 which states:

"All acts or things done or omitted to be done . . ."

She does not read:

". . . in the purported exercise of their functions . . ."

It is not willy-nilly. It is not a *carte blanche*, omnibus sort of indemnity. It says:

"All acts or things done or omitted to be done . . . in the purported exercise of their functions under the Municipal Corporations Act,"

If the hon. Member had read the Bill properly she would not have made that serious error of objecting to what is so clear and very well put in the Bill. She answered her own objection to her question and query. She asked how could we be talking about councillors and aldermen in clause 3, and she answered it. A mayor could be an alderman or a councillor. A chairman could be an alderman or

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a councillor. The purpose of clause 3 of the Bill is to cover aldermen and councillors.

I would also like to bring to the attention of the honourable House that the PNM had also extended the life of local government on many occasions. On one occasion mayors and councillors were kept for as long as six years in office without having local government election in this country. In my time, 1983—1986 when I was chairman of that *locus classicus* as the hon. Member described it—and I thank her most graciously for the compliment, because I remember that one of my students in that council is now the Member for Arouca North—the life of that council expired and it was the PNM Government that extended it for one year. I do not understand why today they are so concerned about the extension of the life of the council for nine months, when it was the fault of their Prime Minister who made such a serious error—of course for them; it was good luck for us—in calling a general election before he called a local government election.

The hon. Member then spoke about retrospective legislation. I think it is a good thing that the people of this country have put them in opposition. I remember when I used to listen to the contributions of the Member for Arouca South when she was in another place, she never gave the impression that she was ever engaged in that kind of research, although it is quite irrelevant this evening. She went into the War Damage Act, the Burma Oil Company and the Northern Ireland Act which are totally irrelevant to the debate in the House this evening.

3.15 p.m.

She claims that we are not open and transparent and uses as an example something she read in the newspaper about an aide to the Prime Minister saying that a woman was going to be made Senator and instead a young man was made Senator. On the basis of that example, she said that the coalition was deceiving people. I feel tremendously sorry that a responsible Member could come to the Parliament and make a categorical statement condemning this Government as being one of deception and giving as an example a newspaper report, which may or may not be correct, but which is so trivial that I am wondering if it is this kind of trivia which will characterize the next five years of contributions of the opposite side.

The Member asked certain questions about how the public will be represented in the next six months without the benefit of councillors. She asked other questions about whether in fact clause 2 has any relevance to section 273 of the

Municipal Corporations Act, but she never gave us any suggestions as to how she would like the Act reworded. The hon. Member has not told us how she proposes that people in local government districts should be represented in the next six months. She merely criticizes the measure. I had hoped that as a responsible Member of Parliament, a person in her profession would have come with alternative suggestions about how she feels the Bill could be improved in terms of local government representation. There is this vacuousness and this inability to make solid, meaningful contributions, and, rather, she comes with empty criticisms of what is a very simple Bill to correct a situation which we inherited from her administration.

It seems to me that the Bill before us is simple, straightforward and uncomplicated. There are no devious underpinnings in it. It seeks to do one thing and one thing only. It wishes to put on course this Government's recognition of the need to hold local government elections as quickly as possible. It has sought advice from the Elections and Boundaries Commission on how soon it can be done. It has been responded to by saying that it cannot be done by the end of 1995, so the Government is putting mechanisms in place to ensure that the democracy of this country is continued at the local government level, and is proposing that within six months we hold elections. In the meantime, the people responsible for running the local government bodies—the mayors, the chairmen, along with the public servants and the Chief Administrative Officer—will be empowered to run the corporations under the directions of the hon. Minister of Local Government.

If the opposite side has another view, it should say so. If the hon. Member for Arouca South has some contribution to make on how local government should be administered between January 1996 and when local government elections are held, she should say so, but for goodness sake, do not accuse us of deception; do not accuse us of anything we are not guilty of. This Government has been transparent every moment since its assumption of office. There is no one who can accuse us, to date, of dishonesty, as the Member has suggested. There is no one who can accuse us of engaging in any deals, or any kind of devious, dishonest activity or practice and I am hoping that someone will find it fit, hon. Speaker, to make an apology for the indiscretion and the rather unfortunate language of the Member for Arouca South.

I therefore wish to support this Bill as put forward by the hon. Minister of Local Government and look forward to the support of the entire House.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, before I get into my contribution, may I congratulate you wholeheartedly on your election as Speaker of this House. I wish also to congratulate the Member for Pointe-a-Pierre for his maiden presentation, brief as it was.

I regret I cannot congratulate the Member for St. Joseph for his maiden presentation. [*Interruption*] I cannot. I am sorry. It appears that the Member for St. Joseph is of the view that the louder the tone of one's voice and the greater the number of sarcastic words that one has in one's presentation, the better the quality. Nothing could be further from the truth. There is very little I can say about the contribution from the Member for St. Joseph, except that it was totally irrelevant and demonstrated that that hon. Member had not even read this Bill. He does not understand it.

When one looks at the Municipal Corporations (Amdt.) Bill, 1995—I heard *sotto voce* from the Member for Couva South that we should recommend amendments and I was tempted to say that I wish to recommend an amendment—that we delete clauses 1, 2 and 3—because each one of those clauses makes absolutely no sense. The Member for Couva South has given the legal interpretation why these clauses make no sense. When one looks at clause 3:

"All acts or things done or omitted to be done between the 27th day of September, 1995 and the commencement of this Act by Councillors or Aldermen in the purported exercise of their functions ... shall be deemed to have been lawfully done..."

What are these acts? Are they assault and battery, robbery, fraud, harassment? Section 11(4) of the Municipal Corporations Act states:

"The term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office."

The former Minister of Local Government had corresponded with the mayors and chairmen of the various municipal corporations prior to September 27, informing them that the term of office of councillors and aldermen would cease on September 27, 1995; that all serving councillors and Aldermen would go out of office and that mayors and chairmen, in accordance with the Standing Orders, would run the affairs of the corporations thereafter until the holding of local government elections.

There can be no dispute therefore that on September 27 all serving councillors went out of office according to the law. There were no serving councillors and aldermen after September 27. The mayors and chairmen functioned in accordance with the standing orders and ran the affairs of the corporation.

These councillors and aldermen did not exist after September 27, in the same way that when general elections were called on November 6, Members of Parliament went out of office and did not exist in that period.

3.25 p.m.

Mr. Speaker, it is a nonsense in law to have a clause which indicates that all acts done or omitted to be done between December 27, and the commencement of these acts by councillors and aldermen shall be deemed to have been lawfully done. There is nothing that they could have lawfully done. They did not exist! Unless this clause is sheer incompetence, it is clearly an attempt to give legal effect to a criminal act. It cannot be anything else, hence the reason I asked, was it assault and battery, robbery, fraud or harassment? Councillors could not function after September 27. They were not in office.

In the Member for Arouca South's presentation she asked, what was the relevance of clause 2(b). Clause 2(b) says:

"...all Councillors and Aldermen whose terms of office expired on the 27th day of September, 1995 shall vacate such office,..."

on the coming into force of this Act.

Section 11 (4) is absolutely clear when it says that the councillors shall retire three years after the election. Which councillors and aldermen are vacating office on the coming into effect of this Act? Councillors and aldermen do not exist! I would have expected someone with the experience and expertise of the Member for Couva South to have advised our new Attorney General on the nonsense that exists in these two clauses. These clauses are null and void and of no effect. *[Interruption]* Unless, of course, there is some intention to cover up a criminal act. If these councillors have committed criminal acts then they would be subject to other laws. I really do not understand the purpose of this clause; it is irrelevant, it is of no effect and it serves no purpose.

Mr. Speaker, when I heard the Member for Couva South was not appointed a member of the Cabinet and was not made Attorney General—although this was the introduction he was given on every political platform, “the next Attorney

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General of Trinidad and Tobago”—I thought to myself, perhaps it is just as well. But, Mr. Speaker, if in the first piece of legislation that this Government has brought into office, comprising an explanatory note and three clauses, one of which is the short title—this is the kind of incompetent drafting that we are to expect— *[Interruption]* I am of the view that this Bill was not drafted by any draftsman in the employ of the public service. I am of the view that the Attorney General drafted it herself, perhaps at home without the benefit of the law books. The fact is, Mr. Speaker, on seeing the incompetence in this Bill, perhaps it would have been better for the Member for Couva South to have been appointed Attorney General. I am certain that he would not have made the fundamental and trivial—to use the Member for St. Joseph’s sarcastic words—errors that are apparent in this Bill.

In addition, if one goes to clause 273 of the Municipal Corporations Act, the Member for Tobago East, another legal luminary—silk no less, although under unusual circumstances—in 1990 made it quite clear that he understood that councils cannot function effectively without councillors. In section 273 of the Municipal Corporations Act the term of office of the members of the local authorities was extended for a year and a catch-all was put in as well:

“Or to such date as the President may specify by Order published in the *Gazette.*”

In 1991, the term of office was again extended and in 1986, another administration extended the term of office of the members of the councils. Those Governments understood that councils cannot function effectively without councillors. For this purpose the amendment in 1992 gives a three-month period. I heard the hon. Attorney General ask, ‘why three months?’ Mr. Speaker, that is considered to be the maximum period that councils can function without councillors. There are many things that councillors have to do and the Member for Ortoire/Mayaro is aware of this; there is a Finance Committee, Infrastructure Committee, Health Committee. There are many important functions which cannot be properly discharged by one person over an extended period of time.

In addition, the purpose of committees is to have different opinions and points of view around the table so that one can eventually arrive at consensus, benefiting from the wisdom of a greater number of persons. To have these councils operating for nine months with the mayor and chairman being chief cook and bottle washer” is simply inefficient and it is not countenanced in the Municipal Corporations Act. I think it is simply improper. No other government has ever

come to this Parliament and extended the date for calling elections without extending the term of office of councillors or making some other suitable arrangement. If the Member for St. Joseph wishes to know, we, on this side, suggest that they make some amendment to the legislation, put in some arrangement which will allow the councillors and aldermen who went out of office to function during the period-

Mr. Panday: Do you have amendments?

Mr. C. Imbert: Mr. Speaker, the Member will get the amendments before the end of the session. The Government should put in some arrangements to allow councillors and aldermen to function and to assist the mayors and chairmen to allow these councils to run properly. Even the members in Government councils would not want these corporations to run for nine months without representation at the local level. To whom will the people go when they have local problems? To whom will they go for assistance? At the present time there are no councillors and no aldermen and Members of Parliament find themselves having to deal with problems that should be properly addressed by local government representatives.

If the Government believes that there should be no local government representatives for nine months then it is, in fact, saying that we should have no local government at all; no local government representation, no local government representatives; let the mayors and chairmen run the council for the next nine months. Mr. Speaker that is the fundamental problem with this Bill and we, on this side will introduce an amendment to deal with this problem. We need something to allow proper representation and proper management of the councils during the nine-month period.

Clauses 2(b) and 3 are really quite irrelevant, trivial, nonsensical, superfluous and totally unnecessary, unless there is something that we do not know. I do not know what is going on, on that side. I do not know if between November 7 and now, something happened—a new Government took over and perhaps they gave instructions to persons to start assuming functions and powers which they do not lawfully have. We do not know. I can say, Mr. Speaker, that the former Minister of Local Government indicated clearly to all the corporations that the councillors went out of office on September 27, 1995, before the general elections and that they did not have any authority thereafter. I do not know if on November 7, 1995, the new administration decided to give certain councillors and aldermen powers. I do not know and I would like to know what is this purported business all about.

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What do they purport to do? If they do not exist what can they purport to do? Perhaps the legal luminaries on that side can tell me.

The Member for Tobago East should also have advised the new administration on the dangers in retroactive legislation. In 1987 his government passed at least two pieces of retroactive legislation of which I am aware, to validate the illegal acts of the Member for St. Augustine when contracts were given out without tenders. *[Interruption]* Mr. Speaker, on previous occasions the Members on the other side always accused Members on this side of illegal actions, but the Member for St. Augustine committed illegal acts and in 1987 the Member for Tobago East had to pass retroactive legislation to validate the illegal acts by the Member for St. Augustine.

3.35 p.m.

It is a fact. If that is not so I would like somebody on the other side to say so. I am not saying that the Member for St. Augustine did anything wrong. It was incorrect under the law, to award contracts without going through the Central Tenders Board, or using the appropriate government regulations. It was incorrect and improper to do so, but I do not believe he did anything wrong. I believe he is an honourable man, but that was retroactive legislation. The Member for Tobago East understood clearly the importance of saving the Member of St. Augustine from himself.

The Member for Tobago East also passed retroactive legislation to cut public servants' salaries by 10 per cent while the matter was before the courts. The Member for Tobago West was around then too. So those are two very serious examples of retroactive legislation. Therefore, I assume that clause 3—if it is not an error—can only refer to serious criminal action. It cannot refer to anything else, because if it does, it is irrelevant and redundant.

Also, I was a bit disappointed that the Member for Pointe-a-Pierre, in his maiden address, did not take the opportunity to outline the vision of the new administration for local government. This is not a simple piece of legislation, this is not simply three badly worded clauses extending the date for elections. The implication of this legislation is that councils can continue for the next nine months from the time that they went out of office, six months from now, without elected representatives. If councils are going to be functioning for the next six months without elections I expected the Member for Pointe-a-Pierre to explain to this House what is going to be done to ensure that these councils function

properly. Also, I wanted to hear the other side's vision for local government. It is becoming more and more apparent to me that virtually every Member on the other side, with the exception of the Member for Couva North, who has disappeared, is not being permitted to say anything.

When one reads the newspapers, listens to the radio or looks at the television one does not hear anything coming from the Members on that side. What I am seeing is a preponderance of photo opportunities coming from the Member for Couva North—the Member turns on a standpipe in Laventille; the Member opens an ice-cream parlour in St. James; he took the credit for the mandir in the sea which was built by the Member for Arouca North. Mr. Speaker, I am wondering if over the next few months—however long this Government will continue—we would see all the projects that were undertaken by the People's National Movement; all the police stations, schools, roads, bridges and houses.

I was passing by Independence Square, coming from the market and I looked up and saw in John John 27 block of flats, built by the Member for Point Fortin, the former Minister of Housing and Settlements, ready to be opened. [*Desk thumping*] The Member for St. Augustine, before he was appointed Minister of Housing and Settlements, was adamant on television saying that the ministry is a non ministry, it should not exist, and he wants to be Minister of Construction, whatever that is. I note that the Member for Couva North rewarded him by making him Minister of Housing and Settlements. So I am hoping that when the Member for St. Augustine opens that block—testimony to the construction of houses under the PNM administration, after we had five years under the Member for Tobago West and not a single house—he gives credit where it is due. This administration is only one month old and already I am becoming tired of seeing the Members on the other side taking credit for the good work of the People's National Movement. I know sometimes one has to make track for agouti to run but it is getting out of hand, Mr. Speaker.

I understand that a list has been compiled of some 200 projects in the Unemployment Relief Programme such as that beautiful Sewdass Sadhu Shiv Mandir in the sea, which I notice the Member for Couva North was very happy to go and bask in the good work of the Member for Arouca North, without anyone saying that it was built by the Member for Arouca North. I understand that those projects, which were undertaken by the PNM administration, will all be

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opened by the new Government who will try to take credit for them. Say what! It does not matter because the people in the communities will know who built them. The Sewdass family knows that Jarrette Narine, the hon. Member for Arouca North, is responsible for the temple in the sea. They know! So it does not matter. It is quite irrelevant.

I also expected that the Member for Pointe-a-Pierre would have taken a look at the work done in the Ministry of Local Government during the period 1991—1995. One of the more important things to come out of that period was the report of the Cabinet-appointed committee on local government boundaries.

3.45 p.m.

This committee, appointed in May 1992, reviewed the work of the former subcommittee and it was mandated to make recommendations on the redefinitions of local government boundaries. The committee reported to the Minister of Local Government in 1995 and gave wide-ranging recommendations on what they believed to be appropriate for local government boundaries and corporations in general, taking us into the 21st Century.

It was found that the stated rationale for the boundaries of the new corporations was not borne out in the actual boundaries laid out in Act No. 21 of 1990. In fact, we discovered that the work done by the former administration in the 1986—1991 period was unscientific, and we also discovered that communities had been separated by artificial boundaries; that industrial, commercial, agricultural and residential areas were lumped together in a hodgepodge; it was really quite political. As a matter of fact, the administration of 1986—1991 had an imaginary dream that they could win local government seats and made certain changes to the boundaries in 1990 in a manner which they believed would benefit them politically.

As a result, one finds corporations such as the Couva/Tabaquite/Talparo Corporation which stretches from the constituency of Caroni East all the way down to Pointe-a-Pierre. It is a huge corporation which has within it remote rural areas, industrial areas, commercial areas and residential areas; there is no nexus in many of the communities in that corporation. In particular, the Chaguanas Borough Corporation has most of the Caroni Swamp, which is nonsense because a borough is the next stage before a town and one would expect that in circumscribing the boundaries of a borough one would go as far as residential and commercial settlements would permit. It is highly unlikely that one could have

residential or commercial property within the Caroni Swamp and the Nature Reserve. So that when one looks at the artificial boundaries created in 1990, one sees that they were not properly thought out and that many of these local government boundaries made little sense.

We decided in 1992 that we would not go the way of that former administration and what we decided to do was to appoint a team comprised largely of professionals. And I shall give you the resource personnel of that team which included the Assistant Director of Town and Country Planning Division, a senior lecturer at the University of the West Indies, whose particular specialty was the formation and demarcation of local government boundaries. It also included the Chief Census and Survey Officer of the Central Statistical Office. I do not want to call the names, I am just giving you the professions which included the consultants from the Inter-American Development Bank; a Building Inspector; the Director of Socio-economic Policy and Planning from the Ministry of Planning and Development; a retired City Clerk and so forth. So what we did in 1992—instead of the politically oriented committee of that previous administration of the 1986—1991 period—was to appoint a committee comprised largely of technocrats, persons with expertise in land planning, valuation, population, demographics and geography and we gave them a free hand and asked them to look at the existing system of local government boundaries and tell us what new boundaries they believe should exist.

I must congratulate the team which did excellent work and which was chaired by Mr. Seignoret. I congratulate him and all the members of his team including the Director of Lands and Surveys. As I said, the personnel from Town and Country Planning, the CSO, the Ministry of Planning and Development and so forth, they did an excellent job. It was also recognized that the Municipal Corporations Act of 1990 did not repeal the Division of Trinidad Act, Chap. 26:01. What in effect occurred was that the division of Trinidad into wards and counties continued to apply although we had distinct and discrete municipal corporations. This has caused tremendous confusion and, in fact, it was one of the areas that we were going to look at very seriously after the receipt of this report. What has happened is that for many purposes, for land and building taxes and population census, the administration of many ministries, such as the Ministry of Works and Transport, is still governed by the County system.

Mr. Speaker: The hon. Member is, in fact, talking about municipal corporations and the like, but I would simply ask whether the Member believes it is relevant to the actual issue of the Bill.

Mr. C. Imbert: Yes, Mr. Speaker, I think it is very important, and I thank you for bringing me to my next point. I am suggesting to the Minister that during the period of extension, all these matters should be examined. As I said, this was not a politically oriented team, it was a team of technocrats, and the Minister will discover that there are very efficient and professional people within the Ministry of Local Government and he has many resource personnel on whom he can draw. I am therefore suggesting during the period before elections that he look very seriously at these—

Mr. Humphrey: I am asking the hon. Member to indicate the source of that document whether, in fact, it was the Government sponsored report and if it was, what is the date? If it was an official document, why was it not laid in Parliament?

Mr. C. Imbert: This report was presented to Cabinet in mid-1995.

Mr. Humphrey: What month?

Mr. C. Imbert: It is actually dated June 23, 1995. The Cabinet did not get it in June. The report was handed to the Minister of Local Government in June who then presented it to Cabinet some time thereafter.

I cannot remember the precise date, but at some time in July or August, it was presented to Cabinet. Cabinet sent it to its Finance and General Purposes Committee and it was decided at that committee, that before we brought this document to the Parliament, it would be more appropriate to engage in a series of public consultations on the document to arrive at national consensus.

3.55 p.m.

Mr. Speaker, because the recommendations of this committee are far-reaching, we felt that we would benefit from direct consultation with the local government corporations themselves because, at that time, and today, all the corporations were not controlled by one political party. There were a number of corporations controlled by the PNM and a number controlled by the other side; and in the spirit of democracy and transparency, the words that the Member for Couva South likes to use so often, we felt that we would ask the team to make a formal presentation of this report to all the members of the local government

bodies and get input from all of them and thereafter, go on the road, as it were, to hold a series of public consultations at strategic locations in all parts of the country. This is something that Members on the other side have always been crying out for—that when we come before this Parliament we do not engage in public consultation. This is the kind of contradictory message that the Members on the other side like to send, Mr. Speaker.

Mr. Maharaj: You were persuaded, then.

Mr. C. Imbert: Of course! We felt that something as far-reaching as this which dealt with elections—you are dealing with boundaries and the future of this country—there should be wide-ranging consultation both at the level of the councils and at the level of the public.

The report is now before the ministry and I would urge the new Minister to proceed exactly in that manner. As a matter of fact, if he consults with his Permanent Secretary, he will find that a Cabinet Note has already been drafted, and he simply has to change the date, which is what I understand the new administration is doing anyway, simply changing the date.

Mr. Speaker, there is a tremendous vacuum in this country. Just today, someone made the point to me that the Government is yet to make its first major decision and, perhaps, that is why we are not hearing anything of substance from Members on the other side and through you, Mr. Speaker, to the Member for St. Joseph, I do not mean statements made at the opening of an ice-cream parlour or a retail outlet on Independence Square. [*Interruption*]

Mr. Assam: I did not open any ice-cream factory.

Mr. C. Imbert: Was it not you?

Mr. Assam: Oh, you are blind—you cannot read now?

Mr. C. Imbert: Mr. Speaker, the fact is that I am suggesting to the Member for Pointe-a-Pierre that he use the interval when there will be no elections, because, you see, the point we are making is that we on this side are not fundamentally opposed to the postponement of local government elections. It is the manner in which it is done. It is the circumstances which have led up to this. It is the reasons that have been given with which we have difficulty.

The Member for Arouca South made the point that if the Members on the other side wanted to postpone local government elections they simply had to come and say, "We are not ready; we do not believe it is a good time; we feel we

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will lose". [Laughter] Any reason like that. Say anything you want; and we on this side will consider it very seriously and deal with it. But I am a bit surprised at this "ink shortage" story, because—and correct me if I am wrong, hon. Member for Pointe-a-Pierre—the letter from the Member for Pointe-a-Pierre to the Chairman of the Elections and Boundaries Commission was dated November 27, 1995.

While I am on that topic, Mr. Speaker, I do not blame the Member for Pointe-a-Pierre, but I think it is quite improper for a minister of Government, other than the Prime Minister, to be engaging in correspondence of this nature to the Elections and Boundaries Commission. That is my personal view. I think that correspondence with regard to the holding of elections is a matter for the Prime Minister and the Chairman of the Elections and Boundaries Commission. We must have conventions and traditions in this country, Mr. Speaker. If we abandon all of the conventions and traditions then everything is going to turn "ole mas" in Trinidad and Tobago. [Interruption]

Mr. Assam: Why did you all not go to the Speaker? You have abandoned the most fundamental parliamentary convention!

Mr. Valley: Because we respected certain conventions—the higher conventions; and the more fundamental conventions.

Mr. C. Imbert: Mr. Speaker, the letter—I really cannot be part of all that. The letter from the Minister was dated the 27th, but I have here an article from the *Daily Express* dated November 18, 1995, some nine days before the letter of the Minister of Local Government and I shall quote the article for the record. It is headlined: "Ink Shortage Delays Local Government Election"—

"A shortage of electoral ink will delay the holding of local government elections, probably until next year, according to Prime Minister Basdeo Panday.

Panday said yesterday it has been 'intimated' to him that the Elections and Boundaries Commission (EBC) was not prepared for a local government election this year due to a shortage of materials."

Now, if the Member for Couva North knew, on November 18, that "dey ain' ha' no ink", why nine days later was the Minister of Local Government writing to the Chairman of the EBC? Mr. Speaker, it just does not wash. But, be that as it

may, we have a statement from the Commission that ink was ordered on November 15 and it is on its way, and it will arrive some time either towards the end of the year or early in the New Year.

I also saw a newspaper report where the EBC is quoted as saying that they can hold elections with four to six weeks' notice being given to them. So really, Mr. Speaker, local government elections could be called quite soon—six months from now, two months, three months, five months—it does not matter. But we on this side have no objection to the postponement of these elections.

I would have preferred the Member for Couva North to come and make the statement that, because of the yuletide season, because we have just gone through a general election, because the population is not ready for acrimonious platform encounters at this point in time—some believable reason, Mr. Speaker—that we have to postpone elections for another six months. I would have preferred the Member for Couva North to come and say that it is not in the best interest of the country to hold elections at this time, and with concern for the population, not wanting to have two elections so close to each other, we wish to postpone the elections; and we on this side would have said, "No problem". All this thing about ink, ballot paper, pen. Really!

Coming back to what I would ask the Member for Pointe-a-Pierre—[*Sotto voce interruptions*]*]*—and I wish to state categorically, Mr. Speaker, that I believe, without any shred of a doubt, the correspondence received by the Minister from the Chairman of the Elections and Boundaries Commission. I believe that. So let us put that out of the way lest we hear some more *sotto voce* from that side over there. But the thing is, Mr. Speaker, ink could only delay the elections for two or three weeks. Ink is not a reason to delay the elections for six months.

4.05 p.m.

There are other reasons. I believe that one of the believable reasons is that the population is just not ready for it at this time. That is all the Member for Couva North had to say. But they come with this nancy story about not getting ink for the next six months. That is what he said—they cannot get ink for the next six months.

The Minister also has in his possession a report dated May 16, 1995. It is the report of a committee on "Recommendations for the Future of Local Government." You see, we did a lot of work. Do not worry with the Member for St. Joseph—

Mr. Maharaj: Mr. Speaker, on a point of order—

Mr. Speaker: May I have the relevant Standing Order that one is claiming has been infringed?

Mr. Maharaj: Mr. Speaker, the Standing Order dealing with the requirement of a Member of Parliament to be relevant in the debate is Standing Order 36(1) which reads:

"...a Member shall confine his observations to the subject matter under discussion."

What the Member is talking about is not the subject matter under discussion. The subject under discussion is whether there should be—

Mr. Speaker: The Member's speaking time has, expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. K. Valley*]

Question put and agreed to.

Mr. C. Imbert: Mr. Speaker, let me thank you for your very wise and judicious ruling. Of all the people who talk about irrelevance, it is the Member for Couva South, who has come into this Parliament time and time again and given us 75 minutes of pure unadulterated irrelevance.

The Bill before us is a Bill to amend the Municipal Corporations Act. The Bill allows for extension of the holding of elections until—if my calculations are correct—some time in June, 1996. We must try and understand—at least we, on this side, understand, but Members on the other side must try and understand—what this means. Local government is not a toy. You cannot just come into this House and postpone the date for election without any thought whatsoever given to what is going to happen in the administration and management of those corporations during the period. It is not a plaything.

Therefore, since the Members on the other side do not seem to understand what local government is all about and since they have, in fact, presented a Bill which postpones the date for elections but does not allow for the functioning of the councils effectively during the period, I think it is incumbent upon me to indicate to the Minister of Local Government that he has before him a report of a committee entitled "Recommendations for the Future of Local Government."

Mr. Assam: Is that the one the Cabinet withdrew?

Mr. C. Imbert: The Member for St. Joseph does not even understand the workings of Government.

Mr. Assam: Do you?

Mr. C. Imbert: This committee included City Clerk, Port of Spain Corporation; the acting Planning Officer, Ministry of Local Government; Chairman of the Tunapuna Corporation; legal adviser; the Chairman of the Penal/Debe Corporation; the Financial Director in the Ministry; the Administrative Officer V; the Chief Executive Officer of the Princes Town Regional Corporation; the Facilitator of the Association of Local Government Bodies and CEOs from a number of other corporations. Again, non-partisan, non-political, comprising members both from the PNM and the other side, technocrats, experts, professionals, and so on.

This, in effect, culminated in a seminar that we held in December, 1994 and consensus was reached in that seminar on the future of local government. I dare say the Member for St. Joseph was there. He actually spoke quite well. I would ask him in his future contributions, through you, Mr. Speaker, to be as relevant in this House as he was when he made his presentation at that seminar in December, 1994, because he has fallen prey to the trap that new Members quite often fall prey to. They believe they could come inside this House, throw a little picong; throw a little humour; throw a little *mauvaise langue*; shout, scream, rant and rave, sit down, and everybody would say, "good presentation." One's presentation must have substance; it must be relevant.

In the findings of this committee it was recognized that there are difficulties between the public servants in councils and elected representatives in terms of their roles, functions and responsibilities. This is extremely relevant to this Bill. The boundaries between the two are very blurred: the extent of authority of mayors and chairmen; the extent of authority of chief executive officers; the authority of councillors, the authority of chairmen of councils.

When one has a tenders committee, for example, where matters are decided by majority vote; where you have administrative officers, councillors, representatives from the Central Tenders Board, and so on, and you have proper discussion, and a wide variety of inputs, proper analysis of contracts, and so on, one expects that one arrives at reasonable decisions, but in this particular case, you are going to have tenders committees functioning without members. It is a very important aspect of local government.

One of the first things that the new Minister will have to do is to ensure that tenders for scavenging and water distribution are expedited. This is one of the problems in the local government system, where the law does not permit the invitation of tenders and the award of contracts before the end of the calendar year.

4.15 p.m.

When one is in that ministry, one always finds oneself scrambling tenders for water distribution in the dry season, in particular, and it takes two to three months before deliberations are completed so these contracts are often awarded in March, and sometimes as late as April, with just one month to go in the dry season. With this arrangement there is no committee. The mayor or chairman makes a decision on his own.

In matters such as water distribution and scavenging, I believe the input of the elected council is required. When one is determining the work to be contracted out for the year—which areas should be scavenged; where water should be distributed—I do not believe that decisions of this nature should be left up to one individual. Each councillor would be familiar with his area far more than anybody else.

In addition, in the establishment of the development programmes and projects for the year 1996, the input of elected Members—or Members who were elected to represent the local areas—is vital. I do not believe that these matters should be left up to one individual. This is why this Bill is so deficient and defective. On all occasions, the previous administrations recognized that some arrangement was required to allow elected representatives to function and make inputs into the decisions of the corporations.

Mr. Speaker, one sees why it is necessary for me to go into what local government is all about. If I do not explain what local government is to Members on the other side then they may very well do their usual thing—carry on, make a lot of noise; pass the Bill; take it up to the Upper House—and I can assure you, Mr. Speaker, that if this is carried to the other place, they would receive a severe tongue-lashing from the more discerning Members of that House for the incompetence of this Bill. I can assure them of that, and they would not be as polite as I. They would most certainly not.

The first three months of the year is the most important period in the life of a council on a year-to-year basis. It is during that period that all the major

decisions are made for the functioning of the council. All projects and programmes of the council are established in the first three months of the year. With this arrangement it is not going to work.

I am asking the Member for Couva South, as the senior legal luminary on that side, and as the advisor to the Cabinet, to advise the Member for Siparia on a suitable amendment to this legislation to put some arrangement in place which would allow for the functioning of local government bodies during the period; but, we would also propose an amendment.

Let us look now at clause (3) in detail:

“All acts or things done or omitted to be done between the 27th day of September, 1995 and the commencement of this Act by Councillors or Aldermen in the purported exercise of their functions under the Municipal Corporations Act, 1990, shall be deemed to have been lawfully done or omitted to be done as though their terms of office had not expired.”

If one looks into Act No. 21 of 1990, the parent Act, one would see that the functions of councillors or aldermen are rather circumscribed. Councillors are members of the corporation; they can participate in statutory meetings; they can vote on motions; they can pass resolutions; they can introduce matters for debate in the council; they sit on committees; they can vote in committees and so forth, but there is very little else that councillors and aldermen can do. Quite different from the role of a minister.

When one looks at the Constitution, one sees that the minister is the manager of the ministry and the permanent secretary is the supervisor. Under the Constitution, the minister has responsibility for the portfolio to which he has been appointed, but councillors and aldermen really have very little powers. This is one of the areas that we believe should be examined in detail—and I hope that the new Minister would look at the two reports I have referred him to and see the hard work done by the technocrats and professionals, and continue our work to deal with the problem of the impotence of councillors and aldermen in the administration of local government operations. The Member for Ortoire/Mayaro would know that there is very little that a councillor or an alderman can do if the administrative staff is unwilling to listen to him, because they have no real powers as such.

Therefore—

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“All acts or things done or omitted to be done...”

causes me to keep asking: What are these acts? Was it chairing of a committee? Was it voting on a resolution? Was it awarding a contract? Councillors and aldermen cannot award contracts. That is done by the chief executive officers. So, this clause is a nonsense.

In fact, I would hardly believe it is intended to cover up criminal acts. I believe it is just sheer incompetence.

In the same way, when one looks at the second half of clause (2) which indicates that:

“...all Councillors and Aldermen whose terms of office expired on the 27th day of September, 1995 shall vacate such office...”

Mr. Speaker, you being a legal luminary, would realize, I am sure, that that is a nonsense because on September 27, they vacated office. There were no more councillors and aldermen. So, how can councillors and aldermen, who do not exist, and who have already vacated office, suddenly reappear and vacate office again? It makes no sense. That is why it has led to the suspicion that clause 2(b) is a precursor to clause (3); that something wrong was done—some criminal act was committed—and clause 2(b) begins to give the impression that the councillors and aldermen continued in office from September 27. It gives the impression, but it has no legal effect. Then, clause 3 attempts to validate something that was done by these imaginary councillors and aldermen.

I ask the Members on the other side to reconsider this Bill. I understand that they have agreed to amendments; and I thank them for being so generous, and understanding in the national interest, and for taking sensible advice. I thank the Government for taking the advice of the Members on this side, and we look forward to the amendments in due course.

4.25 p.m.

Before I close, let me just say that I consider this Parliament to be a very serious place, and I sincerely hope on the next occasion that a Member on that side rises to speak—I cannot complain about the Member for Point-a-Pierre, his contribution was short and to the point. Unfortunately, I am disappointed he did not take the opportunity, in his maiden address to outline his vision for local government; what he intends to do during the period of his tenure; why the Bill did not contain provisions for the management of the councils during the period

of postponement? I expected him to do that but it is his first contribution, and perhaps on the next occasion he will enlighten us.

I cannot congratulate the Member for St. Joseph. In his entire contribution—I took notes of what he said [*Interruption*] No, no. Some provisions should have been made by the previous Government; brevity is the soul of wit. Mr. Speaker, what that means, I do not know. If he subscribes to that principle he would have got up and spoken for 10 seconds. He said he was giving lessons in logic. He also said that they were submerged with all the things that the former administration failed to do. Is that why, since November 9 there have been no decisions made by this Government? Is that why there is a deafening silence in this country? Is that why we are going to have a calypso budget in January? Is that why they have engaged the services of very expensive help to prepare the budget for them, having been unable to prepare a budget of their own? I understand it is \$1.5 million, in the first instance.

Mr. Speaker: It may be useful to indicate to the hon. Member that he has two more minutes in extended time.

Mr. C. Imbert: Thank you, Mr. Speaker. I will conclude my presentation in two minutes.

The Member for St. Joseph said that they are so submerged with matters which the former administration did not do, that they could not come to Parliament with a proper Bill. That is essentially what he said.

Mr. Assam: Did I say that?

Mr. C. Imbert: That was the implication of what he said.

Mr. Assam: Did I say that? You are a great distorter.

Mr. C. Imbert: The Member went on to say; "no suggestions from Arouca South as to how the councils should be run." The Member for St. Joseph admitted that the Bill was deficient, that it contained no provision for the management and administration of the councils in the six-month period hereafter, and castigated the Member for Arouca South for not coming to this Parliament with amendments to improve this defective piece of legislation. He used, as an excuse, the fact that they were submerged by the work they have to do, because the former Government left them with a lot of work to do.

Mr. Speaker, nothing could be further from the truth. The Government is coasting. The work that the PNM administration did in its four years—as a matter

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of fact, they do not have to turn up for work in their ministries for the next two years. They do not have to do anything. I think they have recognized that and that is why they are coasting. That is why we have heard no policy statement coming out of the new Government since November 9 other than that they will follow the PNM's policy. That is the policy statement of the new administration. They will follow the PNM's policy.

Mr. Speaker, as I conclude, the Member for Couva South and the Member for St. Joseph have indicated that this Government intends to be transparent. On the next occasion I would like them to explain to this honourable House why the Member for Couva South is sitting in the Cabinet, not being a member of the Cabinet; not having taken an oath of secrecy; not having subscribed to the principle of collective responsibility, and could take Cabinet Notes and publish them all over the place, as he used to do in the past. He can, in fact, be an official leak in the Cabinet.

Mr. Speaker: Hon. Member, without dealing with the question of relevance, your speaking time has, indeed, expired.

Honourable Members, the sitting is now suspended to be resumed in half an hour.

4.30 p.m: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Jarrette Narine (*Arouca North*): Mr. Speaker, allow me to take this opportunity to congratulate you, as Speaker of this House. I hope that in this term there will be more relevance and peace in this House. I would also like to take this opportunity to congratulate Members on the Government side, especially some of my colleagues whom I knew before like the Member for St. Joseph and the Member for Ortoire/Mayaro. They have had two members on the local government authority before and on this side we have three.

Allow me to say that in his presentation, the Member for St. Joseph said that the Member for Arouca North was a student. I do agree that I was a student in 1983, but the Member for St. Joseph was also a student. We both were in local government in 1983 at the St. George East County Council. However, while we were both students, I graduated in 1991 and it took the Member for St. Joseph a further four years to graduate to Parliament.

I felt very pleased in that the contribution made by the Member for Arouca South was so eloquently done and her research was so magnanimous in that she went into all the details. She did that research and at this time, she was able to get the Government to look at this amendment and cancel certain parts and have them corrected. As the other Members on this side said, in bringing this amendment to Parliament, it seems as though the drafting of this amendment was not done properly, as the last clause was irrelevant. As of September 27, there were no longer councils and regional corporations. They all went out of existence and mayors and chairmen continued according to law.

Having had the opportunity to serve at local government level for eight years between 1983 and 1991, and having been there in 1986 when the councils were extended by one year to 1987, at that time, the entire council continued its operation with councillors and aldermen attending all the meetings and making contributions during that period. In 1987, we had local government elections. I had two four-year periods. In 1991, the council was then extended, but with an advisory body that all councillors were made advisors to the local government bodies.

You would recall at that time the Tunapuna/Piarco Regional Corporation would have been divided into two corporations. In 1992, they were then merged again. It meant that persons coming into office, like myself in 1991, were replaced at that advisory level.

I am recommending that the council continue to operate whether it is six months or nine as the case may be. It seems to me that the present Government is about a six-month or nine-month period. I do not know how long this Government will stay in office. It is like getting a six for a nine. It is on the basis of either within six or nine months that we are doing everything.

I say this because I will concentrate my efforts on the Tunapuna/Piarco Regional Corporation with which I am very acquainted. The Arouca North constituency is part of that corporation. There are 16 electoral districts in the Tunapuna/Piarco Regional Corporation and it is very difficult for one person as chairman and the political arm to continue in office to oversee this entire area which extends from Hutton Street, St. Joseph, to Monroe Road, into Wallerfield, to the Valencia River, and up in the North, to Blanchisseuse.

It is a part-time job for all mayors and chairmen and it will be a difficult period if the councillors continue to June 1996. This means that one person will be taking charge of that political situation with the CEO and making decisions for

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the entire corporation. Maybe it is because the People's National Movement controls two-thirds of the regional corporations in Trinidad, which means six out of the nine regional corporations, and four out of the five city and borough corporations.

5.10 p.m.

It is my understanding that since Act No. 21 of 1990, some of the things that we did between 1983 and 1991 were changed. As a matter of fact, at that time we had three committees, and on the fourth Thursday we went into the statutory committee meeting to legalize all that was done during the last three meetings.

At this time there are four committees. A physical infrastructure committee which deals with street-lights, markets, abattoirs and recreation grounds is one of those committees. We all know that councillors are to be very vigilant in their areas, and there are 16 of them. Reports coming in every week under Urgent Business and Outstanding Matters would not be dealt with without councillors, not only at that advisory committee, but to bring in reports so that the effectiveness of the Local Government Authority in any area can be carried out.

Many people in Trinidad and Tobago do not really know the kind of work done by councillors and the amount of responsibility that councillors have, as against Members of Parliament. One speaks about streetlighting, which is very critical to the present crime wave in Trinidad and Tobago. I notice that it has escalated since the Government said that it will deal with that, but I think the criminals are dealing with the Government now. Streetlighting is very important. It is also very important for restructuring sanitation and construction gangs at local government level.

A simple thing as an open manhole has to be done by the Local Government Authority. This is safety for the people. There are thousands of pieces of correspondence coming in every year to Local Government Authorities. Are we saying that one person who is a part-time worker will deal with all these matters?

There are matters of flooding, bad drainage and requests to use facilities which go to the Council. Maybe the Ministry of Housing and Settlements has put down a housing area which has recreational facilities. This is eventually handed over to the Local Government Authorities for maintenance, and requests for permission to use those facilities are sent to the council.

It is very important for the reports and programmes to be effective. There are outstanding matters that come to council. Sometimes the county councillor, for months—and the Member for St. Joseph will understand what I am saying—repeats himself to get a drain cleaned. It means that once the councillor is there, there is a chance of getting those matters dealt with. The health of the nation is very important to all of us. The Local Government Authorities are the ones who deal with those matters.

Every month one is given a progress report of what took place the month before. These reports are very important for councillors to follow to get out there in the field to ascertain that the programme of works passed the months before was effectively carried out by the management and administration of the council. It means that a councillor is a foot soldier for the council. He or she is out there every day looking at the gangs, investigating certain reports made to them and getting back to council to have them expedited. The absence of the progress report, Mr. Speaker, is an indication that these things will not happen. As a matter of fact, works cannot be followed up in corporations like the Tunapuna/Piarco Regional Corporation with 16 areas to be dealt with.

Urgent Public Matters are part of the agenda at every meeting of council and these matters are considered in order of priority. If there is some matter which will pose a danger to the public, that matter is very important that week. We do not wait for a statutory meeting for those matters to be brought up. They are brought up every week and expeditiously dealt with.

The Member for St. Joseph will know that between 1983 and 1986 I was very opposed to the Personnel Committee. It was a proposal made to deal with the workers of the county council and I felt that because there was a trade union movement representing the workers of the council, the political arm should have no part of that. However, with Act No. 21 of 1990, this was made law, so that we now have in the regional corporations a personnel committee that will be monitoring the levels of employment at these corporations.

The Member for St. Joseph will recall that in 1983, whereas the Tunapuna/Piarco Regional Corporation, then the St. George East County Council, had to have 1,260 workers as the permanent cadre and another 1,000 or 2,000 workers on the casual cadre, we met 19,000 workers in St. George East. After a period of time, we brought that down to a manageable level of 1,400, but the level that is supposed to be in that council is 1,260. That is the allocation that is given for National Insurance.

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The council is also helping the public service in its reform in that there are gangs working in certain areas with two persons. So the councillors play a very important role in getting these gangs together. It makes no sense to have two persons working in one area and five in another.

One must give credit to the Member for Port of Spain North/St. Ann's West for introducing that system in the public service so that the Local Government Authorities could have worked towards regularizing those gangs, be it in construction or otherwise. The movement of workers is so important for councillors. They are vigilant and they must know that.

They also call for the list of workers on extended sick leave, the list of employees who had abandoned their jobs during that period, and that is from the Memorandum of Agreement. If you have absented yourself for four days without sick leave to cover you, or without excuse, it means that you have abandoned your job. One has to be very vigilant.

There are also tours by councillors and aldermen, and from time to time we will visit an electoral district so that other councillors in the region could understand those problems, and when we get into council, in making decisions, we may well find a councillor giving way to another saying that his fellow councillor had a more critical situation than he.

5.20 p.m.

In development funds, you transfer funds to that area instead of leaving the funds for your area alone. They are monitoring the Memorandum of Agreement and the council. At the council level there is the Finance, Planning and Allocation of Resource Committee and there is the monthly statement of expenditure. So that one may well find that a budget would be in January and there would be no one to monitor the expenditure of the council, and the administration spends that money and in July/August—I think it happened in 1984 when all our construction gangs, turned into sanitation gangs because there was no money for goods and services.

Recently I saw a memorandum sent out by the Minister of Local Government stating that all the workers of the Local Government Authority should be made permanent, and in certain cases they may be placed on a special permanent list. What does this mean, Mr. Speaker? It simply means that they are going to make these people permanent and when they end up with 7,000 more persons, there is less money for goods and services; there is less money for the council to spend,

so we may end up in the eighth month with the council not having money for any goods and services to pay labour.

Mr. Assam: Mr. Speaker, on a point of clarification. Is the Member saying to this House that workers in local government bodies should not be made permanent?

Mr. J. Narine: I am not saying that, Mr. Speaker. I am saying that if one is a regular worker—I may take some time to explain this—then there is no difference. Once the worker has two or more years effective service, the worker is entitled to the full number of days sick leave, extended sick leave. One is entitled to all the perks. But when one gets into difficulty with the funding, that is where the problems occur. One would have to make sure that all those workers get 10 days. As far as The Chief Personnel Officer (CPO) is concerned, there is a cadre of 1,260 which one cannot exceed. I have seen that they are going to do something about the 1,260 but they are also going to make persons 10 years and over special permanent workers.

Mr. Sudama: Mr. Speaker, would the Member give way? Is the Member aware that that is as a result of an Industrial Court award and decision that that matter is being pursued? Does he want us to violate the decision of the Industrial Court?

Mr. J. Narine: Mr. Speaker, I am certain that the Industrial Court's award is not going to exceed the amount given by the Chief Personnel Officer, according to agreement. I am certain that the Member is not aware of what is taking place. It is nice to do that because if the Government has to call a general election before local government election, the Government may look good and put us in trouble after, the same thing that happened this year.

Mr. Speaker, we also have the health committee which monitors all the health services of the country, in that the garbage collection is being done in each area. There are correspondence in other ministries that we take care of. In these documents here we have correspondence that came from the Ministry of Sport and Youth affairs where the Local Government Authorities assisted. There are also "thank you" letters included.

The unauthorised structures for vending are dealt with by the Local Government Authorities because the main roads belong to the Ministry of Works but every secondary road in Trinidad belongs to the Local Government Authority. Every tributary leading to a main course river in Trinidad belongs to the Local

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Government Authority. Every drain on a secondary road and interlock drains passing through properties belong to the local government authority.

Again, there are the rodents and mosquitoes. Right now we have an infestation of mosquitoes in certain areas of St. George East and this is handled also by local government. We depend on the councillors to come in and make those reports. The statutory meetings approved all these matters, Mr. Speaker. It is critical that from January to June one gets the releases for development of infrastructure within the various regions. The councillors monitor the releases for development and it is important in the dry season—which we know is from January to June—to do these drainage works and road repairs.

In 1996, the development programme will have to be monitored by the councillors. It cannot be left to a few people in any area to deal with that. I can say that in 1995 the first releases came between February and March. The Tunapuna/Piarco Regional Corporation got their releases in March, but it is my understanding that as early as February the Princes Town Regional Corporation got their releases. It is based on how effective the councillors work to put down their programmes and submit them to the ministry, so that they can get the Ministry of Finance to release those funds. We are dealing with the very particular issue also of over-spending the budgetary allocations.

How will this work without councillors? I would like to submit that there were also areas where mayors and chairmen had to operate under very strenuous circumstances, having no councillors and no meetings during the week.

I would not like to be too long, but what I am indicating here in winding up, is that it is important to have councillors and aldermen attached to the councils. I am certain from what I heard during the tea-break that the amendments brought here today were not in keeping with what should happen in local government. It is good to know that the Government has taken the advice of the Member for Arouca South and other Members on this side, that this is not good legislation and there should be an amendment. If that amendment is satisfactory to us, we will continue to support it.

I would like to add that in 1995 before the date of the general election was announced, I remembered reading in the newspaper where the Elections and Boundaries Commission stated that they were ready for two elections. I have also heard that the then Prime Minister, now Leader of the Opposition, had discussions with them and they indicated that they were ready for both elections and they were ready for December 18. For them to come now and say that they

do not have ink and ink should have been brought down here in five weeks time—I am certain that on October 6, they knew that they did not have ink for two elections, although they said before they were ready for two elections at any point in time.

5.30 p.m.

For the Minister to contact the Elections and Boundaries Commission—as one person quite rightly pointed out, you are going to interfere with the Elections and Boundaries Commission in a direct way. Am I hearing that in the local government elections it is contemplated the Tunapuna/Piarco Regional Corporation will be 22 seats. If you can do that, then you might be able to interfere with the boundaries for local government elections, which is a dangerous thing. I am saying that we may be well on our way to having that advisory council to monitor the progress of the Local Government Authorities. We are suggesting that this be placed on the amendment.

I thank you very much.

The Minister of Planning and Development (Hon. Trevor Sudama): Mr. Speaker, I had no intention of participating in this debate this afternoon, but I must put the record straight. In fact, when I listened to the contributions of the Members for Arouca South, Diego Martin East and now Arouca North, and I listened to the contradictions and confusion coming from the other side, I came to one conclusion—that the trauma of November 06 has not dissipated; that they are in a state of shock; therefore, nothing sensible or logical seems to be forthcoming from them. I hope that they will reconcile themselves to their new status in this House in due course.

The Member for Arouca South said at one stage of her contribution that she was supporting the Bill; at another point in her contribution she said that she was opposing the Bill, at another point in her contribution she did not seem to know what to say about the Bill. She said she needed to be persuaded. Mr. Speaker, I will do my very best to persuade her this afternoon. She asked why the period of

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nine months? Why is this Bill recording an extension of nine months? I thought she would have known that nine months is a period of gestation. What really amazed me was that this Member for Arouca South came to this House and said that the PNM was committed to upholding the rule of law and the Constitution. There is really a very lawful organization that has been in existence.

Mr. Speaker, I want to remind the other side of what has been the history of the PNM with respect to postponing local government elections? They are complaining that we have come here and one of our first acts is to postpone the local government elections which are due. Their own act of calling elections on November 06 was an act of postponement of the local government elections, and then the Member says, "well you know you will postpone if there is legitimate reason to do so; if there is a disaster, if there is urgent and pressing reason to do so." Well, I want to inform her—because she does not know, that the first local government elections under the PNM were held in 1959, and the PNM got a sound licking. Between 1959 and 1968 no local government elections were held, but they were due every three years. This is the Government that is committed to upholding the law of the land, and the party which was committed to upholding the rule of law. Can they explain to us why between 1959 and 1968 the PNM party refused to call local government elections? What was the ground there?

Mr. Speaker, local government elections were due in 1986 and they were postponed without any valid reason being given to the country. When they come here, with this hypocrisy, to talk about the rule of law and, adherent to the rule of law they have a history of infractions of the law, it is for us to correct that. This is what we are trying to do here. The reason that they were treated so shabbily and shoddily over the years was that the first claimant to fatherhood of this nation had no use for local government and he made that very clear in his statements over the years. This is why local government was emasculated over the years. We are not talking about the pretender—the second claimant. The pretender, of course has use for nothing as the PNM would surely realize that nobody had use for the pretender to fatherhood of the nation.

And yet, that is clearly expressed because there is no commitment to the concepts of decentralization, local government, and empowering people at every level. They had no commitment to that. It is all a question of centralization and holding power in the hands of a small group, and indeed, in the hands of one person. Nobody must question his authority—the Member for San Fernando East.

Except you believe in that principle of decentralization and empowerment of the people you are not going to be committed to the principle of local government in Trinidad and Tobago. You see it in every form and fashion. You see it in the manner in which they dealt with allocations in the budget. Year after year they came to this House when they were in Government and they reduced the allocations to the local government bodies; year after year of continuing trends. Here he comes today to talk about the importance of local government councillors and the importance of the functions of local government. Year after year they reduced the funding, emasculated local government, they cut down their resources for goods and services. But do you know that every year the resources to the URP programme have been increasing? That was the vote bank. The vote bank, of course, did not quite deliver in 1995 and we are committed to the restructuring of that whole programme. Every year URP allocation is increasing until this year it went up to \$130 million. Compare that to what you have been giving to the local government bodies. Now he comes here to talk about the need for retrenchment. They have retrenched and caused the retrenchment—
[Interruption]

Mr. Speaker: Hon. gentlemen, the situation is beginning to get out of control.

Hon. T. Sudama: Thank you, Mr. Speaker. I am merely pointing out and I am responding to the statements made on the other side. Increasing URP, decreasing allocations in local government and yet you are complaining you have no money, and you are committed to local government. I am just pointing out the contradictions in the Opposition.

So the Member for Arouca North possibly was not talking to the Member for Diego Martin East about the importance of local government councillors and their relevance in the system of representation that we are experiencing here in this country.

5.40 p.m

What we are really discussing here today, is the question of the practicality of holding elections within the limited time span we have had after assuming office. Therefore, what we are doing is extending the life of the council so that the Elections and Boundaries Commission would be in a position to conduct efficient local government elections. Simple!

Mr. Valley: We agree.

Hon. T. Sudama: If you agree, this is a Government that will accept reasonable suggestions coming from the other side. *[Clapping and desk thumping]* We are a Government that embraces all sectors of the national society of Trinidad and Tobago.

Mr. Valley: Mr. Speaker, we have been trying to tell the hon. Member that for about two hours now, that there has been an agreement between the Government and the Opposition with respect to the amendment. *[Interruption]* The Member for Diego Martin East was on his feet, as you are aware, and the Member for Arouca North had to make a contribution of “10” minutes, but the line that is being followed is suggesting that there was no agreement. I would like to state that there has been agreement, and there is no need for him to go over those things which we have accepted for nine months.

Hon. T. Sudama: I graciously gave way to the Member and he has made a speech which I will not allow.

Mr. Speaker, we have made the proposition that we are open to reasonable suggestions from the other side. We are a Government that wants to embrace the whole country, including the PNM, and we are even willing to listen to them. We are not impervious to ideas and suggestions like they were when they were in Government. We are different. *[Desk thumping]*

We are introducing a different political culture in Trinidad and Tobago, Mr. Speaker, and the Member for Diego Martin East spent a long time—saying nothing, of course—lamenting the fact that councillors have no power, no relevance, they can do nothing; and I wonder what he was doing when he was the Minister of Local Government, to empower councillors to function more effectively and efficiently. I have firsthand experience about the Member’s commitment to local government.

The Penal/Debe Corporation was created as a result of the changes which were made in 1992.

Mr. Valley: Recommended by you.

Hon. T. Sudama: Recommended on very sound and logical reasons which could not be refuted at all by the other side.

Mr. Valley: *[Inaudible]*

Hon. T. Sudama: You just could not refute the logic of my contribution. But when that corporation was created, it spent three years without a home and

without a place to hold a meeting, and the Member is saying that he is committed to local government. What hypocrisy coming from the other side! It took this Government of national unity, within the space of one week of assuming office, to give the Penal/Debe Corporation a home. This is how we move and act in the interest of the people of Trinidad and Tobago. But the Member will go down in history—and I have had the experience with respect to accommodation for the Penal/Debe Corporation personally—as the most obstinate and obstructionist of the Local Government Ministers in the history of Trinidad and Tobago because of his attitude to representation coming from the other side. We have shown our commitment to the principle of local government of empowering people and we will go forward very strongly in that direction.

Then there was this whole lament on which I must comment. When their term of office has expired, councillors are required to continue because they are the democratically elected representatives of the people and, therefore, they will be in a position to bring the concerns and problems of the people at that level to the attention of the council and corporation and get something done. We have no problem with that, Mr. Speaker. What we are merely doing by this piece of legislation, is following what is currently in the law, that the mayor and chairmen will continue to hold office until such time as they are replaced, but the council's life will come to an end. That is in the law. We are not changing that principle, but merely proceeding with it. If there is need to change that and to say that the councillors and so forth shall continue in office until the next local government elections, then they had four years in which to do so.

When this Bill was brought to Parliament in 1990, all it required was a simple amendment to section 11(4) "The term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office." All that was required, was a simple amendment to that stating that the councillors, notwithstanding that their term of office came to an end after the triennial period, will continue in office until such time as local government elections are held. That is all. If that was the principle that they were coming here to advocate, then they had the option of proposing an amendment in 1990 to this section, and they had the power between 1991 and 1995 to effect an amendment. So if that is what we are arguing about then they are against the principle of mayors and chairmen continuing in office.

For four years they were in office and they did not do anything to amend that provision, and now they are coming to cry crocodile tears about representation of

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councillors and their concerns and so forth—the Member for Diego Martin East who is the most obstinate obstructionist with whom I have ever had the misfortune to deal and who is indifferent to the concerns of local government.

5.50 p.m.

Mr. Speaker, as I said, we are not averse to coming here, listening to whatever their concerns are and accommodating them, insofar as they are sensible suggestions, into the Bill before us and, therefore, we would propose that if they do want an advisory council, or whatever else they want, to continue for the next six months, then we propose that—*[Interruption]*

Mr. Maharaj: You see Government!

Hon. T. Sudama: —in subclause (2)(b) we will delete the new subsection and substitute the following—and I hope that meets with the approval of the other side—

Mr. Imbert: You are proposing the amendment?

Mr. Narine: That is our amendment, how could you propose it?

Hon. T. Sudama:—that:

“On the coming into force of the Municipal Corporations (Amdt.) Act 1995—

(a) subject to paragraph (b), the Councillors and Aldermen of each Corporation whose terms of office expired on the 27th day of September, 1995 shall comprise an Advisory Committee of that Corporation on the same terms and conditions of service that they enjoyed as Councillors and Aldermen;”

And you see we extend a hand to the other side and we have even considered this part of the amendment.

Mrs. Robinson-Regis: It is our amendment!

Hon. T. Sudama: “(b) the person who held the office of Deputy Chairman of the Sangre Grande Regional Corporation on the 26th day of September, 1995 shall assume the office of the Chairman of Sangre Grande Regional Corporation.”

So we are extending a hand to the other side to make them a little comfortable. I know they are very uncomfortable in their new status as Opposition, but we, as a Government of national unity, are willing to incorporate the concerns of all sectors of this population, by bringing them into the fold and making them part and parcel of the governance of Trinidad and Tobago. This is our ideal and objective.

Mr. Speaker, I have the honour, therefore, to propose this amendment to the Bill before us. [*Laughter*] And we will discuss this further at the committee stage. I merely wanted to signal, in my contribution, that we are willing to countenance the suggestions and therefore to look at them—

Mr. Manning: If it were not for us, there would be no Bill.

Hon. T. Sudama: —and see how best we can bring them into the fold.

Mr. Imbert: Will you give way? Mr. Speaker, I thank the hon. Member for giving way—I wish to thank—oh, I am sorry.

Mr. Speaker: The Attorney General.

Mr. Imbert: No, no, he gave way.

Hon. T. Sudama: Thank you, Mr. Speaker, I understand, he has—

Mrs. Persad-Bissessar: He can speak again.

Hon. T. Sudama: If I may say so, he has "overspoken" in this House. I do not think he should be given another opportunity. Mr. Speaker, this is our position, we have brought this Bill to the Parliament out of necessity—

Mr. Speaker: No. I thought that the Minister had completed his contribution.

Hon. T. Sudama: No, I have not.

Mr. Speaker: I see. You were asking him to give way?

Mr. Imbert: Yes.

Mr. Speaker: Will the hon. Minister give way?

Mr. T. Sudama: I am about to complete, Mr. Speaker. He will have to wait.

Mr. Speaker: He will not give way.

Hon. T. Sudama: Mr. Speaker, I merely want to say that we have had to bring this Bill to the Parliament out of necessity because of the circumstances in

which we found ourselves and the shock treatment of the Member for San Fernando East in calling an election on November 6—shock treatment for the whole country, including his side. This is why, of course, he has found himself in that predicament where his authority is being challenged in the PNM. He does not like his authority to be challenged, but it is challenged in a way that involves his survival. One Member talks about the Government not surviving for six or nine months. I wonder how long their leadership will survive in the present situation.

Mr. Narine: Very long.

Hon. T. Sudama: I wonder how long the Member for San Fernando East is going to survive in the present situation in which he finds himself.

Mr. Speaker, we have brought this Bill, we have listened to suggestions made and to the concerns of the other side. We have attempted to accommodate those concerns and by presenting this Bill, hoping that it will get unanimous support from the other side, as amended, and that we will all be happy. When the next local government elections are announced we will, of course, go forth as the Government of national unity to bring victory at the local government elections.

Mr. Barendra Sinanan (*San Fernando West*) *rose.*

Miss. Nicholson: Oh God, we not going home today!

Mr. B. Sinanan: Mr. Speaker, as I address this honourable House for the first time—

Mr. Manning: What language!

Mr. B. Sinanan: It would be remiss of me if I did not join my parliamentary colleagues in congratulating you on your election as Speaker to this honourable House. Mr. Speaker, I offer you my personal congratulations on occupying this most distinguished Chair.

Mr. Manning: Hear, hear!

Mr. B. Sinanan: Mr. Speaker, you bring to this House considerable experience, and I am sure at the end of your term as Speaker, you would rank among those distinguished Speakers who have presided in this House before you.

Mr. Manning: You mean at home.

Mr. Assam: How ungracious!

Mr. B. Sinanan: Mr. Speaker, I agree with the hon. Member for Oropouche in the amendments he proposed. I think both sides have agreed to that amendment. It is our amendment. Apart from that, Mr. Speaker, like the hon. Member for Oropouche, I have nothing further to say. [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, with your leave, let me thank the hon Members on the other side for the contributions that they have made here this afternoon and say that this Government, as we have said from the very start, is a Government committed to national unity that will consider the views of all the citizens of this country. So we have looked at the amendment that is before this House. Before I continue, let me make it quite clear that this Bill is before this House today because of the problems and decisions of those on the other side who failed to call the local government elections within the time. That is why this Government had to bring this Bill to extend the time. If you look at it, the life of the local government bodies expired on September 27, 1995 and it was the other side, who were in government at that time, who failed to take steps to call the local government elections, wisely or unwisely—and definitely much to our gratification—called a general election.

Now if we are to look at the clauses of the Bill, taking into account the comments from the other side, I want to make it quite clear that clause 3 is not devious and was not designed for subterfuge. It is merely for the purpose of protecting the public interest in the sense that, if any acts were done during the period of time when the other side was in government, Mr. Speaker, the public interest would have been protected in this way.

If they now come to us and they say that they have nothing in that sense that needs to be protected, we know that we do not need that protection, and we are totally prepared to delete clause 3 in that sense. [*Applause*] So we will delete clause 3 in our amendment.

6.00 p.m.

When we look at clause 2 of the Bill—and I understand from their contributions that hon. Members on the other side have no difficulty with the first clause of the Bill, which reads as clause 2; it is clause 1(a) which will amend section 11(4) by inserting (4B). Therefore we look at (b).

With respect to the comments and contributions made for that clause, as I said, in the interest of national unity and consultation, we are quite happy that we

have reached consensus and that they are willing to go with the amendment for the setting up—*[Interruption]* Mr. Speaker, with the greatest of respect, the amendment has been circulated; we on this side have discussed it and I am gracious enough to tell them that. There is no point in 17 of them shouting, "it is our amendment." The amendment on the table is the amendment that we have brought forward based on consensus and discussion. So on the basis of national unity we accept that amendment.

The point I wish to make clear is that if this House would unanimously support that amendment, we have no difficulty with it. Therefore, I beg to support this Bill and to ask that the amendments be taken at the committee stage. We would further propose another amendment with respect to subclause 2(b), subsection(1A), that is to say, to terminate those advisory councils upon the appointment of councils duly elected when the local government elections are held. So we would go further with respect to that amendment.

We have taken into account, as the hon. Member for Oropouche has pointed out, the position that has arisen in the Sangre Grande Regional Corporation and we have made provision for that so that the deputy chairman would be able to assume office as chairman of that corporation.

With those words, I thank you, Mr. Speaker, and I support this in the name of the Local Government Minister.

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, in light of the exhaustive contributions made by the Member for St. Joseph, the Member for Oropouche and the Member for Siparia, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, I propose an amendment to clause 2(b) which reads as follows:

"In paragraph (b), delete the new subsection (1A) and substitute the following subsection:

'(1A) On the coming into force of the Municipal Corporations (Amendment) Act, 1995-

- (a) subject to paragraph (b), the Councillors and Aldermen of each Corporation whose terms of office expired on the 27th day of September, 1995 shall comprise an Advisory Committee of that Corporation on the same terms and conditions of service that they enjoyed as Councillors and Aldermen, except that each Advisory Committee shall cease to exist upon the election of Councillors and the appointment of Aldermen in consequence of elections held under Section 11(4B);
- (b) the person who held the office of Deputy Chairman of the Sangre Grande Regional Corporation on the 26th day of September, 1995, shall assume the office of the Chairman of the Sangre Grande Regional Corporation."

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Speaker, I beg to move that clause 3 be deleted in its entirety.

Question put and agreed to.

Clause 3 deleted.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

Municipal Corporations (Amdt.) Bill

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The Attorney General and Minister of Legal Affairs Hon. Kamla Bissessar: Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, December 20, 1995, at 1.30 p.m.

With your leave, if I may inform the hon. Members of this House, the report of the Finance Committee and the Finance (Variation of Appropriation) Bill, 1995, of which copies have been circulated to hon. Members, will be taken through all its stages.

Question put and agreed to.

House adjourned accordingly

Adjourned at 6.13 p.m.