

HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2019

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, I have received communication from the following, the hon. Shamfa Cudjoe, MP, Member for Tobago West, who has requested leave of absence for the period June 24th to July 6th, 2019; and from Dr. Fuad Khan, MP, Member for Barataria/San Juan, who has requested leave of absence for the period June 26th to 30th, 2019. The leave which the Members seek is granted.

PAPERS LAID

1. Audited Financial Statements of InvesTT Limited for financial year ended September 30, 2018. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Consolidated Audited Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the financial year ended December 31, 2009. [*Hon. C. Imbert*]
3. Consolidated Audited Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the financial year ended December 31, 2010. [*Hon. C. Imbert*]
4. Consolidated Audited Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the financial year ended December 31, 2011. [*Hon. C. Imbert*]

5. Consolidated Audited Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the financial year ended December 31, 2012. [*Hon. C. Imbert*]
6. Consolidated Audited Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the financial year ended December 31, 2013. [*Hon. C. Imbert*]
7. Consolidated Audited Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the financial year ended December 31, 2014. [*Hon. C. Imbert*]
8. Consolidated Audited Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the financial year ended December 31, 2015. [*Hon. C. Imbert*]

Papers 1 to 8 to be referred to the Public Accounts (Enterprises) Committee.

9. Immigration (Amendment to the Second Schedule) Order, 2019. [*The Minister of National Security, Minister of Communications, Acting Minister of Foreign and Caricom Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young)*]

URGENT QUESTION

Berthing of Russian Navy Sea Tanker in T&T

(Reasons for Clearance and Approval)

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. Madam Speaker, to the hon. Minister of Foreign and Caricom Affairs: Could the Minister state the reasons why naval clearance and approval was given to a Russian Navy sea tanker named *Kama* to enter and berth in the territorial waters of Trinidad and Tobago?

The Minister of National Security, Minister of Communications, Acting

Urgent Question (cont'd)

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Minister of Foreign and Caricom Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, the Embassy of the Russian Federation in Georgetown, Guyana, requested the approval of Trinidad and Tobago authorities for the Russian midsize tanker, *Kama*, to enter the Port of Port of Spain for the purposes of replenishing the vessel's stock and to rest the vessel's personnel. Madam Speaker, Trinidad and Tobago routinely receives requests from other countries to traverse its territorial waters or to dock at the port for various reasons. The request of the Russian Embassy is therefore not unusual. Madam Speaker, we frequently receive requests for permission from countries such as the United States of America, Canada and Colombia for various reasons for their vessels, registered to those countries, to dock at the Port of Port of Spain, and this administration has no problem or no issue in granting such requests. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much, hon. Minister. Could the Minister indicate whether or not this development could compromise the Government's stated position of neutrality vis-à-vis the global positioning on the conflict and crisis in Venezuela?

Hon. S. Young: Thank you very much, Madam Speaker. Madam Speaker, it is somewhat disheartening to come here every week, sometimes on multiple days of the week and to hear the Opposition attack the sovereignty of Trinidad and Tobago and to continue with their mischief, Madam Speaker. [*Desk thumping*] It in, absolutely no way compromises Trinidad and Tobago's protected international and global positioning and one of mutual respect that I am sure we continue to maintain with the vast majority, if not all of the countries in the world. Despite the continued attempts by those on the other side to paint Trinidad and Tobago in the

Urgent Question (cont'd)

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most negative light, it is continued mischief on their part.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Madam Speaker, I apologize to the Member if I disheartened him—

Madam Speaker: Question.

Dr. Moonilal:—and I can. Is the Minister aware that the *Kama* vessel is a support vessel for higher-level naval warships and equipment?

Hon. S. Young: Thank you very much, Madam Speaker. Madam Speaker, as the Minister of National Security we granted our non-objection to this vessel being docked here, and I will tell the country here today, through you, Madam Speaker, just today, as the Minister of National Security and as the Acting Minister of Foreign and Caricom Affairs, we indicated to the United States of America that a naval vessel that they wish to dock here in Trinidad and Tobago in September is more than welcome to dock here at our port down in La Brea for them to provide hospital services to the people of Trinidad and Tobago. And as I said earlier, we welcome all of these countries for their vessels to enter Trinidad and Tobago, unless there is some reason, compelling reason why we should not and that has not yet arisen.

Madam Speaker: Leader of the House.

ORAL ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam Speaker. Madam Speaker, we will be answering questions 230, 232, 234, 235, 236, 238 and 239. We are asking for a deferral of 240 and 179.

The following questions stood on the Order Paper in the name of Mr. Fazal Karim (Chaguanas East):

Anti-Corruption Bureau Investigations

(Details of)

- 240.** Could the hon. Attorney General provide the number and the list of Anti-Corruption Investigation Bureau investigations that led to successful prosecutions and convictions from September 2015 to April 30, 2019?

Government Ministries

(Number of Vacancies and Contract Positions)

- 179.** Further to the response to House of Representatives Question No. 145 on July 1, 2017, could the hon. Minister of Public Administration provide:
- a) the number of vacancies in the permanent establishment in each Ministry from March 01, 2016 to March 31, 2019; and
 - b) the number of vacant contract positions in each Ministry from September 2015 to March 31, 2019?

Questions, by leave, deferred.

Tobago Jazz Festival 2019

(Details of)

- 232. Ms. Ramona Ramdial** (*Couva North*) asked the hon. Minister of Tourism: With regard to the Tobago Jazz Festival 2019, could the Minister state:
- a) the cost to the THA to host free concerts during the Festival;
 - b) the cost to the THA to secure Toni Braxton and Michael Bolton to perform;
 - c) the visitor arrivals for the Festival;
 - d) the cost to wet-lease an additional aircraft to service the Tobago air bridge; and
 - e) the revenue derived?

The Minister of Tourism (Hon. Randall Mitchell): Thank you very much,

Madam Speaker. Madam Speaker, with respect to Part (a) of the answer, in keeping with the objective of the Tobago Jazz Festival to attract visitors to the island, a free concert, entitled Jazz on the Waterfront, was held at the Scarborough Esplanade. It was hosted at a cost of TT \$174,410. Many persons attended the event and the concert offered patrons the opportunity to view performances by over 30 local artistes.

With respect to the Part (b), the performers Toni Braxton and Michael Bolton were secured by the THA at a total cost of US \$375,000, which was inclusive of travel, shipping, ground transportation and accommodation. Toni Braxton was accompanied by 20 band members at cost of US \$225,000 and Michael Bolton was secured at a cost of US \$150,000 and was accompanied by 15 band members. The length of the performances was in keeping with industry standards and were for a minimum of one hour.

With respect to Part (c), visitor arrivals over the period, April 25, 2019 to April 28, 2019, totalled 11,130 persons.

With respect to Part (d), over the period of the Jazz Festival, April 25th to 28th, additional seating capacity provided on the domestic air bridge was 3,456 seats. Caribbean Airlines has advised that the total cost to wet-lease an additional aircraft to service the Tobago Air Bridge over the period was US \$217,000 or approximately TT \$1,473,000. The revenue generated by Caribbean Airlines from visitor arrivals to Tobago during the period was in the order of TT \$2 million which does not include revenue generated by hotel, restaurants and other service providers in Tobago.

With respect to Part (e), with regard to the Tobago Jazz Festival, the Division of Tourism, Culture and Transportation of the THA has advised that ticket sales are still being tabulated and are expected to be completed shortly. An

exit survey of the Tobago Jazz Festival was conducted by the Division of Finance and the Economy of the THA and the findings of that survey will be made available upon completion. Thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Now, just to advise Members that shortly, while the Minister was giving his response, a Member emitted a sound, maybe in surprise which sounded somewhat like a whistle, and just for the further guidance, whistling will not be tolerated in this House.

Teenage Pregnancies

(Prosecution of Perpetrators)

230. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Attorney General:

Given the recent disclosure that there were 3,772 cases of reported teenage pregnancies for the period 2014 to 2018 and that 570 of such pregnancies were between the age group of 13 to 16 years, could the Minister provide the number of perpetrators from the 570 cases that are before the Court as at April 30, 2019?

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker. Madam Speaker, the Trinidad and Tobago Police Service and the Judiciary of Trinidad and Tobago have advised that from a logistical standpoint it is extremely difficult to ascertain the statistics requested by the hon. Member as such matters fall under a broad category of sexual offences, and these matters are not disaggregated in the subcategory requested by the hon. Member. Notwithstanding this difficulty, Madam Speaker, the Trinidad and Tobago Police Service has indicated that the prosecutions of the perpetrators for such cases are made increasingly difficult due to inaccurate and erroneous reporting by minors of alleged sexual offences.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you very much, Madam Speaker. Acting Attorney General, could you inform this House if there is any collaboration between the Ministry of Health and the law enforcement agencies? Because, from the point of view of pregnancies, and so on, individuals may be—well, not “may”, they have to seek medical care—

Madam Speaker: Member, it is a question. You had 15 seconds to ask the question.

Mr. Indarsingh: Yes, Madam Speaker. As I said, is there any collaboration between the Ministry of Health and the law enforcement agencies to bring the attention of cases from a judicial point of view?

Hon. F. Hinds: Madam Speaker, in the context of the whole-of-government approach taken by this Government, and if only on the basis of common sense and history, the answer clearly is, yes.

Automated Passport Kiosks

(Update on Procurement Investigation)

234. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of National Security: Could the Minister provide an update on the investigation into the procurement of automated passport kiosks by the Airports Authority of Trinidad and Tobago?

The Minister of National Security, Minister of Communications, Acting Minister of Foreign and Caricom Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, the Cabinet of Trinidad and Tobago appointed an investigator to investigate the procurement of the automated passport kiosks by the Airports

Authority of Trinidad and Tobago, Mr. Justice Rolston Nelson, Senior Counsel. The investigation is currently ongoing.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Minister, could you state what was the time frame for that investigation or that report by the esteemed Justice Rolston Nelson to be completed?

Hon. S. Young: Thank you very much. Madam Speaker, as we had indicated when we told the nation about the investigation, we have asked Mr. Justice Nelson to complete his investigation within the period of two months; no request has been made for any extension.

Airports Authority of Trinidad and Tobago

(Legal Action by Novo Technology)

235. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Works and Transport:

Could the Minister indicate whether any legal action was initiated by Novo Technology Incorporation Limited in relation to the procurement of automated passport kiosks by the Airports Authority of Trinidad and Tobago?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. [*Desk thumping*] Madam Speaker, I am advised that no legal action has been taken by Novo. Attorneys representing Novo Technology Incorporation Limited have served the pre-action protocol letter on the State in connection with the Government's decision to investigate the facts and circumstances surrounding the award of the contract by the Airports Authority of

Trinidad and Tobago to Novo Technology Incorporation Limited for the delivery of the automated passport kiosks and e-gate system. I thank you.

Trinidad and Tobago Television Limited

(Details of Revenues and Subsidies)

236. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Communications: With regard to Trinidad and Tobago Television Limited (TTT), could the Minister state:

- a) the quantum of the Government's subsidy to TTT since its launch on August 30, 2018 to April 30, 2019;
- b) the revenues generated by TTT (exclusive of the Government's subsidy) from August 30, 2018 to April 30, 2019;
- c) the value of the monthly rental arrangement between the National Lotteries Control Board and TTT; and
- d) whether the Water and Sewerage Authority is a sponsor of any TTT programming?

The Minister of National Security, Minister of Communications, Acting Minister of Foreign and Caricom Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, with respect to the quantum of Government's subsidy to Trinidad and Tobago Television Limited (TTT) for the period, since its launch on the 30th of August, 2018, to the 30th of April, 2019, the total subvention was \$12.1 million. With respect to the revenues generated by TTT, exclusive of the Government's subsidy, from the 30th of August, 2018, to the 30th of April, 2019, the total revenue generated for that period which comprises airtime, production, transmitter rental, interactive media and contra is TT \$10.5 million. With respect to the value of the

monthly rental arrangement between the National Lotteries Control Board and TTT, the production and airtime agreement with NLCB is at a monthly value of \$450,000. With respect to whether the Water and Sewerage Authority is a sponsor of any TTT programming, it does not sponsor any programming on TTT.

Legal Fees Spent

(September 2015 to April 30, 2019)

238. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Attorney General:

Could the Attorney General state the total amount spent on legal fees for the period September 2015 to April 30, 2019?

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker, and I thank the hon. Member. Anand Ramlogan was appointed as the Attorney General, 26th of May, 2010, assigned with the responsibility of managing only the Ministry of the Attorney General. I was appointed on September 09, 2015, and assigned two Ministries, Attorney General and Legal Affairs, and absorbed the large part of the Ministry of Justice; three Ministries in total. The Appropriation Bills, Supplementary Appropriation Bills, Variation of Appropriation Bills for the published period of those Bills, 2010 to 2018, gave precise budgetary figures and close-off of accounts for all Ministries per year.

Together with cross-checks at the Ministry of the Attorney General and Legal Affairs, we have revealed the following: Under the UNC administration the combined expenditure for the period 2010 to 2015, inclusive of Attorney General, Ministry of Legal Affairs and Ministry of Justice was \$4.585 billion; under the UNC administration the expenditure for the period 2010 to 2015, inclusive for the Ministry of the Attorney General only was \$1.222 billion.

Under the present Government the combined expenditure for the period 2015 to 2019, for the combined Ministries of Attorney General and Legal Affairs

and the absorbed Ministry of Justice, all together is \$1.014 billion. Let me repeat that, combined UNC cost, \$4.58 billion; combined PNM cost, \$1.01 billion. Materially under the UNC administration, the expenditure on legal fees at the Ministry of the Attorney General was \$444 million-odd; it is \$444,444,197; that is nearly half a billion dollars.

Accumulated debts left behind on top of that for this administration to pay was \$137,128,742; of course, that is against the whole of UNC administration cost of \$1.6 billion. Under the present Government and under the present Attorney General, legal fees have been \$224,297,888.48, and this figure of 224-odd million includes \$140,544,281.74 spent by the DPP. It also includes \$83,753,606.74 spent on legal fees applied to liquidate arrears. Year-on-year comparison at the Ministry of the Attorney General under the UNC shows an average cost for one Ministry only of \$104,588,832.32, whilst under this Government for the combined costs of Legal Affairs, Attorney General, absorbed Ministry of Justice, DPP's expenditure included and liquidating arrears left by the last administration, we are 42.3 per cent lower in expenditure year-on-year on average.

I would like to add that the Attorney General's office has conducted a comprehensive value-for-money audit on all legal fees and expenditure and has referred several matters to the Trinidad and Tobago Police Service and the Office of the DPP for consideration and such action as may consider, in their respective constitutionally independent offices, as appropriate. Thank you, Madam Speaker.

[Desk thumping]

Madam Speaker: Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. We have heard a lot of that same before. Let me ask the question, can I ask the question on question 239, and maybe, subsequently, that the hon. Attorney General stick to the time period. The

question really is—

Madam Speaker: Member, Member, Member—

Mr. Karim: 239.

Madam Speaker: Yes. Attorney General.

Hon. F. Al-Rawi: I am sorry, that was a supplemental? We go on to 239?

Madam Speaker: Yes.

Hon. F. Al-Rawi: So no supplementals?

Madam Speaker: No supplemental.

Hon. F. Al-Rawi: I see. Thank you. I would be surprised if there were supplementals in light of that answer. God help them.

Anti-Corruption Investigation Bureau

(Total Amount Expended)

239. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Attorney General:

Could the Attorney General state the total amount expended by the Anti-Corruption Investigation Bureau from September 2015 to April 30, 2019?

The Attorney General (Hon. Faris Al-Rawi): In response to question 239, Madam Speaker, I am able to say the total amount expended by the Anti-Corruption Investigation Bureau for the period 2015 to April 30, 2019 is \$6,418,171.76.

Madam Speaker: I have been advised that the response to question 240 is now available. Member for Chaguanas East.

Anti-Corruption Bureau Investigations

(Details of)

240. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Attorney General:

Could the Attorney General provide the number and the list of Anti-

Corruption Investigation Bureau investigations that led to successful prosecutions and convictions from September 2015 to April 30, 2019?

The Attorney General (Hon. Faris Al-Rawi): Thank you. This is a materially important question to be answered, particularly in light of question 238. The Anti-Corruption Investigation Bureau has confirmed the following in response to question 240, the total number of persons charged between 2015 and 2019—the total number of persons charged were, in terms of charges laid, 1,093 persons were charged. The breakdown is as follows: 2015 to 2016, in fact there were zero prosecutions and zero convictions, but in 2017, 144 charges laid, two charged, zero convictions; in 2018, 939 charges of money laundering laid, one person convicted; in 2019, 10 charges laid and zero convictions.

I might add, having passed the Attorney General's office, having passed the ACIB over to the Trinidad and Tobago Police Service, what is important to note in this regard is that some of these money laundering charges include past senior Members of the United National Congress, including a former Attorney General and also a former Senator sitting in this Republican Parliament, the Eleventh Republican Parliament. So contrary to the exhortations coming from Naparima, in particular, the ACIB is doing phenomenally well on tracking down high-level corruption, including corruption amongst politicians. [*Desk thumping*]

Madam Speaker: Member for Naparima, do you have a supplemental?
[*Crosstalk*]

MISCELLANEOUS PROVISIONS (PENSIONS) BILL, 2019

Bill to amend the Retiring Allowances (Legislative Service) Act, Chap. 2:03; the Prime Minister's Pensions Act, Chap. 2:51; and the Judges Salaries and Pensions Act, Chap. 6:02 [*The Minister of Finance*]; read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Hon. C. Imbert*]

Question put and agreed to.

COMMITTEE OF PRIVILEGES REPORT
(ALLEGATION OF THREATENING WORDS)

The Minister of National Security, Minister of Communications, Acting Minister of Foreign and Caricom Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Madam Speaker, I beg to move the following Motion standing in my name:

Be it resolved that this House adopt the Report of the Committee of Privileges of the House of Representatives on the Allegation of threatening words.

Madam Speaker, I would like to start this afternoon's presentation with a very important constitutional concept, and a concept, Madam Speaker, that seems to be lost on some in this House. Madam Speaker, one of the most important concepts in our Constitution, the written Constitution that we have is that of separation of powers. [*Desk thumping*] And as a parliamentarian I took great pride in September 2015, on entering this House as an elected Member with a legal background and an understanding of the independence of the Parliament. You see, Madam Speaker, every Member of the Parliament, the 41 elected Members of the Parliament, it is my respectful submission, should all be prepared to stand for the independence of Parliament and to ensure that Parliament appreciates, and everyone appreciates the separation of powers with respect to Parliament.

Madam Speaker, when you refer to section 56(1) of our Constitution, the supreme law of Trinidad and Tobago, section 56(1) of the Constitution states:

“Subject to the provisions of this Constitution, each House may regulate its own procedures.”

That simple sentence, Madam Speaker, is of the most importance with respect to our Parliament. And what it means to the population of Trinidad and Tobago is that “we Parliament”, we Parliamentarians are the masters of our own process and procedures provided that they go in accordance with the principles of law. And one, as per the Constitution, I also draw reference, Madam Speaker, to section 55(3) of the Constitution. Section 55(3) says:

“In other respects, the powers, privileges and immunities of each House and of the members and the committees of each House, shall be such as may from time to time be prescribed by Parliament...”

So in the Constitution, Madam Speaker, where all law flows from, it is recognized in entrenched provisions of the Constitution that Parliament dictates its own processes and procedures and we are the ones who will prescribe our own processes and procedures, Madam Speaker. I go on, Madam Speaker, one of the most important principles in the separation of powers must be—must be, as I have just read from the written Constitution, that Parliament will regulate its own procedures.

2.00 p.m.

Madam Speaker, with the greatest of respect, the court has very little room to interfere in parliamentary procedures, and we must jealously guard Parliament from unjustified external interference. Having said that, I place on the record that traditionally, and it continues to today, the Parliament and the Judiciary have a very good, respectful relationship, so let that not be a worry.

I will also use this opportunity to add that prior to becoming a

Committee of Privileges Report
(Allegation of Threatening Words) (cont'd)
Hon. S. Young (cont'd)

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parliamentarian, maybe when I was acting as an Opposition Senator for one of them, I had the experience of acting as attorney-at-law for two Leaders of Opposition that were brought before parliamentary privileges committees. I would like to say that the current Prime Minister who was then the Leader of the Opposition was one of those, and then former Prime Minister Patrick Manning was the other, and at no time whatsoever as the legal advisor to those two gentlemen, did we ever look to trample, stamp or interfere with the powers, the sovereignty and the procedures of Parliament. As responsible attorneys we advised our clients that there is a strict line, a clear line between the powers of the court and the Judiciary and the powers of Parliament, and that line should not be blurred.

You see, it bothers me tremendously as a citizen of Trinidad and Tobago, first and foremost, and secondly as the representative for Port of Spain North/St. Ann's West, to see the consistent attacks on independent institutions in this country, and the persistent attempts by some in our society, and in particular by some in this House, to attack and water down the independence of some of our institutions, and the worst type of attack, [*Desk thumping*] an internal attack on the Parliament by a parliamentarian, to encourage an interference, an unconstitutional interference on the powers of the Parliament to regulate its own procedures. And what it shows to me, with the greatest of respect, and I stand here unafraid of being contradicted, is that there is absolutely no respect by some, some who yearn for power. No respect for independent institutions in Trinidad and Tobago.

There is a determined attack on these institutions, and I stand here today and say that those on this side, the 23 Members on this side of the House, as has been our proud history as a PNM Government and as a PNM Opposition in the past, and as a continuing PNM Government, will always rise to protect the independence of

the Parliament and the independent institutions in Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, the history of Trinidad and Tobago shows in the clearest possible terms that there has been no attack on the independence of institutions by any PNM administration.

Members cannot abuse the constitutional privilege of protection of freedom of speech given to them. I turn now to Standing Order 92 to start, if you will permit me. Standing Order 92 talks about the Committee of Privileges, and this is our procedure with respect to the Committee of Privileges. It says that:

“The Committee of Privileges shall have the duty of considering and reporting on any matter referred to it by the Speaker or the House, in accordance with Standing Order 32 (Privilege Matters) and Standing Order 55 (Order in the House).”—and in Committee—“It shall be the duty of the Committee to consider any matter so referred and to report thereon to the House.”

Subsection (2) says:

“The Speaker shall be a member and the Chairman of the Committee of Privileges.” [*Interruption*]

I have not gotten there as yet.

You see, Madam Speaker, what we did as a Parliament in determining our own procedures, is come up with Standing Orders, and the experience and the wisdom of the parliamentarians is that you, Madam Speaker, or whomsoever is privileged enough to sit in the seat of Speaker shall, as of right, not only be a member of the Privileges Committee but will be the Chairman of the Privileges Committee. Respectfully, the policy behind that must have been that

parliamentarians trust the Speaker to lead us in these proceedings, not only as we sit here in the House, but in one of the most serious committees that we have formed and it is a tradition, the parliamentary Committee of Privileges.

Subsection (3) goes on to say that:

“The Committee of Privileges shall consist of six (6) Members inclusive of the Chairman.”

So by definition, what we have determined as our own procedure, is in addition to yourself as Chairman there must be five Members who comprise the Committee of Privileges.

I then turn to Standing Order No. 32, Madam Speaker. Standing Order No. 32, which is on “Privilege Matters”, then tells us how we must proceed with respect to privilege matters, and it sets out the time frame and it sets out various things that determine and dictate the privileges.

You see, Madam Speaker, Members of Parliament are given the right of freedom of expression. However, as with everything, there is a line of reasonableness and there is a line that we must not cross, or lines that we must not cross. Having said that, if we cross those lines then we must come to our peers, subject ourselves to our peers and have it determined whether we have in fact crossed such a line and what sanctions if any must be put on us.

Turning then to Standing Order No. 55(4)(b). Standing Order No. 55 is about “Order in the House and in Committee”. This is the Standing Order that governs our behaviour in the Chamber. This is the Standing Order that dictates and sets out how we must behave when we have the privilege of serving in this Chamber. It talks about gross disorder. Subsection (4) talks about:

“Conduct shall be deemed to be grossly disorderly, if during proceedings,

the Member concerned...”

—and I go to (b):

“uses or threatens violence against a Member or other person;”

So you see, we as parliamentarians have determined our own rules, our own procedures, our own parameters of behaviour, and one of them that we have stated clearly in black and white that we must not infringe and that we must not cross the line on is none of us—we must not use or threaten violence against another Member or person whilst we have the privilege to serve here.

So, Madam Speaker, having stated the composition, having stated how a Committee of Privileges works, and what the mandate of the Committee of Privileges is, I turn now to the facts before us.

Madam Speaker, on Wednesday, October 10, 2018, the fifth and final day of budget debate, the Minister of Finance commenced his reply amidst much of the usual desk thumping and occasional crosstalk. As you are aware, Madam Speaker, those who sit furthest from your ear do engage in more than the usual banter which often causes you to rise and appeal for silence. And so, when the Member for Oropouche East uttered words in crosstalk directed at the Member for Laventille West, the records show that you did not hear what was uttered. However, the picture painted by the *Hansard* records provide invaluable assistance to Your Committee.

It reveals that the words uttered by the Member for Oropouche East were not mere taunts, were not mere picong, were not mere teasing, but were so menacing and abominable that they brought the Member for Laventille West immediately to his feet, interrupting the House. Madam Speaker, what were those offending words?—and I quote:

“Da is why Snake have some lead for you.”

Not surprisingly, on Tuesday, October 16, 2018, the Leader of the House moved a Privilege Motion alleging that the Member for Oropouche East committed contempt of the House when he uttered those words, in that they were threatening words and caused the House and its proceedings to suffer ridicule and public odium.

On Friday November 02, 2018, in accordance with Standing Order 32(4), the Speaker of the House ruled that a prima facie case had been made out and referred the matter to the Committee of Privileges for consideration and report. Madam Speaker, that was over eight months ago. Your Committee has since reported and that report is what is now before this honourable House for adoption.

The outset of the first meetings of Your Committee, Mrs. Camille Robinson-Regis and Mr. Fitzgerald Hinds, members, recused themselves from participating in this matter. Subsequently in keeping with the established practice of this House, on November 30, 2018, Dr. Nyan Gadsby-Dolly and Mr. Anthony Garcia were temporarily appointed to serve in their stead for this matter only, and we take this opportunity now to thank them for their service.

Madam Speaker, you might find it quite shocking to learn that the basis of so-called “constitutional claim” filed in the High Court by the Member for Oropouche East, who attempted to move the heavens and the earth to stop the committee, and by extension this House, from considering this question of contempt, I submit that for any Member, one of us, one with a duty to uphold the powers, privileges and immunities of this House that I quoted a short while ago, and to seek to restrain this House from claiming a privilege critical to the effective discharge of the functions of this House, is in my respectful view and opinion a

contempt of this House, but we will speak about that more later on.

Madam Speaker, also at our first meeting on Friday, November 30, 2018, Your Committee discussed our mandate, procedures, composition and work plan. In accordance with the practice of Committee of Privileges, Your Committee agreed that as an essential first step the Member for Oropouche East should be given an opportunity to be heard in response to the allegation made against him, a principle that was adhered to throughout our proceedings as a committee. Not surprisingly on Tuesday, October 16, 2018, the Leader of the House moved a motion, sorry—I must point out that throughout the deliberations of this committee, under your stewardship and your wisdom as Chairman, procedures that can withstand public scrutiny were adhered to and the work of the committee was conducted at all times in a professional and non-partisan matter.

A second meeting was scheduled for January 07, 2019, and the Member for Oropouche East was invited once again to be heard, accompanied by two of his advisors of choosing, in keeping with the established procedure and practice of this committee. However, the Member declined the opportunity to then be heard, indicating that he had concerns regarding the legality of the appointments and the constitution of Your Committee. He undertook to provide written submissions outlining his concerns. By then the writing was on the proverbial wall.

Why do I say this? For the following reasons. Although points of procedure were discussed and settled at the first meeting, two members of Your Committee prolonged the in-camera start on the 7th of January meeting on this matter by raising questions and challenging research presented to the committee by the Legal Unit of Parliament. The committee was informed that an attorney-at-law, a total stranger to this House, had sent what we call in local parlance, “lawyers’ letters” to

the committee, asking for responses to long-winded, convoluted, muddled questions which revealed that someone had begun misdirecting the Member for Oropouche East, or maybe something even more sinister. Of course, Madam Speaker, Your Committee hopes that by now that stranger has found the time to read up on the law of Parliament, and follow what is accepted as parliamentary procedures and processes.

On the 29th of January, the Member for Oropouche East sent his written submissions, outlining his concerns. They were directed to you, Madam Speaker of the House, in your capacity as Chairman of the Committee of Privileges, and rightly so, because they raised points of practice and procedure. Essentially the Member expressed the view that:

- (a) At the time the matter was referred, the committee had not yet been appointed;
- (b) The committee was improperly constituted since you, Ma'am, and by extension the House, have no power to appoint temporary members to serve on the committee;
- (c) The Member for Laventille West ought not to serve on the committee in relation to another matter referred, because he would likely hold a bias against the Member for Oropouche East.

Madam Speaker, as Speaker and in accordance with your duties under the Standing Orders, you responded to the Member's submissions. Copies of the response sent to the Member, through the Office of the Clerk of the House, were circulated to all of us. Therefore, at the meeting scheduled for Tuesday, February 05, 2019, the Member for Oropouche East was once again invited and was provided an opportunity to be heard. However, while the committee met there was no

appearance by or hearing from the Member for Oropouche East for the reasons explained as follows.

Madam Speaker, on Monday the 4th of February, 2019, the Member filed a constitutional motion against the Attorney General under section 14 of the Constitution, supported by his affidavit together with a notice of application for interim relief and a certificate of urgency at the High Court in San Fernando claiming that the Committee of Privileges as constituted infringed his constitutional rights to a fair hearing, challenging the authority of the court to appoint—[*Interruption*]

Dr. Gopeesingh: Madam Speaker, I stand on Standing Order 48(2) and 49 as well. The matter is before the courts; it is sub judice. The matter has not been concluded and it is in active proceeding. So I stand on that order.

Madam Speaker: Member for Caroni East, under 48(2) and 49, I consider this matter to be a matter which qualifies under 49(1)(a). It is clearly a matter of general public importance, and I am also satisfied that this is a matter that is solely the province of this House. I therefore overrule your objection. Please proceed.
[*Desk thumping*]

Hon. S. Young: Thank you very much, Madam Speaker. All we are referring to, and their nervousness is once again misdirected, is the constitutional relief being sought. So he is challenging the authority of the House to appoint temporary or substitute members to a committee, and (c), seeking an injunction against the committee continuing hearings into the matter referred to it by the House of Representatives until the determination of this matter before the court.

Madam Speaker, the matter was heard on the morning of February 05, 2019. Around 8.00 a.m. on the same February 5th, one Gerald Ramdeen—a familiar

name, I think he was once a UNC Senator—dropped off a bundle of documents in the Parliament's mail room and asked that it be passed to the Speaker's office. At that time he would have been a serving Member in the Parliament. The entire country now knows that is how you were made aware that a matter touching and concerning the hard fought for privileges of this House was being heard in the High Court in San Fernando, that said morning, including an application for interim relief to injunct us as a committee from proceeding.

Madam Speaker, with the greatest of respect, this method of service, particularly by a former Member of Parliament, is wholly unacceptable and shows the typical disrespect for office and institution by those on the other side. [*Desk thumping*] But, Madam Speaker, the law and the custom of Parliament states that you are the one who speaks for this House. It is you, Madam Speaker, who is the representative of this House in its relations to other persons and authorities outside of this House, and it is you Ma'am who has the ultimate duty to guard the rights and privileges and immunities of this House, although I respectfully submit that all of us in this House have a duty in that regard. And I add that those on this side, this PNM, also pledges to protect the offices and institutions of Trinidad and Tobago, including this Parliament, against any such attacks. [*Desk thumping*]

So with only a cursory glance of the documents dropped off in this most unusual and disrespectful manner to this Parliament, you caused counsel to appear *amicus*, and said that morning before the High Court in San Fernando and gave an undertaking to the court, that hearings into the matter referred to the Committee of Privileges in relation to the Member for Oropouche East would be adjourned until the hearing of the application or such further order. Madam Speaker, many may

not understand the weight of that undertaking, but right-thinking persons do, persons who appreciate the importance of strong, independent institutions and the significance of the separation of powers doctrine.

This undertaking was given on the basis that the matter would be dealt with expeditiously, but of course as facts show the litigant never intended to have his matter heard in court in an expeditious manner. At our meeting on Tuesday, February 5th, the agenda was altered to defer the hearing into the matter—

Dr. Gopeesingh: Madam Speaker, I stand on 49(3). The Member in his comments is creating a substantial danger of prejudice to the fair determination of that matter which is before the court.

Madam Speaker: So, Member for Caroni East, I do not have a Standing Order 49(3) in my Standing Orders. Please proceed.

Dr. Gopeesingh: Sorry, I stand on 49(3).

Hon. S. Young: At our meeting on Tuesday, 05 February, 2019—

Dr. Gopeesingh: I stand on 49(1)(c).

Madam Speaker: Member, I overrule; (1)(c), I overrule.

Hon. S. Young: Thank you very much, Madam Speaker.

The agenda of our meeting on February 05, 2019, was altered to defer the hearing into the matter, given the undertaking referred to above. At this meeting, the committee endorsed the undertaking given by the Speaker and agreed to submit an interim report to the House on the matter referred and related issues. Once again, a protection of proper procedure by Your Committee.

In due course the Speaker of this House was joined as an interested party in the matter before the court. As a consequence, the committee put its work aside while awaiting the consideration by the court of the claim and its accompanying

urgent application. It is therefore important to place on the record of this House the timeline of the Member's actions in court.

By notice of reassignment dated 03 April, 2019, the parties were informed that the matter was reassigned to Madam Justice Wilson from Madam Justice Quinlan-Williams who had recused herself. During April 2019, counsel for the Speaker of the House communicated with attorneys for the claimant, the Member for Oropouche East, proposing early dates for the hearing of the matter, bearing in mind that an undertaking had been given on the basis that the matter would proceed expeditiously, and the Committee of Privileges was unable to complete its work.

By way of correspondence from the court, the parties were advised of the fixing of a directions hearing on May 03, 2019, as well as the availability of May 7th, 8th and 9th as possible dates for trial. However, the claimant advised that none of those dates identified for trial was convenient and suggested no alternative dates. This is clear evidence that the Member for Oropouche East was not interested in having his matter determined expeditiously, and acted in bad faith.

On 03 May, 2019, counsel for the claimant did not appear. Counsel holding in the matter sought an adjournment and requested that the court keep the undertaking given on February 5th, in place for one week. Madam Justice Wilson directed that the undertaking remain in place for one week to allow parties time to discuss and agree the way forward. The claimant's counsel was a delaying tactic or one of no interest whatsoever in proceeding. This is how those on the other side treat institutions, with scant regard and complete disrespect. [*Desk thumping*]

Dr. Gopeesingh: Madam Speaker, I stand on 48(6). He is imputing improper motives against Members on this side.

Madam Speaker: Overruled.

Hon. S. Young: Counsel appearing on behalf of the Speaker submitted to the court that in the circumstances, unless the matter could be dealt with expeditiously, the undertaking given on February 05, 2019, would be withdrawn. You see, Madam Speaker, a claimant has a duty when approaching the court and telling the court by filing a certificate of urgency, to get on with his matter, not to employ delaying tactics in an attempt, clothed with disrespect, of not having his matter heard.

The parties having failed to come to an agreement, the matter was fixed for hearing on the 10th of May, 2019 to deal with the application for interim injunction and any other applications. However, not surprisingly, the injunction application was not heard, and the entire day was spent on other applications made by counsel for the claimant—more of the same behaviour. Madam Justice Wilson then proposed June 17th and July 8th as possible dates for hearing the matter. Not surprisingly, counsel for the claimant chose the latter day of July 8th.

Madam Speaker and Members of the House, and the population of Trinidad and Tobago, do you see any urgency in the Member's conduct? I know what I see. I see a Member boldly abusing the court's process in a shameless effort to escape having to account to this House for his conduct. [*Desk thumping*]

Mr. Charles: The gentleman is exercising his right to the court.

Madam Speaker: So in here we call each other either "the hon. Member" or "the Member for Port of Spain North/St. Ann's West". But I understand what you mean, Member for Naparima. [*Interruption*] Member for Pointe-a-Pierre, I do recognize you on my left, and not somewhere behind me on my left. Overruled, Member for Naparima. Please continue Port of Spain North/St. Ann's West.

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Hon. S. Young: Thank you very much, Madam Speaker. By this time we had crossed three months since the Member for Oropouche East first ran to the court for shelter, claiming abuse of his rights, and despite all efforts by the court and by the respondents to hear his matter urgently, he seemed unconcerned. There appeared to be no urgency whatsoever on his part to pursue his application for injunctive relief, or to have the court determine the substantive claim.

As a result of the foregoing, the undertaking given on February 05, 2019, was withdrawn before the court on May 10, 2019, in the presence of counsel of all parties, for all parties in the matter. Counsel for the Speaker reiterated that the undertaking of the Speaker had been withdrawn, and that it was open to the Committee of Privileges to deal with the matter before it. Madam Speaker, you had to protect the Parliament and our process, and I thank you for so doing. [*Desk thumping*]

Given that the undertaking given on February 05, 2019, was withdrawn before the court on May 10, 2019, a meeting of the committee scheduled to continue with the examination of the matter proceeded, and was scheduled for June 17, 2019, at 1.30 p.m. This was almost now one month after the undertaking was lifted, Madam Speaker. The Member for Oropouche East was again invited to be heard and to respond to the allegations made against him. The letter of invitation was sent to him on June 12, 2019. On every occasion the Member for Oropouche East was given an opportunity to be heard.

The final meeting—Your Committee held its fourth meeting on Monday, June 17, 2019. By correspondence before the meeting the Chairman provided us with an update on the constitutional matter filed, including the fact that the undertaking was withdrawn. Members were therefore satisfied that with the

removal of the self-imposed restriction there was no bar to us proceeding with the work assigned to us by this honourable House.

Just before the start of the meeting on that day, at 12.34 p.m. to be exact, the Member for Oropouche East informed the Secretary of Your Committee that he was unable to attend to meeting due to the fact that his advisors were otherwise engaged, and requested that Your Committee adjourn its meeting and extend to him a timely notice for another delay. At no time was the Member for Oropouche East interested in defending himself before the committee.

During the meeting, Your Committee deliberated on a number of issues. We took careful note of the following facts:

- “a) This allegation referred to your Committee occurred on October 10, 2018 (...8 months...)”—before; there is:
 “a duty to dispatch with matters involving the privileges of the House expeditiously;
- (b) In addition to the express privileges enjoyed by the House of Representatives under the Constitution, as a legislative body, in common with all legislatures,”—it—“is invested with such privileges as are necessarily incidental to its existence and the functions it is called upon to perform;
- (c) It is the House of Representatives only that has the duty to investigate complaints of breaches of privileges of the House; a duty critical to”—our—“existence;
- (d) ...as the guardian of the rights and privileges of the House...the Speaker’s undertaking to the Court given in pursuance of the comity of relations between the Legislature and the Judiciary ought not to

have been subject to dilatory tactics on the part of the Member for Oropouche East;

- (e) Your Committee's duty remained as mandated, to consider matters on your behalf and report on such matters before the end of each session." and
- (f) The Member for Oropouche East was afforded repeated opportunities to appear before it to be heard, and Your Committee responded to all procedural queries made by the Member, together with all relevant documents in relation to the allegations made.

Madam Speaker:

"Your Committee"—was—"of the opinion that it had exercised tremendous patience and forbearance with the Member for Oropouche East, even facilitating his unprecedented"—misdirected and dangerous—"efforts to challenge the legitimacy and jurisdiction of this Committee, outside of the House of Representatives."

"...the first issue to be determined"—Madam Speaker, Your Committee proceeded with its work, guided by precedence and recognizing that the first and critical issue, simple issue to be determined—"was whether the Member for Oropouche East uttered the words, "*Da is why Snake have some lead for you*" to another Member in the House."

Your Committee turned to the official record of the House, the *Hansard*.

2.30 p.m.

Madam Speaker, as the report of the committee indicates, the *Hansard* record confirmed that the words, "Da is why Snake have some lead for you" were uttered by the Member for Oropouche East and the words were directed to the

Member for Laventille West.

“Second Issue to be Determined

Your Committee next considered whether the words uttered could be deemed threatening.”

Madam Speaker, it is here that a degree of uncertainty emerged among committee Members, not on the part of all Members, just a minority. They wanted Your Committee to conduct research on what constitutes “threatening words”; suddenly they did not know what constitutes a threatening word.

Your Committee, Madam Speaker, was generally of the view that:

“...applying a plain and ordinary interpretation to the words uttered and accepting that the Member for Oropouche East was not at the material time of unsound mind,”—his—“words uttered were sufficiently threatening in nature;”

And, Madam Speaker:

“it is a matter of public record that an individual with the alias “Snake” was...”—at around the time in October 2018—“material time charged for assaulting the Member for Laventille West at an incident in the Beetham gardens.”

Madam Speaker:

“Your Committee was...satisfied that the words uttered”—and—“directed at the member for Laventille, West were threatening in nature.”

The third issue for us to determine, Madam Speaker, Your Committee was further satisfied that the words uttered had the effect of bringing the House into public ridicule and odium, much like some of the behaviour we see exhibited here this afternoon.

Madam Speaker, whilst crosstalk and picong will take place in the House, the House must be careful to protect its dignity if it is to be respected by the people it serves especially the young and impressionable. Madam Speaker, as reported your committee believes that the:

“...words that amount to threats against members and others should be condemned by the House of Representatives.”

Those on this side wholeheartedly condemn any use of threatening words to others in the House. [*Desk thumping*] As a consequence, Madam Speaker, in relation to the matter alleging that the Member for Oropouche East committed contempt— [*Crosstalk*] What is that?

Madam Speaker: Members—

Hon. S. Young: I thought he said something go deal with me.

Madam Speaker:—after I propose the question, everybody will have an opportunity to speak once they catch my eye. Member for Port of Spain North/St. Ann’s West. [*Desk thumping*]

Hon. S. Young: Thank you very much, Madam Speaker. Madam Speaker, as a consequence of our deliberations and of a consequence of the report that be laid before the House, in relation to the matter alleging that the Member for Oropouche East committed contempt of the House of Representatives on the following grounds, your committee is satisfied that, (a), the words “Da is why Snake have some lead for you” were, in fact, uttered by the Member for Oropouche East.

And I can tell the population through you, Madam Speaker, not only did we read the written *Hansard*, the official record, but we also took the precaution of having the audio recording brought into the room and the verification of that audio recording by the officer in charge of *Hansard* as being a true and accurate

recording of what happened on that day, and it was very clear and very audible that those words were, in fact, uttered. And as you would see the *Hansard* reporters are closely situated to the two Members that we discussed.

(b) The words directed to the Member for Laventille West were, in fact, threatening. It is understood in local parlance what “lead” refers to. “Lead” in local parlance Madam Speaker, refers to, unfortunately, bullets.

(c) Without a doubt, Madam Speaker, the words brought the House unfortunately and our proceedings into public odium and disrepute. Madam Speaker, Your Committee having deliberated and having made those findings respectfully recommends that the Member for Oropouche East should apologize to the House and the Member for Laventille West in the way by way of Personal Explanation at the first opportunity subsequent to the presentation of this report.

Madam Speaker, that is all that Your Committee has recommended after deliberating and making the findings that I have referred to, and in spite of that, there was a mad rush to the court, as you have a right to do, but not for an infringement of the powers and privileges of Parliament.

As the Member for Port of Spain North/St. Ann’s West, who is fortunate enough to have the experience of serving on the Privileges Committee, I thank all of those Members who served and yourself as the Chairman for that opportunity to have participated in protecting the sanctity of Parliament and ensuring that our institution, the independent institution of Parliament, that 41 of us are elected to represent in this Parliament, stand firm here today, and the court having rejected any application to interfere into the process, we can proceed with today’s business. And I beg to move. [*Desk thumping*]

Dr. Gadsby-Dolly: Madam Speaker, I beg to second this Motion, and I reserve

my right to speak.

Question proposed.

Madam Speaker: Member for Princes Town. [*Desk thumping*]

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker, for the opportunity to contribute to the debate currently before the House. Madam Speaker, as a matter of public record I would like to draw your attention to a letter that was dispatched on behalf of the Opposition by the Chief Whip to your good office on the 26th of June, 2019. Madam Speaker, two issues were raised in this particular piece of correspondence, but the first matter was dealt with in another place and I will draw your attention to the second matter.

Madam Speaker, our second concern, in the event that Standing Order 49 is disregarded and a debate is allowed to take place, permits to the integrity of the debate and a possible conflict of interest.

Standing Order 92(1) gives the Committee of Privileges the power to "...consider any matter so referred and to report thereon to the House." However, as procedure dictates, it is a House of Representatives which must accept these recommendations or rulings of the committee via debate and approval of such a Motion.

It must be noted that besides presiding over the debate of the House of Representatives, the Speaker also presides as the Chairman of the Privileges Committee as is evident in the scenario. However, during of the proceedings of this committee, serious allegations of disregard for the law and jurisdiction of the court in the matter that was being considered were made against the chair of the committee.

These allegations which are thoroughly ventilated in a minority report

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submitted by the Opposition Members of Privileges Committee have raised questions on the integrity and manner in which the proceedings of the committee were undertaken. The allegations alluded that the committee you chaired failed in allowing due process and natural justice to a Member of this House in an effort to achieve a predetermined result. [*Desk thumping*]

Given that the significant issues and findings of this committee warrant proper debate and discussion by all Members of the House of Representatives, it is the view of the Opposition that it will be in the best interest of our Parliament if you recuse yourself from overseeing the debate [*Desk thumping*] of these said issues contained within the final report of the Committee of Privileges.

This view is not meant to cast any aspersions or prejudice on your office, but rather a measure that would prevent any conflict of interest which may arise if there is need to defend the decisions of the committee against the views of the Members of the House of Representatives. Signed by David Lee, Opposition Chief Whip, Member of Parliament for Pointe-a-Pierre, on behalf of the Opposition.

Madam Speaker, as I indicated, I wanted to put that on public record because some of the issues contained in this letter that was dispatched to your office on June 26th will be dealt with here today in this debate. [*Desk thumping*]

Madam Speaker, on the onset I would like to say that I find it very difficult to support this report and any recommendation [*Desk thumping*] and any decision of sanctions against the Member for Oropouche East knowing that the work of the Committee is incomplete. [*Desk thumping*]

Madam Speaker, I want to sound warning to all Members, all 41 Members, that if we adopt the record as we are being asked to do today, it is a disservice to

the Parliament, it is a disservice to rule of law [*Desk thumping*] and it is the undermining of our democracy [*Desk thumping*] upon which our nation has been built, as well as the Constitution.

First of all, I would like to deal with what was the mandate of the committee. And when we look at page 4 of the report, it deals with the mandate of the committee. And the mandate of the committee was to determine whether threatening words were uttered and whether the House was brought into odium and disrepute.

Madam Speaker, in identifying the mandate, we then asked the question: How do we determine the truth? How do we determine the truth in pursuing the mandate of the committee? And, Madam Speaker, I will come back to that point. You see, the Committee of Privileges was asked to satisfy the mandate that was given to us in terms of dealing with this matter with the truth, the whole truth and nothing but the truth. [*Desk thumping*] I am deeply troubled, as the Member for Couva South, by the very first meeting of the Committee of Privileges in this Eleventh Parliament.

Madam Speaker, after the first meeting of the Committee of Privileges of the Eleventh Parliament, I was led to conclude that when this matter was referred to the committee, the matter was already predetermined and a decision had already been taken. You see, Madam Speaker, we were being asked to be judge, jury and executioner. [*Desk thumping*]

Madam Speaker, while we were reminded by the Chair of the committee that we were not a judicial body or we were not a quasi-judicial body, the tenets of natural justice regardless to which institution, regardless to which committee, regardless to any issue being dealt with in a fair and transparent manner, the tenets

of natural justice are always to be adhered to.

Madam Speaker, we are required to tell the truth as I am told, nothing but the truth, but the whole truth. But you see, Madam Speaker, in our very first meeting, that is not what we were advised by the Chair of the Committee—

Hon. Member: What?

Mr. B. Padarath:—and we did not have the benefit of verbatim notes of the proceedings of the committee. We were advised that evidence will be taken into consideration as it relates to the verbatim notes. And I took the opportunity at that time when there was an utterance coming from the Chair to identify the date, the exact time it was said and I also took issue with what was said [*Desk thumping*] as did the Member for Couva South.

Madam Speaker, on Friday, November 30, 2018, at around 11.00 a.m. the utterances from the Chair as it related to the mandate of the committee horrified me, and I quote, Madam Speaker:

The Chair indicated that we were not here to determine the truth.

Hon. Member: What?

Mr. B. Padarath: I repeat that:

We were not here to determine the truth.

This what said by the chair of the committee at our very first meeting which described as a table-setting meeting. And you want to know why I am here saying that I believe that this matter was predetermined from day one. [*Desk thumping*]

Madam Speaker, I heard my hon. colleague from Port of Spain North/St. Ann's West make a few points. He said that he was happy. He was happy that the Member for Oropouche East dealt with process and procedure in accordance with the law. The hon. Member for Port of Spain North/St. Ann's West said he trust the

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decision and the guidance of the Speaker. The hon. Member for Port of Spain North/St. Ann's West said that the separation of powers must be adhered to as it relates to the Parliament and the court; and we agree with that, but it does debar any Member from seeking redress in the courts. [*Desk thumping*]

You see, Madam Speaker, there have been several instances with previous Committees of Privilege where even former Prime Ministers sought redress in the courts of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, I thought the Member Port of Spain North/St. Ann's West would have been the last person to speak about attacking independent institutions in this country. I want to remind Members opposite, it was a PNM administration that hounded a sitting Speaker of the House [*Desk thumping*] and you want to talk about parliamentary sovereignty, of parliamentary democracy? [*Crosstalk*] This is the same administration, a PNM administration that hounded a sitting Chief Justice out of office [*Desk thumping*] and they want to speak about attacking institutions?

Madam Speaker, the weak, feeble response to the issues of due process will now be dealt with as it relates to the issues identified by the Member for Port of Spain North/St. Ann's West. You see, it is our firm view that this entire process has been a charade and it has been a farce, and the contents of the Minority Report presented by the Member for Couva South and myself reflects that, and I will go into some of the details.

Madam Speaker, I want to deal with the issue of process, procedure and administration of the committee. As I said, Member Indarsingh and I are deeply troubled when it comes to process, procedure and administration, and that is why we cannot lend our support to the report because a lot more work has to be done, and the work of the committee is incomplete.

The Member who referred the Motion to the House was a Member of the committee, the Member for Arouca/Maloney. The Member who was the subject of the allegations made against the Member for Oropouche East with respect to the words uttered was also a member of the committee.

Madam Speaker, by the first meeting of the Committee of Privileges we saw, for want of a better word, musical chairs taking place. We asked in our first meeting, Madam Speaker, I recall Member Indarsingh and I asking in our very first meeting: Under what Standing Orders were we replacing and substituting members? Up to now we cannot get a response as to what Standing Orders gave the Speaker the authority to substitute Members.

What then had happened, Madam Speaker, is that a member of the committee, of the original committee, had recused herself from the two matters, the Member for Arouca/Maloney, but the Member for Laventille West continued to sit in the meeting—

Hon. Member: What?

Mr. Padarath:—continued to sit in the meeting, and that is why I say, Members were asked to be judge, jury and executioner. [*Desk thumping*] Madam Speaker, there is no way, no way that the Member for Laventille for West could continue to sit on one matter before the committee where he is the subject of the matter and adjudicate on another matter involving the Member for Oropouche East but, Madam Speaker, I am not surprised, there always seems to be a level of collusion. [*Desk thumping*]

Dr. Gopeesingh: It is present now.

Mr. B. Padarath: Madam Speaker, I would like turn your attention as it relates to process, procedure and administration of the committee to a letter that was

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dispatched to the hon. Speaker of the House of Representatives on February 02, 2019, and it says:

Dear Madam Speaker,

Notice of the Third meeting of the Committee of Privileges of the House of Representatives

We refer you to the caption and wish to record our objection over the lack of consultation and concurrence with it as it relates to the date and time of the agenda of same. Our position has indicated it is also consistent in relation to the second meeting of the said committee.

We are of the belief that the failure to consult and get our concurrence to the issues raised above reflect a disrespect, a lack of courtesy, and has failed to take into consideration our responsibilities to the constituents of Couva South and Princes Town, as well as to the wider nation.

Additionally, we wish to refer you to correspondence of the Member for Oropouche East dated February 1st, 2019, under the caption: 'Request for decision with respect to preliminary actions made to jurisdiction of the Privileges Committee' as presently constituted, and wish to underscore that we are of the belief that there are valid issues which need to be determined by the Committee.

In the circumstances, we wish to advise you that we are not prepared to be part of any process which may be deemed to be unconstitutional and illegal.

Madam Speaker, what applied then applies today. We still have those concerns and those concerns were never addressed and never dealt with. [*Desk thumping*] But, Madam Speaker, I want to repeat a line in this letter:

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Additionally, we wish to refer you to correspondence of the Member for Oropouche East dated 1st February, 2019, under the caption: 'Request for decision with respect to preliminary actions made to jurisdictions of the Privileges Committee' as presently constituted.

This letter is dated February 2nd. The letter provided by the Member for Oropouche East was dated February 1st. The point made by the Member for Port of Spain North/St. Ann's West was that there were delaying tactics made by the Member for Oropouche East.

Madam Speaker, as soon as February 1st, the Member for Oropouche East sought relief from the committee to determine the matters that he had raised and the objections that he had filed. So that was total rubbish and nonsense coming from the Member for Port of Spain North/St. Ann's West in a feeble attempt to deal with the issue of due process.

Madam Speaker, I want to turn to the issue of fairness, the issue of fairness before a Privileges Committee. Madam Speaker, I had the opportunity to look at reports from past Committees of Privileges, in terms of how the chair dealt with the issue of procedural fairness, natural justice and due process. Madam Speaker, I turn your attention to the Committee of Privileges report dated the 18th of the second month, 2011, and I quote:

"Mr. Chairman..."—

I am quoting then Chairman of the Privileges Committee would now be Sen. Wade Mark, then having served as the Chair of the Committee. And this matter dealt with an issue of former Prime Minister Manning raising certain issues in the House and he was referred to the Committee of Privileges. And when the issue of process and procedure and fair play was raised at the Committee of Privileges, this is what

the Chairman Wade Mark had to say and I quote:

“I would just like to reiterate, as Chairman of this Committee, that we must not only be fair, but always appear to be fair [*Desk thumping*] in all our proceedings and our actions gracious as well. And in those circumstances, I would like to respectfully submit for the Committee’s consideration that we concede to request made by the Member and we get our attorneys over to the courts...

...I would really to respectfully suggest that we accede to requests of the Member for San Fernando East for an adjournment to this matter.”

But you see, Madam Speaker, that was chairman in terms of his approach in dealing with procedural fairness when a matter was referred to the courts.

But I want to also quote from a Member who served on the Privileges Committee of the Tenth Parliament, you all may be familiar with him, he is one Dr. Roodal Moonilal, Member for Oropouche East, and this is what Dr. Moonilal had to say in response to procedural fairness, natural justice due process.

“Mr. Chairman, again for the record Mr. Manning has made a clear request, but it is just to place on this record and I would have no difficulty. I think that other colleagues are also suggesting that the matter should stand down [*Desk thumping*] since there is an application before the court [*Desk thumping*] with a certain request for relief and in the event that that the relief is granted either one or three it will impact upon the work of the Committee.”

And that is why I say today, Madam Speaker, in light of the position adopted—and the Member for Port of Spain North/St. Ann’s West spoke about precedent. This is precedent in a Committee of Privileges [*Desk thumping*] of the Parliament of

Trinidad and Tobago.

Madam Speaker, I want to continue with what the Member for Oropouche East had to say:

“But I also want to note, Mr. Chairman—”

—this is what Oropouche East had to say with respect to procedural fairness when an application was made before the courts.

“...I want to note, Mr. Chairman—because this is not a Committee of lawyers and this is not a legal body—Mr. Manning in the event he believes he does not get favourable outcome with his applications for leave the Committee Members are aware that as a former Prime Minister as well, he may choose to appeal any decision of High Court. In the event, for the record...”

Mr. Manning has two other alternatives, Court of Appeal and the Privy Council. And, Madam Speaker, the hon. Member for Oropouche East actually argued in favour in the interest of fairness, natural justice in favour of allowing Mr. Manning his constitutional rights to play out before the courts of Trinidad and Tobago. But you, Madam Speaker, they say facts are stubborn things. Facts are stubborn things, Madam Speaker.

And I want to also quote from a Member who was also sitting on the Committee of Privileges in the Tenth Parliament and that Member is none other than the Member for Diego Martin North/East, Minister of Finance, and this is what Mr. Imbert had to say:

“I would like to urge Members to follow the Speaker’s very good advice.”

Today, the Government is saying that we must trample upon the rights of the Member for Oropouche East, but in a different incarnation the Member for Diego

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Martin North/East says in black and white:

“I would like to urge Members to follow the Speaker’s very good advice.”

You see:

“Since I am the seventh named defendant, who is my attorney, since that I am hearing that we have attorneys, we, this Committee, has attorneys standing by—”

So while the Member was making the case for Mr. Manning to seek redress in the courts and follow due process and natural justice, today they seek to violate that due process and natural justice [*Desk thumping*] as it relates to the Member for Oropouche East.

Madam Speaker, I would also like to turn your attention to something else that was said in the Committee of Privileges in that report dated 18th of the second month, 2011.

“**Mr. Imbert:** There is a question to be answered as to whether a Member of Parliament...”—

And you know that I believe that the Member for Port of Spain North/St. Ann’s West really should have spoken to the Member for Diego Martin North/East. You see, the Eleventh Parliament the Member for Port of Spain North/St. Ann’s West a Minister of Government of the PNM administration says one thing, but a Member of Parliament in the Tenth Parliament belonging to a PNM party said something totally different. So you know, as Irene Hinds says, “today for me, tomorrow for you”.

Madam Speaker, I will repeat what Mr. Imbert said in that Committee of Privileges:

“There is a question to be answered as to whether a Member of

Parliament...”—

And he did not say, Member for San Fernando East at that time, eh. He said, there is a question to be answered as to whether a Member of Parliament which could mean any 41 of us:

“There is a question to be answered as to whether a Member of Parliament has a right to legal representation in the manner in which Mr. Manning has requested. I think it is an important point and I think I would be very useful for the Parliament and this committee if the courts deal with that once and for all, one way or the other. [*Desk thumping*] I do not see it as undermining the work of the committee...”

So, today we heard big song and dance from the Member for Port of Spain North/St. Ann’s West about undermining the work of the committee by making an application to seek redress in the courts, but Mr. Imbert says:

“I do not see it as undermining the work of the committee...”—at all.

Madam Speaker, I want to draw your attention to what the Member for Diego Martin North/East had to say. You, see, Madam Speaker, maybe the Member for Diego Martin North/East had a crystal ball, because he sought to give advice to future Committees of Privileges. Madam Speaker, he says this:

“I see it as assisting us going forward with other matters of privilege. There is a question to be answered the manner in which Mr. Manning has requested. I think this is an important point and I think it will be very useful for the Parliament and this committee if the courts deal with that once and for all, one way or the other. [*Desk thumping*] I do not see it as undermining the work of the committee at all; in fact, I see it as assisting us going forward with other matters of privilege.”

Madam Speaker, one former Member of Parliament would have said, “today is today and tomorrow is tomorrow”, and clearly Members opposite subscribe to that because you see, Madam Speaker, they are not interested in due process, you know. They are not interested in the violation of the constitutional rights of the Member for Oropouche East because they continue to violate the rights of every right-thinking citizen of the country. [*Desk thumping*] So, Madam Speaker, that continues to be their modus operandi, so we are not surprised as to why we are here today.

Madam Speaker, after dealing with the issue of due process, the issue of the rule of law, I want to turn to the issue stating that, at no time did the Member for Oropouche East refuse to come before the Committee of Privileges. I heard the Member for Port of Spain North/St. Ann’s West refer to a piece of correspondence, and that very first piece of correspondence is where the Member for Oropouche East indicated that he would provide his comments.

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He came to the committee accompanied by his two advisors and he indicated that he had reservations in terms of the constitution of the committee, the operations of the committee, and that he would write subsequently. And that letter dated February 01, 2019 dealt with the concerns of the Member for Oropouche East [*Desk thumping*] but at no time did any correspondence come from the committee where the Member for Oropouche East explicitly indicated, as has been done by previous Members of this House and in other Parliaments, that they were unwilling to cooperate with the committee. [*Desk thumping*]

Madam President, I throw my mind back, there was an instance where the Member for Diego Martin West refused to appear before the Committee of

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Privileges, refused, and indicated to the committee that he will not attend and participate. That was not the position adopted by the Member for Oropouche East. [*Desk thumping*] The Member for Oropouche East said, “Listen, I have constitutional rights, I have concerns with process and procedure, and therefore I would provide those in writing.” At no time, no time did the Member for Oropouche East indicate that he was unwilling to come before the committee. [*Desk thumping*] You see, Madam Speaker, the Member Oropouche East in the last bit of correspondence that was sent to the Committee of Privileges again indicated that he was not unwilling to come before the committee. What he indicated at that point was that he had previous commitments, that his advisors were engaged.

Madam President, I want to throw your mind back to something again that was dealt with by the Chairman of the committee. The Chairman of the committee, when receiving that correspondence advised the Committee of Privileges that she had received, the hon. Speaker in her chairmanship, had advised that she received correspondence from the Member for Oropouche East. And at this point the hon. Chairman indicated that the hon. Member could have brought anyone as his advisors to the committee.

Hon. Member: What? What?

Mr. B. Padarath: Again, the Member for Couva South and myself raised objection. We said that the Member indicated one of his advisors was a sitting Senator, Sen. Wade Mark, and the Senate was sitting on that same exact date and time. [*Desk thumping*]

Madam Speaker, there is no prescription in the Standing Orders that dictates to the Member for Oropouche East who he can and he cannot bring as advisors to

the Committee of Privileges. [*Desk thumping*] And that is why I say I come back to the point that all evidence points that this matter was predetermined from day one. [*Desk thumping*] You see, Madam Speaker, at that point I asked the hon. Chairman of the Committee of Privileges to read, to reread actually what was said in the correspondence sent by the Member for Oropouche East. At that time the hon. Chairman of the committee, the Speaker of the House obliged, and she repeated exactly what was said in that correspondence sent by the Member for Oropouche East.

Madam Speaker, I would like to remind you, when the correspondence was read for a second time in its entirety, what was said in the correspondence sent by the Member for Oropouche East. You see, Madam Speaker, the Member for Oropouche East there was one word that was conveniently left out when it was read to us the first time. And then I said, "Can we have the entirety of what was said by the Member for Oropouche East." And you see the word that was conveniently left out was the word "That the Member said he was unavailable", but the hon. Member said he was unavailable today. Today! The Member did not say that he was unwilling to come you know. [*Desk thumping*] The Member said that he was unavailable today. And therefore, Madam Speaker, when the issue of the Member appearing before the committee and being given sufficient chances and so on to appear before the committee was raised by the Member for Port of Spain North/St. Ann's West, the Member very well knew he was playing smart with foolishness. [*Desk thumping*]

Madam Speaker, I would like to turn your attention to when an undertaking was given to the court by the Chairman of the committee as dealt with by the Member for Port of Spain North/St. Ann's West. You see, I recall that there was a

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comment in the Privileges Committee of the Tenth Parliament, by again, one Mr. Imbert, and here is where we see the wisdom of the experience of Mr. Imbert, because Mr. Imbert indicated in the Tenth Parliament of the Privileges Committee—

Mr. Imbert: Point of order.

Dr. Moonilal: What point of order?

Mr. Imbert: You cannot call me by name.

Mr. B. Padarath: I said Mr. Imbert.

Mr. Imbert: You cannot, Member for Diego Martin North/East.

Mr. B. Padarath: Member for Diego Martin North/East. My apologies, Madam Speaker, the Member for Diego Martin North/East. You will not stop me from my flight, because you see I have internalized this completely. [*Desk thumping*] The Member for Diego Martin North/East in the Tenth Parliament. [*Interruption*]

Madam Speaker: Member for Couva South and all other Members need to be advised, while the Member for Princes Town can really fill this Chamber, there is no need to put a strain on his voice chords or on my ears, so we can assist by complying with Standing Order 53.

Mr. B. Padarath: Thank you, Madam Speaker. Madam Speaker, the Member for Diego Martin North/East had this to say in the Tenth Parliament as it relates to the Committee of Privileges. The hon. Member said that:

Any action taken by the Committee of Privileges on behalf of its Members must get the concurrence of the Committee before the Speaker can give any undertaking to any court. [*Desk thumping*]

That was what was said by the Member for Diego Martin North/East.

But, you see, Madam Speaker, in practice something very different occurred

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in the Committee of Privileges of the Eleventh Parliament. The Member for Diego Martin North/St. Ann's West spoke about an attorney who dropped a bundle of documents and so on, all that is semantics. All that is semantics, Madam Speaker. Because you see, Madam Speaker, even if there is one minute before the court adjudicates on any matter or hears any matter, the Speaker in my respectful opinion, and in the respectful opinion of the Member for Diego Martin North/East, a senior Member of this House—

Madam Speaker: Member, your original speaking time is now spent. You are entitled to 15 more minutes to wind up your contribution. Please proceed.

Mr. B. Padarath: Thank you, Madam. [*Desk thumping*] Madam, you see, it is not only my respectful opinion, but it is the respectful opinion of the Member for Diego Martin North/East who may very well be one the most senior Members of this House, who told a Committee of Privileges that before any undertaking is given to a court of law that the committee must be informed and advised and agree.

Madam Speaker, as it relates to the matter raised by the Member for Port of Spain North/St. Ann's West, with respect to the application made by the Member for Oropouche East in the San Fernando High Court, the Speaker as chairman of the committee gave an undertaking to the court, and essentially what the Chairman and the Speaker of the House did, what the Speaker did is injuncted the work of the committee. So it was almost as though it was a self-imposed injunction, because the speaker advised the court that no substantive work will proceed until these matters are properly ventilated. Madam Speaker, fast forward from February, to May 2019, where we have traversed different pieces of correspondence, where we have traversed the application before the court, but in 2019 the court gave two options to the Member for Oropouche East, and the Member for Oropouche East

has a right to select. The Member for Port of Spain North/St. Ann's West, said, well he obviously chose the latter as delaying tactics. It is a right, otherwise the court would not give you an option. [*Desk thumping*] The court would not give you an option if it was not your right to choose.

Madam Speaker, the Member for Oropouche East chose the date July 8th in which his matter would have been heard. Again, what I describe as obscene and in haste, a Privileges Committee meeting was summoned on June 17, 2019. No consultation with Members. We had no idea what the agenda was, and we were told in that meeting that the Speaker had withdrawn the self-imposed injunction and decided to proceed with the substantive work of the committee.

Hon. Member: Just so?

Mr. B. Padarath: So, Madam Speaker, we were coming to that committee totally "cat in bag", because we did not know that the Speaker had withdrawn the self-imposed injunction, and we did not know what we were coming to deal with today.

And, Madam Speaker, you may not be surprised to know, that again, judge, jury and executioner in that meeting [*Desk thumping*] a decision was taken to proceed without allowing the Member for Oropouche East a right to be heard, without following due process, without following the tenet of natural justice [*Desk thumping*] and then a recommendation was made to be brought to the committee for it to be adopted in the House today. Madam Speaker, and that is why I say I come back to the original point I made in the very beginning, any Member who supports this report being adopted today, will support the undermining of the democracy and the Constitution of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, I would like to turn to the issue of the right to be heard. While I have established that the hon. Member at no time indicated his

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unwillingness, as part of due process, natural justice and the rule of law, I would like to put on the public record what is due process. We speak so much about due process, what is due process? You see, Madam Speaker, in determining whether the words were threatening, if we were to take what we are being told in the committee via the *Hansard* and so on, as the truth, even though we were told that we were not here to determine the truth, if we were to take it as the truth, we asked to determine what was threatening words, and we asked for research into what are threatening words and guidelines from other Parliaments. You see, Madam Speaker, the Chairman of the committee indicated at that time that she did not see it necessary, because she gave an interpretation of what was “Snake” and what was “lead”, and the hon. Chairman indicated that snake to her meant something to be feared, and lead meant something heavy. Madam Speaker, one would think that in the course of natural justice—

Mr. Mitchell: What? What?

Mr. B. Padarath: That was what the hon. Chair of the committee had to say. [*Desk thumping*] That is not my words. Those were the committee, so I know San Fernando West even you were surprised, even you San Fernando West are surprised by the conduct and the words presented by the Chairman of that committee. You see, Madam Speaker, at that point—

Mr. Al-Rawi: Madam Speaker, I rise on 48(6). That is entirely inappropriate, both to the Chair and to me, it is imputing an improper motive, 48(4) and 48(6). I am surprised at the twist.

Madam Speaker: Please continue, Princes Town.

Mr. B. Padarath: Thank you, Madam. Madam, you see, it was at that point that I was further convinced, when the committee decided that we were proceeding and

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the committee decided to look at what was threatening words, and took a very simplistic approach and started to introduce extraneous issues as the Member for Port of Spain North/St. Ann's West spoke about issues in Laventille and so on, and decided to interject that into the Committee of Privileges at that point, I realized that the approach adopted by the committee was rigid, combative and unwilling to compromise. [*Desk thumping*] You see, Madam Speaker, I am not surprised, because as we were guided from the start, it resulted in the very same way, which is, we were not there to determine the truth. The truth was not important.

Madam Speaker: Member for Princes Town, you mind! Please!

Mr. B. Padarath: Sorry, Madam, it appeared that the truth was not important, just the predetermined result. You see, Madam Speaker, there was a breach of the rules of natural justice. Madam Speaker, the Speaker in my respectful view had a duty to act fairly, and, Madam Speaker, in my respectful view and in the review of the Member for Couva South, the Speaker failed in that duty. [*Desk thumping*] Madam Speaker, in determining a breach of natural justice, what do we look at? We look at the rules against bias, and I think I have provided sufficient evidence to this Parliament that there was evidence.

Madam Speaker: Member for Princes Town, I would ask you again to look this way, it seems you are pivoting that way. Please!

Mr. B. Padarath: Sorry, Madam.

Madam Speaker: Thank you.

Mr. B. Padarath: Madam, so having established the rule of bias, in breaching the rules of natural justice, we also have to determine whether there was a right to a fair hearing, and again I have established that the hon. Member did not have a right to a fair hearing. The right to know of adverse evidence.

Madam Speaker, those were some of the issues that the hon. Member for Oropouche East raised and still have not been ventilated. The right to rebut evidence. Madam Speaker, the committee took the decision in one meeting, the very last meeting, without giving the Member the opportunity to rebut any evidence, the right to cross examination. Again, this right was taken away from the Member for Oropouche East. The right to representation. The right to representation is a fundamental rule of law, a fundamental rule of natural justice. We were told the hon. Member could choose anybody, and therefore his right to choose someone who he has faith and trust and confidence in, who was sitting in the Senate, was trampled upon. You see, Madam Speaker, in my respectful view the committee violated all those rights that fall under the issue of natural justice. [*Desk thumping*]

Madam Speaker, let us look at the issue of due process and the violation of due process. You are guaranteed life, liberty and right to property. You should not be denied what right to be heard. You see, Madam Speaker, in Article 6 of human rights, one of the human rights is a fair hearing. A fair hearing to be heard before an independent decision maker, and that independent decision maker will give you all the relevant information and allow you representation. That is in the human rights Article 6; that human right of the Member for Oropouche East was totally thrown out of the window. [*Desk thumping*]

Madam Speaker, in summing up, what the committee is being asked to do today, what the committee is asking the House to do today, is to legitimize all the procedural errors and blunders that occurred and to legitimize a violation of constitutional rights, the breach of due process, rule of law and natural justice by accepting this report. You see, Madam Speaker, how do we fulfil the mandate of

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the committee if we are not here to determine the truth? But how do we determine the truth? And that is by following due process. Was due process followed? A resounding, no. [*Desk thumping*] Madam Speaker, if this House were to adopt the committee's report, as has been laid on a previous occasion, and is being debated today, it would be a violation and a breach of the rights and privileges of the Member for Oropouche East. [*Desk thumping*] It is clear by the argument pointed out, and by traversing where we were from November 30th to where we are today, this matter was totally predetermined, and therefore, we can lend no support. The committee should be given a mandate to go back and complete your work in a proper functional way in accordance to the tenets of the rule of law and natural justice. I thank you, Madam Speaker.

Madam Speaker: Member for San Fernando East. [*Desk thumping*]

The Minister of Tourism (Hon. Randall Mitchell): Madam Speaker, I thank you for recognizing me as I rise in support of the Motion that the House adopt the report of the Committee of Privileges of the House of Representatives on the allegation of threatening words.

Madam Speaker, I want to first start off by commending the Member for Port of Spain North/St. Ann's West, as he skilfully explained [*Desk thumping*] the application of the law and the constitutional principles. Madam Speaker, and not being a member of the committee, I am advised, Madam Speaker, that the Chair of the committee did not say that the committee was not there to seek the truth. [*Desk thumping*] Madam Speaker, it is horrifying that the Member, under the guise of freedom of expression in this House, could just manufacture untruths, just so.

Hon. Member: And you were not there.

Dr. Gopeesingh: Somebody advised you wrongly.

Hon. R. Mitchell: Madam Speaker, I would also say that the former Member for San Fernando East, the hon. Patrick Manning, did not seek to injunct this House in any matter. [*Desk thumping*] Madam Speaker, he withdrew the matter. He withdrew the matter from the courts.

Hon. Member: So if he withdrew it—

Hon. R. Mitchell: Madam Speaker, please!

Mr. Hinds: He did not seek an injunction.

Hon. R. Mitchell: Madam Speaker, I came here prepared for Members opposite to take us down that rabbit hole, a rabbit hole of distraction, “confufflement” and confusion. The Member for Princes Town spoke about constitutional issues and rule of law, natural justice, allegation of bias, process, procedure, administration. Madam Speaker, he is not a lawyer as yet. I am a lawyer.

Hon. Member: “Heyyy.” [*Desk thumping*]

Hon. R. Mitchell: Madam Speaker, this is not a matter of law. This is a matter of principle and common decency.

Mr. Hinds: Oh yes. Oh yes, “dat’s right.” [*Desk thumping*]

Hon. R. Mitchell: And, Madam Speaker, I cannot be any more disappointed in the Member for Oropouche East. The Member for Oropouche East, it is becoming more and more apparent that he is guilty of a pattern of misconduct in this House. [*Desk thumping*] And, Madam Speaker—

Dr. Gopeesingh: 48(6).

Mr. Hinds: Sit down! Sit down! [*Desk thumping*]

Dr. Gopeesingh: Madam Speaker, I stand up on 48(4) and 48(6). [*Interruption*] Madam Speaker, the Member for Laventille West continues to be offensive and I want you to take charge of his behaviour.

Mr. Hinds: Sit down!

Dr. Moonilal: Otherwise I will. [*Crosstalk*]

Madam Speaker: Okay, so I will just remind us all, it is the right of any Member to stand up and raise an objection on a Standing Order. While Members have that right, of course, they would not be allowed to abuse that right. Okay? So, Member for Caroni East, I am not sure what you stood up on, because initially I thought you stood up with respect to something raised by the Minister of Tourism, then it— [*Interruption*] Member for Siparia, I would at least like to hear myself.

Mrs. Persad-Bissessar SC: Certainly, Ma'am.

Madam Speaker: Thank you very much. By the end of your submission I think you now turned me to Laventille West, so I will give you an opportunity to let me know what you want me to rule on.

Dr. Gopeesingh: The Member for San Fernando East used language that was offensive in terms of his description of the behaviour of the Member for Oropouche East. And while I was on my feet the Member for Laventille West was very offensive to me, and there are certain things that were said that I do not want to repeat, but you would have heard it.

Madam Speaker: Okay. All right. So, in respect to the first matter you stood on, with respect to the Minister of Tourism and raising certain matters you said that were offensive to the Member for Oropouche East, I overrule that. In respect to what you said that you could not say with respect to the Member for Laventille West, I started by cautioning that every Member is entitled to stand and raise an objection on a Standing Order, and we should all respect that. But before I take my chair, and this applies to certain Members on both sides, there is a tendency for Members to sit from in their very reclined position, and under the guise of

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crosstalk interject and blurt out things. I think that leads us down a wrong path. So for all offending Members, desist, and that will include some Members who stand up and raise objections under Standing Orders. Member for San Fernando East.

Hon. R. Mitchell: I thank you very much, Madam Speaker, and I thank you for your guidance. [*Desk thumping*] Madam Speaker, as I was saying, the Member for Oropouche East is guilty of a pattern of misconduct, and, Madam Speaker—

Mr. Lee: 48—

Dr. Gopeesingh: Madam Speaker, 48(6)

Hon. Member: 48(1), I stand—[*Crosstalk*]

Hon. R. Mitchell: Madam Speaker—

Mr. Charles: Madam Speaker, 48(4).

Madam Speaker: Okay, so while it might be under the guises of different Members, those were the exact words that I overruled a short while ago. And again as I said, while every Member has an opportunity to stand on a Standing Order, they cannot abuse it. Member for San Fernando East. [*Desk thumping*]

Hon. R. Mitchell: Thank you very much, Madam Speaker. Madam Speaker, I will say it again, the Member for Oropouche East, it is becoming more and more apparent that the Member is guilty of a pattern of misconduct, and Madam—

Dr. Moonilal: Madam Speaker, 48(6). This is not a substantive Motion on the Member for San Fernando East, a report on one issue.

Hon. R. Mitchell: Madam Speaker—

Mr. Charles: A pattern.

Madam Speaker: Again, I overrule.

Hon. R. Mitchell: Thank you very much, Madam Speaker. Madam Speaker, if

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they do not understand the pattern of misconduct, the Member for Princes Town indicated that the Member for Laventille West did not recuse himself from this matter. He recused himself from both matters. And, Madam Speaker, I am to report that the Member for Oropouche East in the pattern of misconduct, it is not the first matter he has before the Committee of Privileges.

Madam Speaker: No, I would no—okay, so I would not let you go there.

Mr. Indarsingh: Know your place.

Madam Speaker: Member for Couva South, I think you intend to speak in this debate and therefore I would ask you to wait till such time. If it is that you are too excited and you do not have my ears yet, you could take a “lil” walk and come back. Okay, please! And I would ask all members in the gallery also, you are here as our guests and therefore you have to comply with the Standing Orders. Member for San Fernando East.

Hon. R. Mitchell: Thank you very much, Madam Speaker, and it is compounded by the Member’s defiance anytime he is confronted with his unacceptable behaviour. And, Madam Speaker, if I am not to go there, I am to remind this House that in our very first debate when the Member held the very high office of the official Opposition Chief Whip before he was replaced—

Madam Speaker: So again, let us keep to this. Okay? So that if you want to talk about a pattern of misconduct and it is within what is in the report I would allow it, but I would not allow us to go to other matters that may have occurred with the Member for Oropouche East.

Hon. R. Mitchell: Okay, thank you very much, Madam Speaker, but he apologized for that particular action, and in that particular action he brought the entire House and Members into disrepute.

Madam Speaker: Member, please! Member, please! Member, please, let us leave that and go on to what you want to deal with, with the report. Please!

Hon. R. Mitchell: Madam Speaker, thank you very much. [*Desk thumping*] Madam Speaker, I am disappointed that it is over eight months now that these matters were first complained of, and in over eight months, since October the 10th, 2018, that the Member, the very experienced Member had not availed himself to simply apologize to this House and apologize to the Member for Laventille West. Because, Madam Speaker, that simple act of contrition, we in this House would not have had to waste eight months of the Parliament's time on this matter. [*Desk thumping*] And, Madam Speaker, or five months of the court's time, and the high cost to engage senior counsel, just trying to preserve the Member for Oropouche East's ego.

Madam Speaker, to further compound my own disappointment, I am aware that this House has always exercised tolerance and restraint in exercising its penal jurisdiction, save and except where to do so was essential to provide the protection of this House from odium and public ridicule. I have observed Members on both sides of the House would have said things that are unparliamentary. The Member for Naparima, often made to stand and withdraw. Me myself, Madam Speaker, would have said things unparliamentary and would have been made to stand and withdraw, and sometimes apologize. But, Madam Speaker, not the Member for Oropouche East. I indicated that I am not going to be drawn into any rabbit hole of distraction. The issues in this matter of privilege are simple, and I commend the Committee of Privileges for making these matters simple so that the man in the street, [*Desk thumping*] that children could understand them.

Madam Speaker, the first issue: The Member for Princes Town did not

touch on it. He spoke about everything else, bias, procedure, everything, but the first issue is did the Member for Oropouche East utter the words to the Member for Laventille West? And that is a simple fact to establish. Madam Speaker, it was unnecessary for the committee to call the Member for San Fernando East to provide direct evidence in this enquiry. But, Madam Speaker, I could have told you. I sat here. I was here, and I was witness to when the Member for Oropouche East turned to the Member for Laventille West and uttered the words “Da is why Snake have...lead for you.” I was right here and I heard it. The Member said it.

And, Madam Speaker, I immediately interpreted those words to be directed to the Member for Laventille West, because previously there was an incident reported involving the Member for Laventille West and somebody by the alias of Snake who would have assaulted the Member, and was subsequently convicted. *[Interruption]* But, Madam Speaker, it was unnecessary for me to be called because, Madam Speaker—*[Device goes off]*

Madam Speaker: The person with the offending device, please leave the Chamber.

Mr. Hinds: Indarsingh.

Madam Speaker: Continue, Member for San Fernando East.

Hon. R. Mitchell: Madam Speaker—

Madam Speaker: Just one minute, I have not seen anybody leave. Member for San Fernando East.

Hon. R. Mitchell: Thank you very much. Madam Speaker, it was unnecessary to call upon me or any other Member within earshot to give direct evidence to that enquiry, because video and audio recordings are taken of all the matters that occur in this Chamber. And it is not by chance, Madam Speaker.

3.30 p.m.

Madam Speaker, having listened and viewed the audiovisual recording, the committee was satisfied that the words were said by the Member for Oropouche East. More than that, the Hansard team of reporters were consulted and confirmed that the words were of the Member for Oropouche East. Madam Speaker, I consulted the *Hansard*, on page 27 of the *Hansard* for that day; it is right there in black and white being said by the Member for Oropouche East.

Madam Speaker, in the eight months I have not heard, despite all that the Member for Princes Town had said, I had not heard the Member for Oropouche East distance himself from those words. The Member for Oropouche East never challenged that he said the words to the Member for Laventille West. It is therefore very reasonable for me, as a Member of this House to draw the inference that the Member for Oropouche East accepts and admits that he said the words to the Member for that Laventille West: “Da is why Snake have some lead for you.” So, Madam Speaker, he does not deny the allegations, what he simply does is to defy the rules, the conventions and the dignity of this House. [*Desk thumping*]

Madam Speaker, the second issue to be considered, now that we are satisfied that the words are attributed to the Member for Oropouche East, is whether the words are threatening. The determination of this issue, you do not need three Senior Counsels and you do not need to go to court to understand that. We all live in this place called Trinidad and Tobago; we live in this place called the Caribbean; we are exposed to urban culture. We know that when somebody says, “copper” and “lead”, it means bullet. [*Crosstalk*] Yes, copper and lead. He said, “lead”. It means bullet and, Madam Speaker, that means gunshots.

Mr. Hinds: Gunman talk!

Hon. R. Mitchell: So what the Member for Oropouche East was saying, Madam Speaker, and what I understood by what he said, was that the Snake, the man by the alias of “Snake” has gunshots for the Member for Laventille West. We do not need three Senior Counsels for that, Madam Speaker.

And the third issue is whether the threatening words—because we have established that the words said by the Member for Oropouche East to the Member for Laventille West were threatening—the third issue was whether the words had the effect of bringing this House into public odium.

Madam Speaker, the Member for Oropouche East is a seasoned parliamentarian. He has been in this House since 2001, 18 years. That is almost half my lifetime. I recall the Member for Oropouche East, I was a young man, just out of school, he was banging on doors all over San Fernando East campaigning against Patrick Manning. Well he got a good licking then. But, Madam Speaker, I paid attention, as a young man, I paid close attention to the politics and to the goings-on inside the Parliament and outside the Parliament. And I can tell you at that time, the major issue in the Parliament at that time was the airport scandal. But, Madam Speaker, just as I paid attention back then, we have young, impressionable minds, persons who are seeking to enter into these Chambers to be legislators, looking on at these proceedings and reading the *Hansard*.

Madam Speaker, this cannot be the example that we as parliamentarians could set for those young, impressionable minds. John Public is going to think that that is the standard of behaviour that occurs in this place, if it is allowed to continue, and if the Member for Oropouche East is not admonished and censured and made to apologize in this House. We are not in the streets, we are not in the market, we are within the walls of the Parliament of the Republic of Trinidad and

Tobago. [*Desk thumping*] So, Madam Speaker, I support the recommendation that the Member proceed with an act of contrition and apologize for his actions to the Member for Laventille West and to this Parliament.

Madam Speaker, I do not want to be too long. In conclusion, freedom of expression is one of the most important constitutional rights enjoyed in this House, and Members must be free to express themselves in the course of representing their interests of their constituents and in the process of lawmaking. The right of free speech is so fundamental and so sacrosanct that it is generally left up to Members to tread carefully and not to abuse this right.

It is however, Madam Speaker, in this House not an unfettered right and it remains possible for this House to restrain Members who offend the House by their words and utterances. The Member for Oropouche East is a seasoned Member of 18 years; he is very much familiar with the rules of the House. He is a past Leader of the House, he is a past Chief Whip and was a Member of the Joint Select Committee of this House responsible for the very Standing Orders that we are governed by today. He was a Member. [*Crosstalk*]

Madam Speaker, the Member for Oropouche East knows better, and the Member knows his actions and the words uttered were unparliamentary and yet the Member remains defiant. So, Madam Speaker, I support the Motion in the main, but I beg to move an amendment to the Motion. [*Crosstalk*] Madam Speaker:

“*Be it resolved* that this House do now call upon the Member for Oropouche East to apologize to this House and to the Member for Laventille West at the next sitting of this House by way of Personal Explanation.” [*Crosstalk*]

Madam Speaker, the Member for Oropouche East must consider this *infra dig*; this is beneath the dignity of this House, his actions have brought the House into public

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odium and ridicule. I support the Motion and I hope that when the Member gets up to defend himself here, even though he had eight months to defend himself in the committee, I hope that he apologizes to this House and to the Member for Laventille West and, Madam Speaker, with those few words, I thank you. [*Desk thumping*]

Madam Speaker: So that I believe a proposal for an amendment was made by the Member for San Fernando East.

Dr. Gadsby-Dolly: Madam Speaker, I beg to second the amendment.

Madam Speaker: Hon. Members, I shall now propose that the amendment moved by the Member for San Fernando East and seconded by the Member for St. Ann's East for an amendment that the Member for Oropouche East should apologize to the House and the Member for Laventille West in the House by way of Personal Explanation at the first opportunity subsequent to the presentation of this report which would be the recommendation that is considered, that is given on page 12 of the report, that that be amended to add: That this recommendation be adopted by this House. [*Crosstalk*]

So those words are added to the recommendation and to the resolution. So the whole thing, the whole matter would be: That the Motion is now being sought to be amended, moved by the Member for San Fernando East, seconded by the Member for St. Ann's East, our Motion initially was:

“*Be it resolved*”—when I mean “our”, I mean the Motion that is before the House.

“*Be it resolved* that the House adopt the Report of the Committee of Privileges of the House of Representatives on the Allegation of threatening words.”

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And by adding that the Member for Oropouche East should apologize to the House and the Member for Laventille West in the House by way of Personal Explanation and at the first opportunity subsequent to the presentation of this report. So that is included in the resolution by the House. And I believe that has been seconded by the Member for St. Ann's East. [*Crosstalk*] Member for Naparima, Member for Naparima, I am hearing you.

So the question is that the Motion be amended by adding the words which I have just recited. And therefore any Member standing to speak hereafter is entitled to speak on the original Motion and the Motion that has been amended. Member for Oropouche East.

Question, on amendment, proposed.

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker, Madam Speaker, I thought it was an opportune moment to intervene in this debate since, regrettably, regrettably for me and I think regrettably for the country, I am the central feature of the Parliament business today. You see, Madam Speaker, this is a very sad day in the Parliament and in parliamentary history for everyone and the Government Members will indicate why it is sad for them. But it is also very sad for me, because we have Sen. The Hon. Haji Kazim Hosein here with us, waiting 25 years for local government reform and today instead of debating local government reform to deliver goods and services to the people of Trinidad and Tobago, you come to debate me. [*Desk thumping*]

I want to begin with an apology. I want to apologize to the thousands of people who cannot get water in this country today. [*Desk thumping*] I want to apologize to the thousands of persons who have lost their jobs because of this Government. [*Desk thumping*] I want to apologize to the thousands of persons

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who have lost social security assistance. [*Desk thumping*] I want to apologize, Madam Speaker—

Mr. Imbert: Point of order.

Dr. R. Moonilal:—for the conduct of this Government in destroying the economy. [*Desk thumping*]

Mr. Imbert: Point of order. Point of order, 48(1).

Madam Speaker: Member for Oropouche East, I uphold the objection.

Dr. R. Moonilal: Thank you, Madam Speaker.

Madam Speaker: Let us debate the report.

Dr. R. Moonilal: Madam Speaker, that would be the end of my apology for this day. [*Desk thumping*] Madam Speaker, it really disturbs me to speak on this Motion, but I think I have to. I want to begin by congratulating the Member for Princes Town [*Desk thumping*] and to say, in my biased view, that has been his best contribution in this Parliament. But that is of course my view.

Dr. Gopeesingh: Clinical, clinical.

Dr. R. Moonilal: But it was a clinical, passionate, comprehensive and I might say a contribution with some legal acumen. [*Desk thumping*] And one that was thoughtful, sincere and I believe honest as to what transpired. And we will hear, I hope later in the proceedings from the Member for Couva South who was also part of that committee.

Madam Speaker, the Member for San Fernando East replaced a gentleman, no longer in the House, no longer on the compound, Patrick Mervyn Augustus Manning. Had that man been alive to hear this person who represents San Fernando East today, I think he would have turned in his proverbial grave to hear that this is what replaced him. The Member, who was not a member of any

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committee, spoke and, Madam Speaker, quite frankly I could not understand A from Z coming from the Member for San Fernando East. So I would like to just raise a few points quickly and firstly as it relates to the Member for Port of Spain North/St. Ann's West, who was indeed a member of this committee, and I think unless I am mistaken, he was one of the only Members of the Government to have stayed the course, although I think for one meeting he was not present or so, I am not sure.

Madam Speaker, to remind the gentleman from Port of Spain North/St. Ann's West, as he quite rightly knew, he represented former Prime Minister Patrick Manning before the Privileges Committee when I was a member and Mr. Manning took the Privileges Committee to court. [*Desk thumping*] Mr. Manning may not have filed for injunctive relief, but he took them to court. And, Madam Speaker, I have taken note of your ruling today which I will also abide by. Because this matter, the substance of this matter before us is before the High Court today, properly before the High Court and in full flight. It did not start last week as we know, not last month. So this matter is before the court and we are discussing this matter because the Speaker has ruled, which is within the powers of the Speaker, that there is a general public interest.

Mrs. Persad-Bissessar SC: It is a live matter before the court.

Dr. R. Moonilal: It is a live active matter before the court. The next date for hearing I believe is July the 8th, Madam Speaker, but we can speak about it because of the ruling. So Mr. Manning went to court and the Member for Princes Town said and I will not repeat that, that the Privileges Committee at that time, the Chairman, myself, agreed that if the matter was before the court we ought to stay the proceedings. And we were informed as well by the then Secretary to that

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committee, I have the *Hansard* account, which I read, who also advised us, the then Secretary of that committee that it would have been proper and good to stay proceedings because you did not want the Member for San Fernando East to go to the court and argued there that he was being oppressed, that while the matter was before the court the Committee of Privileges was moving full speed ahead.

Madam Speaker, I just want to put on record again, properly, I have in my hand here a letter, June 25, 2013, addressed to Ms. Jacqui Sampson-Meiguel, Secretary to the Committee of Privileges, June 25th. Now, that is this month, 2013:

Dear Madam,

In light of developments before the committee on Monday July 24th, I think it is necessary to make my position clear for the record. I do not intend to and will not commence my defence of the charges being considered by the committee—that is the Committee of Privileges, eh—I do not intend to and will not commence my defence of the charges being considered by the committee until the committee has called all its witnesses.

So this, the writer is telling the committee how to conduct its business.

Hon. Member: Who is the writer?

Dr. R. Moonilal:

Until you have called all your witnesses and the police have concluded their investigations.

So a matter before the police, the writer is saying, wait, wait Dorothy wait, for the police to conclude investigations and I am not commencing my defence.

I will accordingly not answer any further questions from members of the committee on statements made by me in the House. Otherwise I reserve my rights, including my right to approach the High Court for relief in relation to

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many breaches I have identified in previous correspondence.

Hon. Member: Who is the writer?

Dr. R. Moonilal: The writer.

Yours sincerely,

Dr. Keith Rowley, MP,

Member for Diego Martin West,

Leader of the Opposition.

This is on record.

I dare any Member opposite find a letter written by me, [*Desk thumping*] by the Member for Oropouche East, find one letter, one correspondence in which I have told the committee that I will not commence my defence. Find a letter or a correspondence in which I have told Your Committee that I will not, do not call me, I am answering no questions, find that letter. Produce it today, not at the next sitting, produce it today and tell me that I indicated to Your Committee that I will not participate, I will not support [*Desk thumping*] the committee.

Madam Speaker, the first meeting when I was called, I waited one and half hours, I was called for 2.30 p.m. I was called into the room at 3.56 p.m., I waited for one and a half hours. When I was finished the Chairman of the committee thanked me for my patience. The Chairman said we want to thank you for your patience. That is somebody who is trying to avoid? They talk about delaying tactics and want to let time run and avoid, the same Government that wanted to extend freedom of information by 30 days to 180 days, [*Desk thumping*] talking about delay.

Madam Speaker, the Member for Diego Martin West is on record as telling a Committee of Privileges, I will not answer any questions from you. And if you

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hear my language you will know that this is how the gentleman speaks, so it must be his letter. It must be a letter from him. I will not answer any further questions from members of this committee. Just tell me, when, where, how and why I told the Committee of Privileges I will not participate.

Madam Speaker, at that fateful day, what turned out to be the last meeting was being called, I informed the committee through the Secretary that I could not make that meeting today, because two of my advisors—and I have the right to be represented by anyone I want. [*Desk thumping*] My two advisors known to the committee were Sen. Wade Mark and attorney-at-law, former Senator, Gerald Ramdeen. That is my two advisors. No one can tell me that I should ask the Member for San Fernando West to advise me, that I should ask the Member for San Fernando East to advise me. Nobody can tell me that. To tell me that is to infringe on my right to legal representation which is my constitutional right to a fair hearing. [*Desk thumping*]

So from the time someone says that I could not bring any advisor I want, you are infringing on my rights and that happened. The Member for Princes Town indicated that. There was a Senate sitting on the day, imagine I have an advisor who is known to the committee, known to be a Senator for 35 years, the Senate is meeting on the day and I tell the committee my advisor is in a meeting of the Senate, he cannot make today but could you tell me a date and time convenient and we can meet. That is on an email.

You know, Madam Speaker, this Committee of Privilege did not have the courtesy to write back to me, type something back to me, an email, a text, a twitter, a WhatsApp to tell me, “Mr. Gentleman” we are having a meeting and this is the last meeting or we are proceeding without you, whether you are there or not we are

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proceeding without you. I did not have the courtesy of a reply. I got an acknowledgement so I knew “letter reach”, but no one told me that they are proceeding and, please, whether you have advisors or not we are proceeding.

Madam Speaker, maybe in that context I would drop everything and leave San Fernando and fly up to Port of Spain and participate as best as I can. I may have had to ask my friend the Member for La Horquetta to represent me or I may have had to ask Sen. Mark to leave the Senate business, I think they were dealing with an important matter of bail I think that day. I would have had to ask Mr. Ramdeen to cancel some other business or I may have had to come alone and fend for myself. I did not get the benefit of a reply. [*Desk thumping*] Then I read in the report—you know when this committee started its business there was a nice beautiful note sent here, it is on page 5 of the report. It says, Madam Speaker:

“Your Committee agreed to the following procedures and practices –”

And listen to number vii. That is where I am coming at:

“During hearings (when evidence is being taken), the Member”—meaning me—“would be invited to be in attendance in accordance with established”—principles—“but would not be able to participate;”

So there is a commitment by Your Committee in terms of fairness, procedure and practice that during hearings when evidence is taken, the Member would be invited to be in attendance, so I can hear what people are saying.

I read in this report, Madam Speaker, I read that there were persons called from the Hansard, from the Hansard and they appeared there as witnesses to give evidence. Madam Speaker, I do not know this, I was never written to, I was never told, a pigeon did not travel from Port of Spain to Oropouche East with a note on the foot telling me that two witnesses were being called and they were going to

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give evidence as to the authentic nature of that statement, audio and written. I did not know this. How could you do this behind my back? [*Desk thumping*] How you could do this behind my back?

Madam Speaker, I am looking in my back to see what place it have again for another dagger. That is like taking a dagger and putting it in my back. I am almost tempted to say “lead”, but I will not, I will not. How could the Committee of Privileges and I ask the Member for San Fernando West, the Attorney General of this country, who speaks I think very eloquently about law and fairness and rule of law and procedure and practice, how could the committee violate your own procedure and practice at number vii [*Desk thumping*] and come today to make a recommendation. Should I not have been told that there are witnesses coming, they are coming to give evidence on point A and B and you are invited. Now, that is a completely different thing from calling me as a witness with my advisors. Because I could have attended that, because I have nothing to say, in fact I could not say, but I could listen to what evidence they are giving. That was a fundamental part of the procedure and practice. So by that alone this report is flawed. On that principle alone the report is flawed.

Because you see, Madam Speaker, I do not want to get into the details, but I could have asked the question—you are saying that I said those statements and you are very clear without the FBI technology that it is my voice. So, okay, let us get past that. Tell me what technology you have to say that I turned, I heard the Member for San Fernando East, I turned to the Member for Laventille West. Madam Speaker, I am sitting here regrettably facing him for my entire parliamentary life. I cannot turn to him, I can turn to you. I cannot turn to him, whether I like it or not, he is in my sight, in my face. So I am here and I turned to

the Member. So why I did not turn to the Member for Caroni Central and indicated to him that was my remark intended for him. How I did not turn to Caroni Central? Madam Speaker, I would have been in a position to know that. But that is not the real issue here. It is not those issues of evidence and the facts and so on, it is that I was denied an opportunity to attend [*Desk thumping*] when evidence was being given.

But you know, Madam Speaker, on that evidence I had one more question I wanted to raise when my time come to the committee which I have never said I will not participate. I wanted to ask the Hansard recorders why it is on the day of October 10th before any Member of this House got a copy of the parliamentary record, that snippet went external to someone outside of the Parliament. Why and how?

Mrs. Persad-Bissessar SC: How?

Dr. R. Moonilal: How? And that person send it back to me. So the first sight I had of “Mr. Snake” was sent by someone external to this Parliament.

Mr. Hinds: Who first said it? Who first said it?

Dr. R. Moonilal: Madam Speaker—

Mr. Hinds: Sorry, sorry, Madam Speaker.

Dr. R. Moonilal: Madam Speaker, I do not want to tell him anything again today. [*Laughter*] I get in enough trouble. Madam Speaker, why, that that evidence that you later become evidence, went to an external someone, a stranger to this House before any Member of this House saw it? I got it first from elsewhere. I would have asked the Hansard reporters that. I would have been concerned with that leak and what was the purpose of that. But I did not have that opportunity. You see, on that fateful day, Madam Speaker, the Member for Laventille West got up and

rushed all about the place and indicated that he felt threatened and so on, and I have in my hand an article from the *Express*, October 11th, which is just the day after.

“Hinds calls in police for Roodal

Minister Fitzgerald Hinds has asked the police to look at whether statements made by Dr. Roodal Moonilal that ‘Snake have lead for me’—well, that mean him—points to a threat on his life.”

Madam Speaker, this was the day after.

Had the committee allowed me a reasonable opportunity to attend—I went to one meeting, I saw in this report, I have read the report thoroughly so I do not want to waste time by quoting extensively from what I know in the report; there is a statement in the report that I refused to give an opening statement. I gave an opening statement, the verbatim is here, I have it in my hand, the parliamentary staff just brought it to me.

Madam Speaker, I came to Your Committee January 7th and gave an opening statement and in my opening statement I said that I will commit my points, my concerns in writing to you. And we had a nice tiff, friendly, about when we will be able to do that, how fast, and we need to move and so on. This was an opening statement. When the Chair called upon me to make a statement on the particular incident, I said no, I prefer not to make statements on the particular incident because I had to write on preliminary matters and the preliminary matter was my opening statement. I thought that was very clear. Then we went on, Madam Speaker. [*Crosstalk*]

Mr. Lee: 53. Please.

Dr. R. Moonilal: As is my right. [*Interruption*] Thank you. Madam Speaker, as

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is my right, I have a right to go to the High Court to seek redress. As is my right, I proceeded there. Madam Speaker, the next sitting when the committee called on the date, and I will tell you, we went to the court in San Fernando.

Mr. Lee: Madam Speaker, 53 please, I am being disturbed by the Government side please.

Madam Speaker: Could you tell me which Standing Order.

Mr. Lee: 53(1)(e), Madam Speaker.

4.00 p.m.

Madam Speaker: So I will just advise all Members—because it appears that the Member for Pointe-a-Pierre is being disturbed—I am hearing the Member for Oropouche East very well. But please, could all Members be guided with the crosstalk or the speaking above certain levels? Continue.

Dr. R. Moonilal: Thank you very much, Madam Speaker. Madam Speaker, on an interpretation of the line itself, had I the opportunity—and according to this report, it says at page 5, I declined the opportunity to be heard. Madam Speaker, when this matter was called again on the next occasion, that is when the first attempt at an injunction was filed and heard in the San Fernando Court. That is when the Chairman gave an undertaking that they will not proceed with matters against me.

I was in San Fernando when I heard the lawyers say this. So, Madam Speaker, I am not coming to Port of Spain if you do not need me. I was invited, yes, but when you gave the undertaking in the morning that the committee will not proceed with both matters—there were two matters. Today we are forgetting one. There were two matters, a matter involving the Member for Diego Martin West. That was removed, I believe, on the very day. On the day the committee gave an undertaking, the Chairman in San Fernando, on the same day a matter was

removed, the matter involving the Member for Diego Martin West on the grounds that the Member for Diego Martin West went to court in a defamation matter. So it was removed.

So in a way, the committee did tamper with the business and we have not debated or accepted that report.

Madam Speaker: We are debating a particular report before us. Okay? Please.

Dr. R. Moonilal: So, Madam Speaker, on that day—it was a Tuesday, I remember—there was no need for me to come to Port of Spain if you are not dealing with the matters—the both matters—that affected me.

Madam Speaker: And I know that “you” is a sort of thing that we fall into, a word, but I prefer if you say “the committee”, and leave “you” out of this, whoever “you” is.

Dr. R. Moonilal: Sure. I understand what you are saying.

Madam Speaker: Good.

Dr. R. Moonilal: Madam Speaker, the committee gave an undertaking nine o'clock in the morning that they will not deal with the both issues at that time that involved me as the subject. Why do I leave San Fernando and come to Port of Spain if you have no business with me? Today, the Member for Port of Spain North/St. Ann's West, calling the date and saying, I failed to show up, but you gave an undertaking that you will not deal with the matter. Madam Speaker, on the next day a meeting was called. I believe it was May 4th. Madam Speaker, it is a matter of public record, on May 4th the matter was called. One of my attorneys-at-law—at that time one of my attorneys-at-law was involved in a matter with the police and was not available to go to court. Simply put. In fact, not one, both. They were detained by the Trinidad and Tobago Police Service. So what are

we to do? That is a fact. It is a matter of public record.

Madam Speaker, on the 12th of June when I got a note in my email—and the first note, I have it here. You know, Madam Speaker, the first note said—it was dated the 12th of June and said “I invite you to a meeting on Monday the 11th of June.” That is true, you know. Madam Speaker, what I did next led me to no end of being “buff”. I get “buff up good” for that one. I get “buff” up.

I innocently, and without any malice, in good faith, sent a note to the Secretary to say, “Look, I think you have made an error. Clearly, you cannot invite me on the 12th for a meeting on the 11th.” I did that. I had an option. I could have left that alone and maybe nobody would recognize it. And when Monday the 17th comes, I would say, “But, hello, you sent me a note inviting me to Monday the 11th. I win. Boo.” That is what I could have done. In good faith, I corrected an administrative error of the committee, [*Desk thumping*]*—in good faith—and I get “buff” for it. I keep on saying that, Madam Speaker.*

Madam Speaker, on that Monday, when we realized the committee intended to proceed, we did what is open to any citizen, to go to court for injunctive relief. The court felt that they were not prepared to rule in our favour, and they did not. No, no, no, sorry. We missed something. On June the 14th, the Friday, papers were served that we were looking for an injunction. We were seeking injunctive relief—interim relief. The meeting was due to be held on the Monday, but the time we got to hear the interim relief was on the Tuesday. It was communicated to lawyers 12 o’clock on the Monday, I think, three hours before the committee met. So the committee ought to have had knowledge that this matter is coming up in less than 24 hours. The committee met. The committee determined it would be their last meeting. The committee called witnesses. The committee ended and the

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committee produced what I consider to be—

Mrs. Persad-Bissessar SC: Obscene haste.

Dr. R. Moonilal:—in obscene and naked haste, completed an incomplete, flawed report and brought it to the House. [*Desk thumping*] You see, Madam Speaker, the injunctive relief we sought today and yesterday is not to injunct the committee. The committee “done”. The committee finished its work and gone its way. “Dey get up, dust dey pants and gone.” It was when the matter comes to the House and the House was due to debate it, knowing that it would be flawed, incomplete—

Mrs. Persad-Bissessar SC: Poison.

Dr. R. Moonilal:—poison, the fruit of a poisonous tree, knowing that we have issues before the court that deem that the committee may have been unlawful, illegal, illegally constituted, we approached the court for interim relief. The court said no. That is fine. But the substantive matter is still before that court, [*Desk thumping*] and it is before the court structure. It may go to the Court of Appeal; it may go to our friends in the Privy Council.

Dr. Gopeesingh: Lords Woolf and Bingham.

Dr. R. Moonilal: Lord Woolf and Lord Browne-Wilkinson and Lord Bingham of something, could meet—

Dr. Gopeesingh: Diplock.

Dr. R. Moonilal:—and Lord Diplock, to decide the matter. We do not know, Madam Speaker. But what I am saying is the matter is before the court. And that is a critical matter. You see, Madam Speaker, this is not about an apology to the Member for Laventille West, “ah want tuh tell yuh one time”. All the time, as the Member for San Fernando East—I think that is the only good thing—right thing—he said. We make comments all the time. In fact, we conduct ourselves all the time.

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I have no problem telling the Member for Laventille West, “Look, I apologize to you. I meant you no physical harm.” I mean no physical harm to the Member for Laventille West. I may mean him political harm, but not physical harm. At no time did I intend that my language was to threaten his life, his limb or his locks; at no time. And if anything I have said he believes threatens his life, limb and locks, I unreservedly apologize.

What is wrong with that? I have been around the Member sparring with him for about 18 years or more, I think. When I was Minister of Housing, he came to me for assistance for other persons, not himself. He knows that. He used to approach me in the corridor and we would talk about housing, and so on.

Mr. Hinds: Once. [*Crosstalk*]

Mr. Indarsingh: What “kinda” language—[*Crosstalk*]

Madam Speaker: Member for Laventille—

Mr. Hinds: Madam Speaker, let me clarify—[*Crosstalk*]

Hon. Members: No, no, no. [*Crosstalk*]

Mr. Hinds: Let me clarify this.

Hon. Members: No. No. [*Crosstalk*]

Madam Speaker: Wait, wait, wait. Member—

Mr. Hinds: Will you give way?

Dr. R. Moonilal: No. Thank you, Madam Speaker. Madam Speaker, I recall—

Madam Speaker: Just one minute. One minute. Member for Laventille, just withdraw that.

Mr. Hinds: I do withdraw that. I just wanted to make—

Hon. Members: Noooo!

Madam Speaker: Member for Laventille West, you asked your friend to yield. It

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is up to him and he said no. You will have your opportunity to speak in the debate if you wish. Member for Oropouche East.

Dr. R. Moonilal: Thank you. Madam Speaker, so I have been around the Member. I am very much accustomed to this conduct—

Mrs. Robinson-Regis: Can I ask on a point of clarification based on something the Member said? Thank you.

Hon. Member: No. [*Crosstalk*]

Dr. R. Moonilal: No, no, no. I thought it was a Standing Order.

Mrs. Robinson-Regis: I just want to clarify something you—[*Crosstalk*]

Dr. Gopeesingh: What Standing Order?

Dr. R. Moonilal: Please, please. What you want, to clarify something?

Mrs. Robinson-Regis: That you said.

Madam Speaker: Member for Arouca/Maloney, it is either you ask your friend to yield or you let me know what Standing Order; as a point of order your Standing Order.

Mrs. Robinson-Regis: I am asking my friend to yield on a point of clarification.

Hon. Members: No.

Mrs. Robinson-Regis: Okay.

Dr. R. Moonilal: Madam Speaker, let me proceed, please. The Member for Laventille West has been in this Chamber for many years. I have been here for many years and we spar time and time again, and it is not unknown that, as you know, as tempers grow and so on, we would have words exchanged, and we apologize. There is nothing wrong with that. We do it all the time. This matter is not about an apology. [*Desk thumping*] So whether it is this sitting or the next sitting—[*Desk thumping*] Listen, I could apologize every at sitting. If you want, for

the 20 sittings I will apologize. This is about constitutional rights. [*Desk thumping*]

You see, Madam Speaker, I want to quote from October 10, 2018, the fateful day of all this business. You know, everybody only cares now about “Da is why Snake have some lead for you.” That is what everybody “talking” about, because is the subject. What is the run-up before that ball was delivered—Caroni East? What was the run-up like? Anybody know the run-up before the ball was delivered? Let me read from the *Hansard*, Madam Speaker.

Madam Speaker: Member for Oropouche East, I “doh” know that the run-up is part of this—[*Crosstalk*] You know, sometimes we have some echoes, but it cannot be echo “becor” it not echoing me. Okay? But we have some underlying currents that sometimes I wish I just do not hear it. Member for Oropouche East, we are dealing with what is the subject of the report. Okay? Please.

Dr. R. Moonilal: Thank you. Madam Speaker, on October 10, 2018, the Member for Diego Martin North/East was on his legs, and if I can just read—he was addressing you, Madam Speaker, the Member for Diego Martin North/East:

“...there is a particular word, I would like you to withdraw that particular word and please continue.”

That was the Speaker. The Member for Diego Martin North/East had this to say:

“Oh certainly, Madam Speaker, I will withdraw the word ‘lies’.”

According to *Hansard*, Mr. Hinds said:

“Just say Roodal Moonilal.”

Let me repeat that. So the Speaker says:

“Member for Diego Martin North/East...”

Madam Speaker: Just a minute. Member for Naparima, you want to interject?

Mr. Charles: No.

Madam Speaker: Okay.

Dr. R. Moonilal: Madam Speaker, the Member for Diego Martin North/East said:

“Oh certainly, Madam Speaker”—responding to you—“I will withdraw the word ‘lies’.”

Mr. Hinds said:

“Just say Roodal Moonilal.”

Madam Speaker, that was the short run-up to that exchange. I never wanted an apology, Madam Speaker.

Madam Speaker: That is the point. I was just going to ask you, in terms of—

Dr. R. Moonilal: I “doh” need an apology, Madam Speaker.

Madam Speaker: I was just going to ask you in terms of what we are debating, to tie that in quickly because I do not remember that being raised in any way. All right? And while I am on my legs, your original 30 minutes—you are entitled to 15 more.

Dr. R. Moonilal: Thank you very much. Thank you, Madam Speaker. So I put that on the record. Madam Speaker, the report—so I am debunking this mischief about the Member for Oropouche East declined the opportunity to be heard. There was one meeting I attended. I waited an hour-and-a-half to be called. I waited peacefully. Second meeting, Madam Speaker, that you called, we were in San Fernando. An undertaking was given by the committee, there was no need for me to come to Port of Spain. Third meeting, Madam Speaker, both my lawyers were detained in the police station and it was an understanding we had that a junior lawyer would go at the court to do something. I think the Parliament was aware of that.

Madam Speaker, at the meeting you had, the fourth or final meeting, as the case may be, I wrote and said I was not available today. “Today” does not mean yesterday or tomorrow, Madam Speaker. Madam Speaker, I just want to go through the report very quickly before coming to another important point. The Member for Port of Spain North/St. Ann’s West kept using language like “a mad rush to go to court”, and “there was no need to go to court and to bring the”—You know, there is a political lecture today about the separation of powers and the sanctity of the Parliament and the sanctity of this and that, and we are bringing the Parliament into disrepute by going elsewhere to raise matters. Madam Speaker, I have the Constitution of the Republic of Trinidad in my hands, and this country has, as its supreme law, the Constitution. [*Desk thumping*] As much as the Government may try, they have not destroyed the Constitution yet.

Hon. Members: Yet.

Dr. R. Moonilal: Not yet, Madam Speaker. This is constitutional supremacy. Madam Speaker, while the—sorry.

Madam Speaker: Member for Arouca/Maloney.

Mrs. Robinson-Regis: Standing Order 48(6), please.

Madam Speaker: Okay. So, Member for Oropouche East, if you could restate that in another way I know that you are capable of. Yes?

Dr. R. Moonilal: Madam Speaker, notwithstanding attempts all over to undermine the Constitution, it has not been destroyed yet. [*Desk thumping*]

Madam Speaker: I think it is the same issue. So I am saying if you could find another way. If not, leave it alone.

Dr. R. Moonilal: Madam Speaker, I am grateful and thankful to God that the Constitution is in my hand. [*Desk thumping*]

Madam Speaker, the Member for Port of Spain North/St. Ann's West, you know, spoke with excess volume, about the Parliament having the right to conduct its proceedings and regulate its own proceedings, and so on. Madam Speaker, that is true. That is true. But as the Member himself recognized, I think this is his first Parliament he is serving. But the Member fails, or forgot, to inform the House and the country that Parliament has a right to regulate its own proceedings subject to the provision of this Constitution. [*Desk thumping*]

“Subject to the provisions of the Constitution...”

And the fundamental rights are the rights enshrined in the Constitution. So let me give it to you now.

“Subject to the provisions of the Constitution, each House may regulate its own procedures.”

But not in isolation by itself. And the bill of rights at 4 and 5, the fundamental rights, are enshrined in the Constitution. [*Desk thumping*] So you regulate your House subject to that. The matter at court now has to do with the interpretation of the composition of the Committee of Privileges, because when the Standing Orders changed, the numbers changed and the equation changed. Before it was a range, I believe six to nine—a range. Now it provides for five Members plus the Chairman, six. So that there is an important matter to be interpreted by the court, to use the language of the Member for Diego Martin North/East, that the court must interpret. The court must interpret the—

Mr. Hinds:—sub judice now?

Dr. R. Moonilal: Now they are raising sub judice. [*Crosstalk*] Madam Speaker, the court has to interpret whether or not the composition of the Committee of Privileges violates the provisions of the Constitution, violates the rights of a

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citizen, in this case a Member. So if I believe my rights are being violated by the misinterpretation of the Standing Order and my constitutional rights are being undermined for a fair hearing before a tribunal, and so on, I have a right to go to court.

Mrs. Persad-Bissessar SC: That is right. [*Desk thumping*]

Dr. R. Moonilal: I have a right. And let the Privy Council, or whoever it may be, interpret whether if in this new—people do not understand the Standing Order changed. I was a Member of the committee that changed the Standing Orders, and in the new Standing Orders it provides for five plus one, six; not seven, eight and nine. So if you change Members, Madam Speaker, you bring in people, you cannot say “I bringing you as a temp. And you are the temp., but the person who is there, he or she just step aside. They are still a Member.”

Madam Speaker, at the Supreme Court, if you have 10 Court of Appeal Justices, one recused himself, what do you do? Bring in somebody else, Madam Speaker? The issue has to be interpreted by the court. The court must adjudicate on this. [*Desk thumping*] The court is not there to adjudicate on the apology, whether it is on this sitting, next sitting or the next 25 sittings. The court is there to adjudicate on an interpretation as to whether or not the constitutional rights of a citizen has been violated by a misinterpretation of the Standing Order [*Desk thumping*] which is subject to the Constitution.

Madam Speaker, the Member for Port of Spain North/St. Ann’s East as well raised issues related, of course, to why the need for a constitutional action. But, Madam Speaker, the Member for San Fernando East, advised by him, went for a constitutional action.

Dr. Gopeesingh: Yes. The Integrity Commission.

Dr. R. Moonilal: Madam Speaker, my right to go to the court to seek protection was fortified by the Member for Diego Martin West.

Dr. Gopeesingh: The right to be heard.

Dr. R. Moonilal: When he faced a situation where he believed the Integrity Commission acted unfairly to him by refusing him natural justice, he went to the High Court. [*Desk thumping*] Madam Speaker, if I believe that the Committee of Privileges treated me unfairly, undermined my constitutional rights, I have a right to go to the High Court which, [*Desk thumping*] according to Diego Martin East, was his right too. So the matter is a matter of the Constitution and I wanted to say not only for persons here, but outside, because this is not a matter for apology, or not apology and apologize. As I said, I am sorry if the Member felt I offended him by threatening him. If I said “Snake have lead for you”, I did not say I have lead for him. I did not say I pay Snake to have lead for him. I did not say that at all. In fact, you could interpret that as I gave him a good warning. I alerted him of imminent danger. You should have been thankful. Madam Speaker, I may have alerted him in the event. I never said I had something for him, or I paid somebody. [*Desk thumping*] So if the Member felt there was a threat to his life and limb, and so on; if the Member felt there was a threat to his life and limb—

Mr. Hinds: Would you give way?

Hon. Members: No!

Dr. R. Moonilal: How much time you want? Ten seconds?

Mr. Hinds: Yes.

Dr. R. Moonilal: Please. Madam Speaker, look at the good faith. [*Laughter*]

Mr. Hinds: I could also interpret it to mean that he had a conversation with Snake and Snake told him that.

Hon. Members: Awwww. [*Crosstalk*]

Dr. R. Moonilal: Madam Speaker, let me alert the Member for Laventille West, that the only snake I know is in a children game named the Buffa—what?—the Buffalo.

Hon. Members: Snakes and Ladders.

Dr. R. Moonilal: Yes, Snakes and Ladders. [*Crosstalk*] Madam Speaker, there is a children's game called Gruffalo and a snake is involved in that. There is Snakes and Ladders, and you have that. I know no other snake.

Hon. Members: What about the balisier?

Dr. R. Moonilal: Over the years we heard of “Snake in the Balisier”, and so on, but I know nothing of that. So my friend from Laventille West, he knows better, Madam Speaker.

Madam Speaker, so I have said before I was always available to the committee when you had your meetings. On that one occasion when the sitting of the Parliament was taking place—the Senate—it was not convenient, so I did not make any tactic to delay. You know, Madam Speaker, I was thinking of an outcome that would have worked well. If the committee has just continued for a week or so, and the matter was ruled on that we could not have injunctive relief, you know you could call me any time. I would appear, and I would spend hours with you, helping you, putting my case, and so on. I would have done that immediately.

Madam Speaker, so they say I did not avail myself, and so on. Madam Speaker, we are also told in the minority report—I just wanted to focus quickly on that. Madam Speaker, I personally, with these years of experience in this House—18 years—I have never read a minority report like this in my life—never. I have

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never read such a crushing, damning indictment on a committee as I have read in this committee. Normally you would have write that you “doh” agree with the policy; you “doh” agree with a process, and so on, and the policy is wrong; we disagree with that.

Madam Speaker, the writers—because this thing about apologizing, in boxing terms, is a split decision. They got a split decision. So three or four said, apologize. Two said, do not think of it. Mr. Indarsingh and Mr. Padarath, both Members of the committee, had very, very forceful language in this minority report. And I quote:

“At all material times we both felt as members of this committee that critical information was withheld that could have assisted us in having a better understanding of the involvement of the High Court...” [*Desk thumping*]

How could somebody write this, Madam Speaker? This is an indictment on the Chairman of that committee and the committee as a whole, [*Desk thumping*] that critical information was withheld.

“...the Committee failed”—to allow—“due process and natural justice...”

“The Chair of the Committee demonstrated at all material times from the”—time the meeting starts, and so on—“to the conclusion...a total disregard for the law and the jurisdiction of the Court... The conduct of the proceedings were designed to steal a march on the Member for Oropouche East. The conduct of the proceedings...demonstrated a clear disregard for the...High Court...”

Madam Speaker, when you read something like this, it is chilling, eh. It is chilling to read this even in a minority context that you would put in writing words to the effect that democracy and the rule of law were undermined by a Committee of

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Privileges that is there to uphold the right rule of law. [*Desk thumping*] Madam Speaker, the Member for San Fernando East who gave us a revelation today that he is a lawyer, [*Laughter*] wants to hear apology. Madam Speaker, I know the time is coming to an end, so once again, I want to say for the record—

Dr. Gopeesingh: One minute.

Dr. R. Moonilal: Madam Speaker, just looking through my notes for the Member for San Fernando East—and there would be nothing to respond to.

Madam Speaker, I want to say, in closing, that without prejudice to the proceedings at the court which could well render this entire thing inconsequential, without prejudice to any proceedings of the court, if the Member for Laventille West believes that anything I say or I said, threatened him in any way, his health, his strength, his limb, his locks and his life, I unreservedly apologize. [*Desk thumping*] That is not the objective. But by the same token, the matter at court is a deeper and more serious issue.

Mr. Indarsingh: Madam Speaker—

Dr. R. Moonilal: Madam Speaker, it is a deeper and more serious issue that will stay at the court. And, Madam Speaker, I say this without prejudice and I say today that the Parliament is not the supreme power in this land. It is the Constitution and the guardian of the Constitution is the Supreme Court of Judicature. So, Madam Speaker, I thank you. [*Desk thumping*]

Mr. Indarsingh: Madam Speaker, as a Member—

Madam Speaker: Member for Port of Spain North/St. Ann's West.

Mrs. Persad-Bissessar SC:—shutting down the debates.

Dr. Gopeesingh: Do not shut it down. You have the Member—

Madam Speaker: I recognize the Member for Port of Spain North/St. Ann's West.

[*Desk thumping*]

The Minister of National Security, Minister of Communications, Acting Minister of Foreign and Caricom Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Madam Speaker, thank you very much for the opportunity—

Mr. Indarsingh: Madam Speaker, as a Member of the Privileges Committee—
[*Crosstalk*]

Madam Speaker: Member for Port of Spain North/St. Ann's West.

Hon. S. Young: Thank you very much. Madam Speaker, I would like to start the wrap-up—

Mr. Indarsingh: Madam Speaker, in fact, this is a kangaroo court here today.

Hon. Members: What?

Madam Speaker: Member for Couva South—

Mr. Hinds: Throw him out.

Madam Speaker: I have said who I recognize. Member for Port of Spain North/St. Ann's West.

Hon. S. Young: Thank you very much. Madam Speaker, I would like to start the response by setting the record straight, as usual. The Member for Siparia, who, as usual, was not here at the start of the parliamentary sitting, sat down here a short while ago and was saying that we were cherry-picking the sections from the Constitution—that we were cherry-picking the sections from the Constitution. As the *Hansard* would reflect, at the outset of my contribution to this Motion, I quoted in full and I shall quote again, the premise of section 56(1):

“Subject to the provisions of this Constitution, each House may regulate its own procedures.”

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We started with that. So, as usual, the Members for Siparia and Naparima, screaming and shouting but not contributing, tried to mislead the population from their seats [*Crosstalk*] and I have corrected it, as usual.

Thank you very much, Madam Speaker. So, Madam Speaker, that sets out the whole premise of this debate. I have listened to the Member for Oropouche East. Everybody was forced to listen to the screaming, which is usual, high decibel levels of the Member for Princes Town, a newly-minted law student—[*Desk thumping*] with the typical textbook approach of screaming “natural justice; due process; fair hearing”. They believe by continuing to repeat these; they believe by continuing to scream and say certain catch phrases, it takes them somewhere. Madam Speaker, I would like to say that as a Member of this House and as a Member who participated on your Committee of Privileges, it was very shameful to hear the Member for Princes Town repeatedly attack you as Chairman—

Hon. Members: Ohhhhh! [*Desk thumping*]

Hon. S. Young:—and as Speaker in the job that you conducted.

Mr. Padarath: Madam Speaker, 48(6). Everything that I said was true and happened in the committee.

Madam Speaker: You know, I think everybody here, whether their first term as a parliamentarian, and so on, we are here long enough to understand the rules. All right? And the Member for Port of Spain North/St. Ann’s West is currently on his legs. He is making his contribution. Unfortunately, he is winding up so there is no right of reply by anybody else, and I hope Members will respect that. If you want to make an interjection, you ask the Member to give way. If not, you cannot shout across the floor.

Hon. S. Young: Thank you very much, Madam Speaker. So, Madam Speaker—

Madam Speaker: Excuse me. You cannot sit from there—I have told you repeatedly. You cannot sit from there and ask me questions. I have told you that repeatedly.

Hon. S. Young: Madam Speaker, thank you. So, again, before I was rudely interrupted by the most obnoxious behaviour on the other side—

Hon. Member: Madam Speaker, the language.

Hon. S. Young: Madam Speaker, as a Member of the committee who was present at all of the sittings of the committee, I refute all that was said about Madam Speaker's behaviour. [*Desk thumping*] It has become a most disturbing trend that they attempt to misinform at every step of the way, and to just continuously misrepresent and be total strangers of the truth. I refute everything that the Member for Princes Town said, Madam Speaker. [*Desk thumping*]

Madam Speaker: Hon. Members, it is now 4.30. We now suspend for tea. We resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *House resumed.*

[MADAM SPEAKER *in the Chair*]

Madam Speaker: Member for Port of Spain North/St Ann's West. You have 25 minutes of original time remaining and 15 extended.

Hon. S. Young: Thank you very much, Madam Speaker. Just before the break and at the commencement of my wrap up and my response and my reply, I was saying that I wanted to set the record straight as a member of the committee from the outset to the completion and conclusion of all our deliberations, that all of the unwarranted attacks by the Member for Princes Town and all of his attempts to recreate the facts and recreate maybe his fictional understanding of the truth are all

false, and I put that squarely on the *Hansard*.

It seems as though once again, Madam Speaker, I will spend my time correcting the record to ensure that the truth is preserved on the *Hansard*. You see, the simple point, the simple point that we have come here today to put on the record and to tell the population of Trinidad and Tobago is grounded in the Constitution and their frail and feeble attempts to look at the Constitution, to quote the Constitution and some of them cannot even read the Constitution, is all about separation of powers, and the Parliament must be protected. And not once, not once did I hear it in all of the screaming responses, the hysterical responses, the increased decibel of the responses of the law student and others, did I hear them say they will stand in protection of the Constitution or the Parliament [*Desk thumping*] Not once. Rather what they did is they tried, tried and failed in their attempts—because I am about to correct the record—by trying to draw in the hon. Member for Diego Martin West as well as former Prime Minister Manning and the constitutional motions that they brought previously. So allow me now, Madam Speaker, through you to correct the record.

First point, at no point in time because I represented Mr. Manning in both of his actions and the hon. Prime Minister, when he was leading of the Opposition, in his one and he did not even take action, the Member for Diego West. So let me correct the *Hansard* by starting with the Member for Diego Martin West.

The Member for Diego Martin West was unceremoniously brought before the Privileges Committee for “emailgate”. That is what it was all about and when all the quotations and the attempts to mislead by use of quotations of Princes Town and Oropouche East saying, as they quoted the Prime Minister, then Leader of the Opposition and him saying that he will not say anything and he will not respond, it

is in this context. There was criminal investigation that had been commenced into “emailgate”. The whole purpose of bringing those emails to Parliament, what it was then spun to do is send it to the police for a criminal investigation and his lawyers, the Member for Diego Martin West’s lawyers, advised him, in light of the fact that there is a live on-going criminal investigation surrounding these matters, it is best that you do not incriminate yourself or say anything in those proceedings lest they be used against you. And that Privileges Committee subsequently took a decision or even before they could take a decision, you know what happened? And I will remind the population what happened.

The then Government, using its majority in Parliament, decided to file a motion in Parliament when they realized that the Privileges Committee was faced with a legal dilemma, not a fictional dilemma, not a pretend dilemma that the likes that we hear here today. No, we had a criminal, on-going criminal investigation taking place and a Privileges Committee going in parallel. In those circumstances, the parliamentary Privileges Committee was advised that one should give and then also the person before the parliamentary Privileges Committee cannot say anything because it is protected by the same Constitution—but they do not read it—that says you have a right to not incriminate yourself, a right against the self-incrimination in criminal proceedings and that was the simple point.

So when the Member for Diego Martin West told the committee that I am not saying anything, it was based on sound legal advice subsequently. What did the then Government do with their majority in Parliament? They removed it from the parliamentary Privileges Committee but before removing it, filed a motion in this House, in this very House. I remember sitting there in the public gallery looking on at history and one of the dark days in our history as a Parliament when

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they used their majority in this Chamber to attack the then Leader of the Opposition and move a “Motion of No Confidence” in him and to move a motion expelling him from the Parliament. It has never happened in any Commonwealth Parliament in the world, in the history of time. I think the only case we found is some obscure case over a century ago in Australia, if my memory serves me correct, where the Speaker refused to accept the motion. But in this Parliament, a sacred institution, when they were in Government, that is what they used the power of their majority to do: to expel a Leader of the Opposition, to remove something that was before the Privileges Committee, bring it as a motion, debate it and take a vote to expel the then Leader of the Opposition. Shame on them, shame on them.
[*Desk thumping*]

Now, they quoted extensively, reading letters and reading from reports of Mr. Manning. The first constitutional Motion that Mr. Manning filed—just permit me one second so I make sure to put it correctly on the *Hansard* here. Madam Speaker, the first claim, which was in 2011, was an application for judicial review. It was not even a constitutional Motion and it was a review of the decisions of the Committee of Privileges in relation to legal representation before the committee and I remember it well. It was in the Red House at the time. I remember having to sit and wait. I heard the Member for Oropouche East complain in this session of the parliamentary Privileges Committee that he had to wait for an hour and a half. I want him to know the reason we had to wait for an hour and a half is his Members of the Committee were going on and on and challenging everything.
[*Desk thumping*] They were delaying and delaying and delaying the proceedings.

And you know what they would delaying on, Madam Speaker? You would recall being the Chairman. They were delaying on the recording of Minutes and

saying that the Minutes should be verbatim. The most ridiculous proposition I had ever heard. We all know that Minutes must just be an accurate reflection of the major decisions taken and they took an hour and a half trying to delay, trying to delay for their friend and their colleague to come in then and say “I have been waiting for an hour and a half”, the only time he ever came.

Now, let me remind the country or tell the country of what Claim 2011-00365, that judicial review proceeding was because I was involved in it. The then parliamentary Committee of Privileges was taking a decision to tell then Mr. Manning in Opposition that he could not have legal representation, and I remember because I was outside as part of the team and being told you cannot come in, you cannot have legal representation. And thankfully, good sense eventually prevailed but that was a legitimate action to take and thank God that action was taken because it then forced the then Parliament to look at it and to determine you are allowed the opportunity to have advisors and it does not restrict you to legal advisors alone. Good point. No proper tribunal will tell anyone that they cannot have representation and, of course, as a “representer” there, as an advisor, you are not allowed to address the Committee because you are not a Member of the Parliament and that goes to show you how deep we must protect our procedures in Parliament. Yes, you are allowed two advisors but they cannot talk.

In fact, I was reminding the hon. Prime Minister, the Member for Diego Martin West, that when I came as one of his advisors to that committee that was ended prematurely because they wanted to rush him into the House with a ridiculous Motion to expel him from Parliament, I was not allowed to address but I was allowed to tell my client what to say and one of the Members broke out in a squeal saying that he is hearing Mr. Young telling the Leader of the Opposition

what to say but that is his right.

So, the second action that Mr. Manning brought, so you would see that was not an abuse of process and no injunctive relief was sought, even though he was being told, Mr. Manning, that you cannot come with legal representation, we did not rush to court to invoke any injunctive relief because we understood, as proper lawyers who understand the Constitution and the separation of powers, that we should not ask a court to interfere and grant an injunction stopping proceedings even in those circumstances.

The second claim was a constitutional motion seeking a declaration in 2011 again that the decision of the House of Representatives to immediately suspend the claimant from service of the House contravened his right to property not to be deprived thereof except by due process of law and an order to set aside the suspension and damages for loss of salary, the same incident. What happened is that the Committee took a decision to suspend Mr. Manning and suspend him without any payment of his salary. That is not what was happening here. The committee that was set up to hear and to determine whether the words uttered by the Member for Oropouche East—did not suspend him, we did not touch his salary. None of that happened. So, again, a proper constitutional motion because Mr. Manning's salary was being affected, he had been deprived of his right to property. And you know what happened? Again, no seeking of injunctive relief. Eventually, the matter was settled and the matter was withdrawn. No pursuit and he was paid because thankfully, the Parliament recognized that they had adopted the wrong procedure.

I have heard the Member for Princes Town, as a law student, screaming over and over, “natural justice” and “due process” and “fair hearing”. The records of

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Trinidad and Tobago show, with the greatest amount of shame, the abuse of Parliament that took place in the last parliamentary sittings between 2010 and 2015. Imagine expelling a Leader of the Opposition via a motion when you could not get your way in a Privileges Committee. That is what they did. Let the country be reminded and none of that happened in this Committee of Privileges.

In fact, as I read out very carefully at my start of the debate, I set out on every occasion, the Member for Oropouche East was given an opportunity to come and present himself. So all of these false crocodile tears and screaming about “abuse of his rights”, et cetera, and “if he had known that we would be hearing witnesses”. “So what yuh think there is a hearing for?” And all these great lawyers that “yuh have and yuh telling us” that two of your lawyers were detained in a police station so they could not go to court. What is the relevance of that?

Dr. Rowley: Birds of a feather.

Hon. S. Young: Correct, stay in jail together. [*Desk thumping and laughter*]

[*Mr. Lee stands*]

So, Madam Speaker, all I was repeating is what Oropouche East told the nation that on one of the occasions when he had to go to court, he could not go to court because his two lawyers of choice were in a police station.

Mr. Charles: Your time will come “yuh” know.

Hon. S. Young: Were in a police station. So moving on, any law student or any first-year lawyer will tell their client when there is a hearing, you cannot take the risk and not turn up to that hearing and that is the whole point of a hearing. We are not sitting there to hear—what are we hearing? What are we sitting and having a hearing for? So for the Member for Oropouche East to come here today and say “if he knew there were gonna be witnesses called, he would have turned up”.

Again, a complete mockery of the system, complete disrespect. They just continue to destroy working institutions. Well, we on this side will not tolerate it. [*Desk thumping*]

I heard the Member for Princes Town say in the most facetious of manners with his high decibel pitched voice, most—I was about to say obnoxious but yes, annoying. It is annoying and all he does is scream, scream, scream, as though that makes some difference, suggesting that we came there with preconceived notions. You see those types of false accusations, Madam Speaker? They are to be rejected because I know the Members on my side who participated and I know you as, Madam Speaker, who participated, we all met there and treated fairly with the issues at hand.

The Member for Oropouche East was given at last four occasions to come for hearings. You gave an undertaking to the court to allow him to have his matter heard expeditiously and the facetiousness of Princes Town saying “Well, what is wrong with choosing the later date?” Expeditiously means quickly, get your matter heard in the court and determined. They do not want that. What he was seeking to do and this is where the abuse is. The Member of Oropouche East, on bad advice by those lawyers who were in prison—I mean were in a police station, gave him bad advice and told him to seek injunctive relief and that is what we take umbrage to. Do not invoke the court and try to mislead the court.

And you know what, Madam Speaker? I take the opportunity to applaud the court for getting it right and not traversing over that very clearly drawn line and injuncting us. How could a court injunct us from having an open debate here and the energy and lustre with which Oropouche East jumped up and entered the debate? If he had used a quarter of that to participate in a proper hearing and a fair

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tribunal hearing, we would have been finished long time ago. [*Desk thumping*] It is the continuation of delays, disrespect for the process, high-fiving Princes Town as Princes Town attacked the Speaker. [*Crosstalk*] You see, and they continue with the talk. “Duppy” continuing with the talk telling the Prime Minister to meet him on pavement. [*Crosstalk and laughter*] “Is true.” [*Laughter*] “And it was not even soft toilet paper.”

So, Madam Speaker, we have corrected the record now with the facts as to the actions taken by former Prime Minister Manning in court and we have shown very clearly why there were proper actions. We have corrected the record and the continued attempt by them, Madam Speaker, to malign the Member for Diego Martin West and let the country understand the context with which Diego Martin West said “Yes, they read a letter here from you saying that I cannot say anything to the Committee”. So we have to take the time and explain why he could not say anything because they had reported it to the police. The police had an on-going police investigation, a criminal investigation into what was being said and when they could not get their way in the parliamentary Privileges Committee, use your majority, come here, disgrace the country, put a stain on this Parliament, one of the darkest days of Parliament, have a motion to expel the Leader of the Opposition. Well, we should think about that but we will not.

Dr. Rowley: And then pay him after.

Hon. S. Young: Right, yes and then forced the Parliament to then pay for the salary that was denied to the Prime Minister during that period of time, the then Leader of the Opposition.

You know, I realize in their continued attempts and the plan to destroy working institutions, what they do is they attack persons, they attack individuals.

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So we heard Princes Town attack you today, Madam Speaker. I then heard the Member for Oropouche East attack the Secretary of the Privileges Committee back in the past and the Secretary of the Privileges Committee is the same Secretary who sat as the Secretary or assistant to this Privileges Committee.

And I want to put on record from this side and for the PNM side and for all right-thinking citizens of Trinidad and Tobago. We take the opposite approach and we actually thank the Clerk of the House for her endless energy and effort and her protection of the Parliament. [*Desk thumping*] We put on record here today, despite all of the attempts to malign by the Member for Oropouche East, that the Clerk of the House has given unparalleled service to Trinidad and Tobago and to this Parliament. [*Desk thumping*] And as a young Member of this Parliament, no pun intended, I appreciate all that the Clerk of the House has done and continues to do. [*Desk thumping*] Madam Speaker, I assure you and the Clerk and all of the parliamentary staff, that once we are around, we will protect them as best as we can from the naked attacks by those on the other side and the attempts to nasty their reputations and sully their reputations. It will not happen once we are here. [*Desk thumping*]

And what we also failed to recognize today—he said it in passing—the attempt to seek injunctive relief. Not to prevent the report, not to prevent us from sitting as a committee because that failed but an attempt to stop us from sitting here today, the elected Members of Parliament for Trinidad and Tobago, to hear a simple Motion and read a simple report as to whether certain words were uttered, one; whether those words were threatening, two, and whether those words brought the Parliament into disrepute and odium. Answer to all three: yes. And not once in his long diatribe did he say that he did not say the words. Not once was that

said. [*Crosstalk*] Exactly, that was the first thing. [*Crosstalk*]

“I hear them saying he apologized”. Well, if he was going to apologize, why are we wasting time? Why is he wasting taxpayers’ time in having to hire attorneys to go and determine these matters? It is everybody’s right to go to court no matter how misinformed. Maybe the time that he got the advice from the lawyers, they were under a lot of strain being in a prison, I do not know, but it was very misinformed. The abuse of process to which we speak is to seek to injunct the Parliament from proceeding with this debate and I am happy to tell the population of Trinidad and Tobago that the court outrightly rejected and dismissed that application out of court today. [*Desk thumping*] Well done, Judiciary.

The Member for Oropouche East, again, threw a little bait to the population about when he made the utterances or he may not have said he made the utterances but shortly after, the *Hansard* was sent to him by an outsider and he is attempting, again, to malign the staff at the Parliament and suggest that there is some leakage by the Parliament staff. Two things. First of all, out of the UNC playbook, what they do is they come here and say the most outrageous things knowing that it is captured on the cameras, and even though they withdraw it afterwards, their minions quickly cut it up and get it out in videos so he knows the playbook. But the only difference on this occasion and what he is not telling the population, I suspect, it was the Commissioner of Police. Because my understanding is that it was the Commissioner of Police who called for the *Hansard* to do an investigation because a threat was made and a serious threat and a very serious threat was made by a known criminal.

And the attempts to distance himself from “Snake” are humorous at best because there is circulating now currently a video by one of their activists who I

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 Hon. S. Young (cont'd)

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understand was sitting in the public gallery here this afternoon. What is his name?

Hon. Member: Anderson.

Hon. S. Young: Mr. Anderson from Beetham Gardens using the most obscene language whilst wearing one of those yellow jerseys—which must have given him a bellyache—and using obscene language as to his relationship with the Member for Oropouche East.

Mr. Lee: Madam Speaker, Standing Order 48(1). What is the relevance of this?

Dr. Rowley: “I’ll tell yuh one.” [*Crosstalk*]

Madam Speaker: Member for Diego Martin West, please. Member for Port of Spain North/St. Ann’s West, please continue.

Hon. S. Young: Thank you very much. [*Desk thumping*] You know they get nervous. They get nervous, Madam Speaker, and let me remind the population. When the Member for Laventille West was abused in his constituency by Beetham, by just a couple of people, the video reflects that it was Mr. Anderson Williams going to—[*Interruption*]

Mr. Hinds: Anderson Wilson.

Hon. S. Young: Anderson Wilson going to give them jerseys and to promote it. [*Crosstalk*] I am not afraid to say that. [*Continuous crosstalk*] Alias “Quincy” and “Snake”. I heard him say about the affiliation with “Snake” and I heard him say that certain Members on the other side paid them. The whole video was complaining about someone called Kia and how Kia got \$250,000 from them and now “they trying to go and pay people”. [*Crosstalk*]

[*Mr. Lee stands*]

Mr. Charles: “What Kia hata do with he?” [*Continuous crosstalk*]

Madam Speaker: Member, we are no longer debating, the Member is winding up

and he is answering certain—

Hon. Member: Kia was not in the Privileges.

Madam Speaker: Member, Member. Member for Port of Spain North/St Ann's West.

Hon. S. Young: Thank you very much, Madam Speaker. I understand the nervousness you know. I understand the nervousness because the same Kia and the complaint by their former supporters—but apparently they must have given him a little corn because he was here today for them again—is the money that they paid Kia and others to go and protest around the country. [*Desk thumping and crosstalk*] “They ashamed of it now.” I do not know if they know the concept of shame. I am not sure, but what I want them to know is the Member for Oropouche East was quoted by this same “Quincy” as saying “buh yuh use to give us ah lil money buh yuh giving Kia 250,000”. Right. [*Crosstalk*] So, Madam Speaker— [*Continuous crosstalk*]

Madam Speaker: Okay. So I know, at times, sometimes we get very excited, all of us and I guess particularly as we have some fuel from tea, okay, but I will remind all of us where we are and to maintain the decorum. Member for Couva South, I assure you in the next debate, if you rise in time, you will be allowed to speak.

Mr. Indarsingh: I hope I will get the opportunity.

Madam Speaker: Member, Member, you are always invited to take a walk. Member for Naparima, again, if you wish to join a debate, please do it in the proper way. Port of Spain North/St Ann's West.

Hon. S. Young: Thank you very much, Madam Speaker. [*Desk thumping*] With the greatest of respect—

Madam Speaker: I rise again. Sorry, your 30 minutes are up. You are entitled to 15 more minutes if you wish.

Hon. S. Young: Yes, please. I will not use the full 15. Madam Speaker, I have to plead for the Member for Couva South. You need to be a bit kinder and tell him “get up quick”? “Dat not happening.” [*Laughter*] “Dah not—Kia cyah help, Quincy cyah help, that eh happening”, Madam Speaker, “it cyah even get up.” [*Desk thumping and laughter*]

Madam Speaker: Order, order, order. [*Crosstalk*] Member for Naparima, I think it is time that you make the transition for—[*Continuous crosstalk*] Members, Moruga/Tableland. Member for Port of Spain South. Member for Naparima, it is four years. It is time you make the transition from that other fora where one was allowed to sit and speak to this fora where you stand and get recognition. I am not going to caution you again.

Hon. S. Young: Thank you very much, Madam Speaker.

Madam Speaker: Please try not to excite my House in that way. [*Laughter*]

Hon. S. Young: Madam Speaker, again, to defend the Member for Naparima, whether he stands or he sits, it makes no difference, “yuh not gonna notice”. [*Crosstalk and laughter*]

So, Madam Speaker, with the greatest of respect in wrapping up, the simple points are as follows to put on the record. It was a proper procedure. All of the opportunities to follow natural justice were availed to the Member for Oropouche East. Despite what he may have read in a text book recently, the Member for Princes Town, due process was followed. There was all of the opportunity in the world for a fair hearing. In fact, we heard that he could not go to court on a certain day because two of his lawyers were sitting on a cold bench in a police station,

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“buh dey ha plenty lawyers”. They have Senior Counsel here. Right. The Member did not avail himself at any point in time with the opportunity to participate, apart from the first hearing. I also heard it being suggested that his advisor, Sen. Mark, had a sitting of the Senate on a specific day.

So what? Yes, you have the choice of advisor, but if you really wanted to get over with the business of the Privileges Committee, I am sure there are many others, and on that day the two of your choice were not in a police station and could have come to represent you.

5.30 p.m.

We have corrected the record with respect to the Member for Diego Martin West and the cases brought by the former Prime Minister, Minister Manning.

We have set on record that we denounce the attacks on the Speaker, as well as the attacks on the Clerk of the House, as well as the attacks on the parliamentary staff. And we put on record, without fear of contradiction, that a PNM Government, a PNM administration, and a PNM participation in this Parliament will always stand as protectors of this institution called Parliament, without hesitation. [*Desk thumping*]

We have said about what it was with respect to the leaks. That is what I was talking about, Madam Speaker. So the Commissioner of Police, upon being alerted to the potential of a threat taking place, in his normal efficient, energetic manner, reached out to get the *Hansard* recording of what it is that took place in the House. And I suspect what that little titbit was, was the Commissioner of Police.

This false cry and attempt to mislead as to: How could you do it behind my back? And how many more daggers would I have in my back? Because I did not know you were going to have witnesses, and if were here I could cross-examine

the witnesses. All bravado. You had all of the opportunity in the world to come and to participate. You were informed well in advance. In fact, the message that came through from the Member for Oropouche East that he could not participate in that hearing, that turned out to be the final hearing, if I remember correctly, he came a few minutes before one o'clock; a few minutes before one o'clock.

What I found interesting is, in his haste to explain that if he knew he could have come here, he could have driven to Port of Spain, he threw in he could have flown to Port of Spain. I do not know how he could flown to Port of Spain. I know in the past, they converted a helicopter that was being used by Special Forces, put in a wet bar and a flat-screen TV and they used to fly to Port of Spain. That no longer exists under this administration. [*Desk thumping*]

He then made a lot of weather about saying: "I never said I would not attend". Sometimes you do not need to say certain things. He just never turned up to attend. Despite all of the notice in the world, he chose, the Member for Oropouche East—let the population know—not to attend. And you know why? Because he was trying to run parallel proceedings in the court, and that is what the whole scope of injunctive relief, seeking injunctive relief, was about. And as I say, good for the Judiciary to reject it. And Parliament will continue, under us, to protect the institution and the parameters of Parliament, and we will continue to regulate our own procedures

All of the other issues that were being raised were really attempts to take a first sweep and a first pass at the matters that I understand are currently before the courts. Let the courts adjudicate. Let the courts determine about the composition of the committee. We have no fear about that. The truth is that the Standing Orders, which regulate our procedures, say very, very clearly that the composition

has to be six Members, including Madam Speaker—so five Members.

So if two recuse themselves, I can tell you there is a concept of necessity in law, and what necessity means, Madam Speaker, is if it is not written, you go to the logic of the situation. So if the Standing Orders say clearly there must be six Members, five plus the Speaker, and two have recused themselves, the concept of necessity steps in and then what we then do is we come back to the House and there is a nomination process and, Madam Speaker, either says yes or no. But you are allowed to have two additional Members or two Members fill the space. I would love to go and argue that case in the court myself. So again, a complete fallacy, a complete—I do not know if it is the legal advice that he got. Again, maybe the person giving the legal advice at the time were a little uncomfortable. I mean, I do not know, but it is—so, Madam Speaker, that is the situation.

That will be determined—or, the ridiculous analogy of saying, well, the Member for Diego Martin West challenged the Integrity Commission in the court so that is why you can challenge the parliamentary Privileges Committee. I understand that they have no concept of legal arguments. I understand that they often go to court and lose cases and come out on the court steps, like the election petition, and say they have won, because they are so confused. But to draw an analogy behind a challenge of due process of what the Integrity Commission was doing to the Member for Diego Martin West and challenging the Privileges Committee, which is Parliament, and the whole argument we are making is that Parliament regulates its own procedure. The Integrity Commission is open to judicial review. That is trite law. They must be subject to it. The Parliament is different. To try and injunct a debate taking place in Parliament, how is that analogous?

The minority report, I will end on this note. The minority report and the reference to the language of the minority report and all of the screaming and shouting: “I have never read such a strong language in a minority report.” What I want to put record, and the Members who participated with me from St. Ann's East as well as the Member for Arima can bear me out on this, as can you, Madam Speaker, because you chaired it—none of that, none of that was put forward on the last and final day of deliberations. None of that was put forward. None of those objections and the screaming and the shouting and the decibels and the new hair style and the implants, and all those kinds of things, none of that was put forward. [*Laughter*] None of it was there. “All ah dat grew with de hair.”

So, Madam Speaker, with those few words, I need to move the following amendment, if you would allow me. No, Madam Speaker, I believe that amendment has been moved. So that is what we—I beg to move on that amendment, Madam Speaker, and I beg to move on this Motion. Thank you very much. [*Desk thumping*]

Madam Speaker: Hon. Members, I will first put the question on the proposed amendment.

The question is that the Motion be amended by adding the following words immediately at the end of the resolution:

And be it further resolved that this House do now call upon the Member for Oropouche East to apologize to this House and the Member for Laventille West at the next sitting of the House by way of Personal Explanation.

Question, on amendment, put.

Mrs. Robinson-Regis: Division.

The House divided: Ayes 21 Noes 12

Committee of Privileges Report
(Allegation of Threatening Words) (cont'd)

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AYES

Robinson Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Young, Hon. S.

Deyalsingh, Hon. T.

Imbert, Hon. C.Hinds, Hon. F.

Mitchell, Hon. R.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Mc Donald, Hon. M.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

Cuffie, Hon. M.

NOES

Lee, D.

Charles, R.

Rambachan, Dr. S.

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(Allegation of Threatening Words) (cont'd)

26.06.2019

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Gopeesingh, Dr. T.

Indarsingh, R.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Ms. R.

Question agreed to.

Madam Speaker: Hon. Members, I shall now put the question on the original Motion as amended.

Be it resolved that the House adopt the Report of the Committee of Privileges of the House of Representatives on the Allegation of threatening words.

And be it further resolved that this House do now call upon the Member for Oropouche East to apologize to this House and the Member for Laventille West at the next sitting of the House by way of Personal Explanations.

Question, on amended Motion, put.

Mrs. Robinson-Regis: Division.

The House divided: Ayes 21 Noes 12

AYES

Robinson Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

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(Allegation of Threatening Words) (cont'd)

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Imbert, Hon. C.

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Mitchell, Hon. R.

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Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Mc Donald, Hon. M.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

Cuffie, Hon. M.

NOES

Lee, D.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Committee of Privileges Report
(Allegation of Threatening Words) (cont'd)

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Gopeesingh, Dr. T.

Indarsingh, R.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Ms. R.

Question agreed to.

Resolved:

That the House adopt the Report of the Committee of Privileges of the House of Representatives on the Allegation of threatening words.

And further resolved:

That this House do now call upon the Member for Oropouche East to apologize to this House and the Member for Laventille West at the next sitting of the House by way of Personal Explanations.

MISCELLANEOUS PROVISIONS

(LOCAL GOVERNMENT REFORM) BILL, 2019

Order for second reading read.

The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein): Madam Speaker, I beg to move:

That a Bill to amend the Municipal Corporations Act, Chap. 25:04, the Burial Grounds Act, Chap. 30:50, the Cremation Act, Chap. 30:51, the Advertisements Regulation Act, Chap. 30:53, the Recreation Grounds and Pastures Act, Chap. 41:01, the Highways Act, Chap. 48:01, the Dogs Act, Chap. 67:54 and the Property Taxes Act, Chap. 76:04, be now read a second time.

Miscellaneous Provisions
(Local Government Reform) Bill, 2019 (cont'd)
Sen. The Hon. K. Hosein (cont'd)

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Madam Speaker, as a responsible Government, given the significance of this reform and given the complexities and range of legislation, we propose to take this Bill to a Joint Select Committee. [*Desk thumping*]

Madam Speaker, when this Government took office in 2015, under the leadership of the Prime Minister, Dr. the hon. Keith Rowley, we shared with the population our vision for a transformed and modernized local government system. We gave a wholehearted commitment that local government bodies would be given more autonomy to facilitate a more effective and efficient delivery of services via sustainable communities and balanced regional development.

Madam Speaker, there is no single agenda item that has engaged the attention of successive governments like local government reform and regardless of which side of the bench you sit on, there is absolutely no question as to whether local government reform is needed.

Madam Speaker, this Government has worked tirelessly to ensure that local government reform is made a reality. The road has not been easy, but we have remained steadfast in our pursuit of local government reform and this administration would be making good on its promise to deliver a modernized and transformed local government system for the benefit of the citizens of this country.

Madam Speaker, I have been working towards this since my appointment in November 2016. And Madam Speaker I would like to share with this honourable House that I came from a family embedded in local government, my father being a former Mayor of the Borough of San Fernando, serving under two Prime Ministers, Dr. the hon. Eric Williams and George Michael Chambers. He served as a councillor. He served as a deputy mayor and he served as the last borough Mayor of San Fernando.

Miscellaneous Provisions
(Local Government Reform) Bill, 2019 (cont'd)
Sen. The Hon. K. Hosein (cont'd)

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I myself, Madam Speaker, have served and worked and I must say first, I have worked at the San Fernando City Corporation for almost 40 years—39 years and some months. I have worked in most of the departments, from the lowest level to the highest level at the daily-paid level, and I am proud to say that. I have served as a councillor for 13 years. I have served as an alderman and the Mayor in the City of San Fernando for three years, and now I am serving and working at the Ministry of Rural Development and Local Government to make this reform a reality. [*Desk thumping*]

Madam Speaker, I am proud to say that I served under former Prime Minister Patrick Manning, and I am pleased to say that I have not known the present Prime Minister before 2010 and I am pleased to say I am pleased to work with him from 2010 to now. [*Desk thumping*]

Today, I must pay tribute to all those who have contributed to the advancement of local government reform over the years. My predecessor, Sen. The Hon. Franklin Khan, also worked assiduously hosting local government consultations in each of the 14 municipalities and in Tobago. Under his stewardship, the Ministry was able to produce the Draft Policy on Local Government Reform, which was approved by our Cabinet in 2016. The draft policy became the blueprint for the development of the Miscellaneous Provisions (Local Government Reform) Bill, 2019, and focused on critical areas which we believe would allow the corporations to effectively promote sustainable development within their communities.

Madam Speaker, at this point I would like to acknowledge in the audience the various Chairmen and Mayors within the boroughs and cities. We have the Chairman of the Tunapuna Corporation, the Chairman of the San Juan/Laventille

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Corporation. We have the Mayor of Arima, the Chairman of Toco/Sangre Grande, the Vice-Chairman of the Diego Martin Corporation and all the other members who [*Desk thumping*] are present here this afternoon; all the members of council for the various corporations throughout Trinidad.

I would also like to acknowledge, Madam Speaker, the hard-working staff of the Ministry of Rural Development and Local Government [*Desk thumping*] who have given me the support and encouragement to make this a reality. And Madam Speaker, I must say I am proud and I am humbled to stand in this position here today, to be an incentive to all those who want to enter local government, who want to go up as a councillor or as an alderman, because if I could reach here, they can reach where I have reached today. [*Desk thumping*]

Madam Speaker, when I think about local government reform, I think about the history of Trinidad and Tobago. Madam Speaker, since 1962 successive governments have attempted local government reform. In 1965, the Sinanan Committee was tasked with reforming local government in the post-independent era. Its main findings highlighted the need for greater prominence of local government in national development, decentralization of key functions to local government bodies, and the need to empower communities to play a greater role in the management of their assets.

This does not sound unfamiliar to the recommendations made by the successive government administrations to date. Out of the Sinanan Committee recommendations, the Country Councils Act, 1967, was enacted, which consolidated the executive position of seven county councils and redefined the roles and functions of local government authorities.

Madam Speaker, local government reform initiatives continued in 1974,

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with the Hugh Wooding Constitution Commission. Madam Speaker, the major accomplishment at that time was the division of the St. George County into the St. George East and West in 1980.

Madam Speaker, in 1982, local governance was given prominence in the sister isle of Tobago, with the enactment of the Tobago House of Assembly Act and the establishment of the Tobago House of Assembly. This became the framework for the development of a comprehensive local government system.

Madam Speaker, the Government of Trinidad and Tobago sought again and again to defeat this giant called local government reform. In 1987, the relevant legislation amendments needed to make local government reform a reality was conducted in 1990. We saw the enactment of the Municipal Corporations Act, 1990. Madam Speaker, this piece of legislation resulted in the creation of 13 regions, two cities and three boroughs and the expansion and roles and functions of local government bodies.

In 1992, the Government undertook amendments to the Municipal Corporations Act of 1990, and reduced the number of regions to nine, resulting in a number of municipalities we now have today.

Between 2004 and 2010, several policy documents were developed to push local government reform forward. These policy positions led to the employment of chief officers in the corporations on contract, the establishment of local area and regional planning unit and the Ministry's head office tasked with the creation of municipal development plans and the establishment of disaster management units in each of the corporations, and a coordinating unit at the head office, to name a few. In 2010, the then Government continued the thrust of local government reform, which resulted in the Draft White Paper on Local Government.

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So, Madam Speaker, it is clear that no matter which bench you are sitting on, that our country needs and wants local government reform. [*Desk thumping*] The general logic of reform has remained the same throughout all these years. Our stumbling block has been implementation. And this is one that this administration, under the guidance of our Prime Minister, Dr. the hon. Keith Rowley, intends to overcome.

Madam Speaker, I wish to take a moment to recognize the strides taken by our Prime Minister and this Government in driving local government reform forward. These illustrative amendments are unique, Madam Speaker, because we at the Ministry of Rural Development and Local Government have been actively working hard out of half of our portfolio, that is local government. This does not mean that at central level, the responsibility for local government will go away. Instead, there will be a direct link between the Ministry with responsibility for finance and the municipal corporations.

This new model aligns with that of the Tobago House of Assembly. The municipal councils would now be required to fully manage their affairs. So, we would want to see the development of effective local self-governing system in Trinidad.

Madam Speaker, the Ministry has been working assiduously alongside the corporations to facilitate these changes. They have been encouraged to build and continuously engage their volunteer networks in projects within the municipality, to identify and submit, in a timely manner, critical projects for development of their regions, boroughs and cities, to improve the disaster management responsiveness across the 14 corporations, and to continuously engage in dialogue with their stakeholders, burgesses, community-based organizations, NGOs at

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monthly statutory meetings.

The Miscellaneous Provisions (Local Government Reform) Bill. Madam Speaker, the Miscellaneous Provisions (Local Government Reform) Bill, which contains 11 clauses, seeks to amend the Municipal Corporations Act and eight other critical pieces of legislation.

Madam Speaker, apart from redefining certain concepts and definitions, the amendments to the Bill is intended to revolutionize the current system and is centred around 10 pillars:

- Security of Funding;
- Executive Authority;
- New Responsibilities;
- Local Contractors;
- More Effective Municipal Policing;
- Development Control;
- Infrastructure Works;
- Disaster Management;
- Involvement in Civil Society; and
- Regional Development Plans.

6.00 p.m.

Pillar one, Security of Funding. Madam Speaker, one of the greatest challenges facing municipal corporations has been timely access to funding to allow for effective and efficient delivery of services. More recently, the ability of municipal corporations to respond to the needs of burgesses has been constrained by lack of funding, reduced subventions and the repeal of Part V of the Municipal

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Corporations Act, which means that local government bodies could no longer collect and retain property tax within their municipality.

Madam Speaker, the changes proposed are contained in clause 3, paragraph (am), and would allow municipal corporations to collect and retain taxes on residential property within its municipality, which it is to be deposited into the corporation's fund. This means that when citizens pay their residential property taxes, these moneys will remain in their municipality to be used for development projects within the said community. [*Desk thumping*]

Madam Speaker, this proposal, in addition to the recent changes undertaken and implemented by the Finance Act of 2018, regarding the Chairman's Fund on Unspent Balances, which now permits corporations to deposit fees and charges into the Mayor's Fund as authorized by the Minister of Finance and further remove the restrictions associated with the use of Unspent Balances. Right now, Madam Speaker, the revenue the corporation generates from market fees, wrecking fees, food badges, vending permission and rental of corporations' venues continues to be the avenue for the corporations to earn money to finance the provision of needed goods and services so they can better serve the people because putting people first is what this is all about.

Pillar two, Executive Authority. Madam Speaker, the most revolutionary feature of this entire reform is contained in paragraph (n) of clause 3 of the Bill. The clause seeks to expand the authority of the corporations, to give them a level of autonomy, similar to that of the Tobago House of Assembly (THA). The Bill contemplates that in addition to the Municipal Council, each Mayor will be afforded the opportunity to select an executive from among the elected and nominated members of council. The Executive Council will comprise the Mayor,

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the Deputy Mayor and six other councillors or aldermen who will be assigned responsibilities for the divisions of a corporation.

Madam Speaker, the Executive Council will be responsible for the effective and efficient management of corporation and for determining broad strategies for implementation consistent with the decision of the council. The Municipal Council will continue to be responsible for making standing orders by laws and regulations to ensure good governance, for the formulating broad strategies for implementing by the Executive Council. They will maintain oversight over the Executive Council and all corporation activities and approve the corporation's annual budget for submission to the Ministry of Finance.

Madam Speaker, by paragraphs (v) and (w) of clause 3, the Executive Council will be working in collaboration with the Chief Executive Officer. However, the Chief Executive Officer shall act under the supervision and direction of the Mayor of the council. Madam Speaker, this structure is vastly different from what now exists, and the ultimate goal is to fast-track the decision, making progress by having full-time politicians who are fully dedicated to the management and development of the municipality, thereby affording local government the respect it deserves.

Madam Speaker, paragraph (r) of clause 3 proposes the establishment of new administrative divisions with responsibilities for corporate services: finance, planning and allocation of resources, internal audit, sport and youth development, recreation grounds and public spaces, public health, sanitation and the environment, spatial planning and building inspectorate, monitoring and evaluation, community development and social services, municipal police, infrastructure development and maintenance, and disaster management. The

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corporations will continue to operate the committee system, however, paragraph (al) of clause 3 identified new standing committees. The Chairman of which shall be the member of the Executive Council assigned a portfolio of responsibility and appointed by the Mayor.

Madam Speaker, a much-needed feature included in the Bill is the establishment of an audit committee to provide independent assurance and advice to the council. The establishment of an audit committee will ensure that there is greater accountability, transparency and value for money in the corporations operating and would strengthen the internal controls and financial reporting framework of the corporations.

Madam Speaker, this Bill does not only provide for the restructuring of the corporations but also seeks to empower the corporations to effectively govern and manage the delivery of service to the municipalities. As such, clause 3(c) seeks to extend the council term in office from three years to four to ensure that councils are given adequate time to develop and implement plans geared towards the holistic development of the municipality.

Madam Speaker, this will further strengthen the democratic process as with great power comes responsibility and here is where my plea to the corporations and their staff for greater productivity and a fair day's work for a fair day's pay. [*Desk thumping*] Given the corporation's greater level of autonomy to hire their own staff, they must establish a framework to monitor productivity as every minute wasted is money lost.

Pillar three, New Responsibilities. Madam Speaker, when this administration took office in 2015, this Government reduced the number of Ministries, and in doing so saved the citizens of Trinidad and Tobago over \$15

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million in expenditure. It is not that we stopped providing services at central government level, but instead we sought to rationalize the way we did business in order to save money and bring greater efficiency to the public. Madam Speaker, at the local level, we want local government bodies to be able to arrange their divisions in a manner that would best enable them to deliver quality services to the burgesses. We want to give each council the flexibility to develop its appropriate administrative structure because what they may want to prioritize in Sangre Grande may not be the same in Point Fortin, Chaguanas, or Mayaro.

Madam Speaker, in recognition of powers to be given to the corporations, we are also seeking to ensure that certain tasks and functions which are managed at the central government level are transferred to local level. This is in keeping with the Government's thrust to expand the area of responsibility to include social welfare services, sport and youth affairs, and spatial planning, to name a few. Madam Speaker, clause (ab) seeks to expand the authority of public health officers of the municipal corporations in the execution of their duties. The legislation amendments will also foster greater collaboration with the Ministry with responsibility for health and municipal corporations.

Madam Speaker, local government is the gatekeeper between the people and the Government. It is the first and last stop and we want to make it easy for citizens to access the services they are looking for by making it more comprehensive and an inclusive stop. This is why this reform Bill is so important to enshrine the spirit of local government in our legislation with these responsibilities that will bring municipal corporations closer to the people. [*Desk thumping*]

Pillar four, Local Contractors. Madam Speaker, this Government is committed to promoting sustainable development within communities. Local

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government bodies will, therefore, be entrusted with the task of crafting appropriate strategies, policies and programmes geared towards creating opportunities for growth and development with special focus on small and medium-size construction and maintenance contractors. We see this as one of the major catalysts for growth and development within our regions.

Pillar five, Effective Municipal Policing. Madam Speaker, this Government understands the critical role that municipal police play in the national fight against crime and criminal activities and as such is constantly reviewing the methods and strengthening the service. Madam Speaker, the legislative review allows for the building of human resource capacity of the municipal police service. The amendments seek to provide for the appointment of a sufficient number of commissioned officers, subordinate police officers and constables for the Public Service Commission and the Statutory Authorities Service Commission to make regulations provided for the classification of officers.

Madam Speaker, presently we have a total of 454 municipal police officers in the service and in April this year, another batch of 219 recruits began their training and are expected to enter the service in September of this year, thus increasing the current complement across the 14 municipalities to 663 officers strong, closer to our goal of 1,500 municipal police officers. [*Desk thumping*] Madam Speaker, we have, therefore, sought to expand the powers of municipal police officers at paragraph (bt) of clause 3 to include the issuing of tickets under the Motor Vehicles and Road Traffic (Enforcement and Administration) Act. [*Desk thumping*] This we believe would go a long way towards adopting a holistic approach to law enforcement.

Pillar six, Development Control. Madam Speaker, this Government is

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committed to addressing the level of bureaucracy and red tape which now exists at the central government level with respect to the provisions of goods and services. One such approach is the grant of development control, which speaks to the ability of local government bodies to fully participate in the planning and development of their communities.

Madam Speaker, paragraph (bc) of clause 3 facilitates this new arrangement and would enable corporations to receive applications for the development of land within the municipalities and allow them to determine whether it falls within the classification of simple or complex development. This feature of legislation should result in the faster progressing of simple applications in favour of its burgesses and vastly improve their ease of doing business.

Madam Speaker, the vision of this Government is twofold: ensuring good governance and improvement of service delivery. We are focused on strengthening the institutional framework as well as making public institutions more efficient. One example of this is the recent collaboration between the Ministry of Planning and Development and the Ministry of Rural Development and Local Government on the development and implementation of an automated system for a construction permitting programme. Both Ministries have met to discuss and iron out pertinent issues regarding the automation of the building approval process in order to streamline this service for the public.

This project is currently in design and testing stages at the municipal corporations and having been engaged to assist with process mapping and re-engineering to ensure that individuals can get their construction plans approved more quickly. [*Desk thumping*] Corporations, therefore, will be able to participate fully and have more control over spatial planning and development within their

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municipality. Madam Speaker, the Town and Country Planning Division has begun skills training for corporation staff so that this process can be handled efficiently at the local level.

Pillar seven, Infrastructure Works. Madam Speaker, under the pillar, infrastructure works, municipalities have been encouraged to restructure the way in which they implement local infrastructure projects to ensure that projects are completed in an efficient, timely and cost-effective manner. This would require re-engineering of processes and periodic monitoring, evaluation and review of plans, programmes and projects to ensure that goals and standards are met.

Pillar eight, Disaster Management. Madam Speaker, under local government reform, improving the ability of disaster management response organizations within the corporations to act efficiently as first responders in a timely manner. Madam Speaker, permit me to advance the strides this Ministry has made in strengthening the ability of municipal corporations to respond to the needs of its burgesses who are affected by natural disasters.

We have established a 24/7 hotline for each disaster management unit they use in order to facilitate faster report intakes. We have increased both the human and physical resource capacity within the 14 municipal corporations. We are presently providing training in search and rescue, community emergency response, shelter management and incident command system throughout communities, and we have outfitted several corporations with essential equipment to clear watercourses in case of disasters, clear landslides and blockage in roads; clear blocked rivers to alleviate and prevent flooding and restore access to marooned communities.

Madam Speaker, due to the limited resources in some of the corporations,

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we have adopted an all-of-corporation approach to deal with disasters. This approach has proven itself to be effective among corporations during the November 2018 occurrences. During that time, we saw corporations like San Fernando, Port of Spain and Diego Martin, to name a few, providing physical and human resources to bring aid to burgesses within their sister corporations.

Madam Speaker, the Ministry continues to adopt a proactive approach to disaster management and preparedness. We have initiated community emergency response training across all municipalities. We have recognized after the November 2018 incident there was need to train persons who reside within the community since they are the ones who are closest to disaster when it happens and may be the true first responders. To date, 500 civil society citizens have participated in CERT training and we are seeking to increase the network of CERT across all municipalities. [*Desk thumping*]

Pillar nine, Involvement of Civil Society. Madam Speaker, under the pillar of this reform is ensuring that citizens become an integral part of local governance structure and become more actively involved in the decisions that affect them. This we have done by paragraph (u) of clause 3, which allows the municipal corporation to hold quarterly meetings with its burgesses and to allow for feedback on performance and priority areas. Madam Speaker, we want to encourage greater community involvement in the decision-making process through positive interaction and community outreach programmes.

Pillar 10, Regional Development Plans. Madam Speaker, a key function captured in the new role of spatial planning is the development of regional and local area plans for each municipality. Much work has been done in this area as municipal development plans have already completed for each of the 14 municipal

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corporations; these are currently being updated. The Ministry in collaboration with the corporations have also facilitated the development of 10 strategic local economic development plans which seek to align local plans with the wider development plans taking into consideration peculiarities and strength of each corporation. Four more are due to be completed by the end of this fiscal year.

Madam Speaker, one of the main objectives under this pillar is the development of tourism at the municipal level. I am pleased to inform this honourable House that five projects that have been implemented to date would showcase the beauty and uniqueness of its municipality: the Toco/Sangre Grande tourism app; the fishing festival in Couva/Tabaquite/Talparo Regional Corporation which is due this weekend, and I will be there; [*Desk thumping*] soil suspension for building in the Penal/Debe Regional Corporation; “walk ability” in Port of Spain; the bat cave in Tamana under the Sangre Grande Regional Corporation.

Madam Speaker, what I have just outlined are just some of the highlights of the proposed reform and this list is by no means exhaustive. The other clauses of the Bill, example clauses 4 to 11, seek to introduce consequential amendments in keeping with the overreaching reform and expanded role of local government bodies. This Government, led by the hon. Prime Minister, intends to bring meaningful change to local government system and this encapsulates in the Miscellaneous Provisions (Local Government Reform) Bill, 2019.

Madam Speaker, in conclusion, this Government has remained focused, this Government is making good on its commitment; with the support of the other side we intend to deliver a robust local government system. We have come a long way, we have built on solid foundation set by all past Ministers, hard-working public servants in local government. We are here today as a result of collaboration with

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several Ministries and Departments, NGOs, CBOs and the citizenry who had nothing but support for local government agenda.

Today, what we have before us is legislation that seeks to deliver on innovative form of local governance. I am sure those on both sides are ready for the dawn of a new day and I am urging my colleagues on the other side to join as we move forward, as we embrace the change in local government that we so desperately need. Madam Speaker, I, being in local government all these years am very excited by this Bill, excited because it means that we are much closer to the end than the beginning. I must make a final appeal to those on the other side, let us make this reform a reality, the Government is ready, Trinidad and Tobago is ready. Let us therefore agree for the sake of good governance to put the people first.

I thank you for the opportunity to contribute in this honourable House and with these few words, I beg to move. [*Desk thumping*]

Question proposed.

Dr. Surujrattan Rambachan (*Tabaquite*): Thank you, Madam Speaker. It is with great deal of joy that I join this particular debate on the matter of local government reform.

Madam Speaker, I started my representative political career as an alderman of the St. Patrick County Council in 1983 that is about 36 years ago, and I started my political career in 1966 when I campaigned for my uncle, the then Member of Parliament for Siparia under the DLP, Mr. Roopnarine Rambachan, who was 91 years old yesterday, still goes to court and is the oldest serving practising lawyer in Trinidad. [*Desk thumping*] I say this, Madam Speaker, because none of us are where we are without the contributions of others in our lives and we must take the time to express that gratitude and put on record, because my uncle was my initial

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mentor in politics and I benefited extremely well from his assistance.

Madam Speaker, I served in the St. Patrick Country Council, 1983 to '87 and again I was honoured to serve as the Mayor of Chaguanas from 2003 to 2009, when elections were due in 2006, but were postponed by the then PNM Government for about four years. Madam Speaker, I was also, just for the records, the first Caribbean representative on the international union of local government authorities. [*Desk thumping*] And believe it or not, when I campaigned for that position the then Government did not support me by paying any fees or any travel expenses for me to attend meetings and I attended that because I wanted to put my country on the map and to put local government internationally. [*Desk thumping*]

Madam Speaker, I had the honour also to serve as the Minister of Local Government, a post which I enjoyed and let me say, Madam Speaker, that the difference between talking about reform and the performance of local government has to do with action, the ability to get it done, because local government is really about serving people at a level in which they are not normally served. And without local government and local government representatives, this country would have had a lot more dissatisfied people than there are today under the current Government.

Madam Speaker, local government is really at the heart of local democracy. And local democracy and local governance, with the power, authority and resources to construct their communities to their liking is at the heart of successful governance—not just local government but local governance.

6.30 p.m.

You see, Madam Speaker, the alienation which people now feel and the lack of commitment which you often see towards nation building, the psychological

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distance which is evident between those who govern and those who are governed, can be resolved through an enlightened local government system leading to the paradigm that is essential for this country to push forward.

Madam Speaker, local government and local democracy and the involvement and inclusiveness of people in the process of governance can avoid what happened in other parts of the world which can be summed up as a voter revolt. People want a deeper level of participation in determining the kind of future into which they will arrive, as well as determining the conditions under which they are going to live their lives, and we have an opportunity in this reform, if taken seriously, to avert a crisis of citizen revolt, which is at our doorsteps [*Desk thumping*] and as well, apathy, if local government could be reconfigured so as to have more people involved in the affairs of local government.

But let us not make a mistake thinking that the problem of local government is legislative and constitutional. Madam Speaker, it is much more than that. This legislation by itself, these reforms that are being proposed, are not going to bring about the paradigm, not going to bring about the shifts that we require in getting a more efficient, a more effective, a delivery-centred, a people-centred, a customer-citizen-centred type of local government.

Madam Speaker, it is about competent human resources, including the quality of management of CEOs; it is about resource allocation; it is about material and financial and human resource allocation; it is about visionary mayors and corporations, councillors; and it is about the enforcement of that which is in the Municipal Corporations Act or whatever you choose to call the new Act. It is about, Madam Speaker, the relationship between corporations and civil society and the business community through shared vision and accountability.

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Madam Speaker, I want to put on record that the Opposition, led by the very distinguished Kamla Persad-Bissessar, declares its support for progressive reforms, in any regard, and especially that which can improve the function of local government. You see, we believe on this side that local government corporations must be empowered, and we agree with moving forward with reform of local government. This is why, Madam Speaker, we placed on record at the Commonwealth Local Government Conference of 2011, held at City Hall, Cardiff, in the United Kingdom, when the Opposition Leader, then Prime Minister, was also the Chair-in-Office of the Commonwealth, and there she made some commitments, which I wish to put on the record which will demonstrate our commitment to local government reform. She said as follows:

The prosperity of a community is not only measured by economics and material wealth, but also by the spirit of the community, by its resourcefulness, its camaraderie, its ability to recognize, celebrate and care for its members, and its sense of ownership.

This is local government in action, this is the soul of local government.

In my own country I want to achieve this by effecting the following.
—and I was Minister of Local Government at that time. Firstly, she said as follows:

- giving constitutional protection to local government;
- increasing the financial resources available to local government authorities, and allowing for some level of borrowing for special purposes.

And I see in the new provisions here that have been made, that local government corporations will now be allowed to borrow money in order to carry out their

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functions. But I ask the question even now, are they going to be given the authority to borrow and to utilize their assets that they have in order to ensure that they get the money or is this going to be subject to the approval of the Minister of Finance? What level of autonomy would they in fact have? Because you see, Madam Speaker, I can give you one case in point. You have vending problems throughout this country, and in the Borough of Chaguanas, you have a serious vending problem where a shanty town has been established in what could have been a proper leisure park equivalent to Woodford Square, in Chaguanas, but it was overtaken by vendors.

Madam Speaker, but right next to the market stands 12,000 square feet of land which, if the Chaguanas Borough Corporation were allowed to borrow approximately \$35 million to \$40 million, they can build a six-storey building which would house two levels of car parks, which would house two levels of vendors and which would house another level for entertainment and food court, Madam Speaker. So, the provision is a good one, but are you going to allow it to happen? And that will take care of the vendor problem, provided that the municipal police do what they are supposed to do, is to control the vending on the streets and prevent the chaos that exists. So it can happen. It can happen. So, the provision in the law here, the new law, is fine, provided we are going to allow the corporations to carry out.

Thirdly:

- providing state-financed offices for local government representatives so as to impact upon more effective representation.

Madam Speaker, this is good, and this is also proposed again in the law but, Madam Speaker, we have had cases within recent times where the offices of local

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government councillors have been closed down or shut down because the corporations have not been paying the rent. [*Desk thumping*] So you cannot have good reform and good representation without resourcing local government. Mrs. Bissessar also said:

- examining functions which are now managed by central government and delegating these to local government, given the affinity of the function to local communities.

And one of these again, being referred to, which I think is a very good idea, is the repairs to schools.

But, Madam Speaker, if you talk about the repairs to schools and if you say you are going to give those repairs to local government, then you have to explain what kind of resources you are going to give them when you have 483 primary schools, 138 fully operational government and government-assisted ECCE, 63 Servol—and I hope I am correct on this. I saw this on the education website—691 private ECCE centres.

So how are you going—are you going to provide the resources that will allow them to do that particular job? Where are you going to get the personnel or are you going to give the corporations the money and they are going to give out small contracts? What is the way that this is going to be done? And that raises the other question: Are the human resources available, or how are they going to be made available and train in order to manage what is now a more complex set of arrangements and functions for local government? Madam Speaker:

- creation of full-time local government representatives.

We said this in 2011, and the Government has now put this into the law here.

Construction of town halls in every district and utilizing them for regular

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town meetings. Madam Speaker, the only town hall to be built is the last umpteen number of years is in the Chaguanas Borough Corporation, and it was built under the PNM. [*Interruption*] I have no problem with that, but it was built, because you had a mayor in the UNC who knew how to get it done. [*Desk thumping*] That is important, and we got it done, and we should all be very proud of it. [*Desk thumping*]

And whether it is believed or not, when the architects came with the building under the then—late Mr. Dumas; Rennie Dumas—when they came, they brought a square building, and I took my hands like this. [*Member demonstrates with hands*] I curved it like this and I curved it like this, and I said, listen, I want a building that is round; I want a courtyard in the building; I want you to drive in and drive out of this building to control traffic and I want a 250-seat auditorium outside of the courtyard. [*Interruption*] Yes, my vision designed the Chaguanas Borough Corporation [*Desk thumping*] and I am very proud to put it on record here today. And Mr. Jaspal Bhogal, the architect, still holds that piece of paper I drew for him. Why? Because we had vision. But you know how that happened? I will put it on record today. [*Crosstalk*] No, Sir, I did it.

When we went into office, and the Chaguanas Borough Corporation—there used to be \$10 million allocated every year for local government corporation buildings—administrative structures, they used to call it. And I went to the Minister and I said, Minister, what are you doing with this money? Every year this just appears on the budget. I said, you know, Minister, can we not build in Chaguanas an administrative centre? Can we not build other administrative centres? We have 14 corporations, we should have 14 centres. So, two days after, the Minister called me and he said, “Tell me what you mean.” I said we want a

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proper borough hall in Chaguanas, we are in a dump. So, I did not ask him a question. I said, Minister, what do you want to be remembered for after you leave this Ministry or after you gone from the world? For some roads that you are going to fix that will collapse? For some drains that would not last a lifetime? Or, do you want to leave a legacy? And, again, he asked me, what do you mean? I said, let us construct a Borough of Chaguanas Town Hall and he bought that vision of ours and that was constructed there in Chaguanas, Madam Speaker.

Vision is necessary in all of this. All of this legislation will mean nothing unless you have vision plus action and you want to work together. And that was one example of where the Opposition-controlled borough worked with the Government and the people benefited as a result of that [*Desk thumping*] but that is about persistency in vision. We on this side know how to get it done and we are always able to get it done. So, Madam Speaker, we also designed other town halls for Diego Martin, for Penal and for Arima but they have never been constructed. The only one constructed is that one in Chaguanas, Madam Speaker.

Madam Speaker, the other proposal made was, increasing the involvement of NGOs in the work of local authorities, especially social service delivery. I am very happy for this, because I see in the new legislation there is a division now that is being—

Madam Speaker: Member for Tabaquite, sorry. Members to my right in front, please control the volume. I am getting difficulty hearing the Member for Tabaquite. Member for Tabaquite.

Dr. S. Rambachan: There is a division that is being created in order to deal with the community development social services division. Again, this falls squarely into what we envisaged and what we proposed in 2011. Madam Speaker, with all

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the best will in the world, a centralized Ministry cannot deal with the social services and needs of people as they exist, especially in rural communities. It cannot deal with it, Madam Speaker.

Madam Speaker, I remember as Mayor of Chaguanas, we combined—that is the Mayor's Office with the Lion's Club of Chaguanas—to bring into the country 280 wheelchairs through the World Wheelchair Foundation at a cost of US \$26,000 because we got it at half the price, and distributed those 280 wheelchairs across the country. Why? Because in those rural communities people were not getting the wheelchairs or getting, you know, other kinds of things they needed to make themselves ambulant. So I am glad to see that this now, that we proposed in 2011, and which we did while we were in Government, is taking root.

Training local representatives in management and leadership skills as well as skills related to organization of people and communities. Madam Speaker, while I was Minister of Local Government, I called in the University of the West Indies and I asked them, what are you doing about local government development? And they had a certificate programme. I said, show me your degree in local government. And what they had done, they took a smattering of courses from social sciences and a smattering from politics and so on, and they made up a degree.

We redesigned that degree programme in order to ensure that that degree programme was a proper degree programme for training people in local government. I do not know what has come out of it, Madam Speaker. But I can tell you, we also had contracted the Lok Jack School of Business to write case studies on local government, so that those could have been brought back as actual practical studies, where people could have learned from the practice of others and

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improve the management of local government. I do not know what has happened to those cases also, Madam Speaker. But you have people at the University of the West Indies who claim themselves to be political scientists and claim to be following local government and speak about local government, but they had not done one thing, Madam Speaker, to improve the training programmes for local government; councillors at the university. Not one thing, Madam Speaker.

Madam Speaker, so you have to train and develop. And why do you have to train and develop? If you are setting up all of these new divisions, Madam Speaker, and they are very detailed, the terms of the new structures, because this new structure is something, in my view, far-reaching and very different to what exists now in local government, and I do not see in local government now the quality of personnel who can man these very efficiently and effectively.

Madam Speaker, as it stands, local government corporations need people. They need effective people; they need managerial people; they need human resource people; they need project managers; they need engineers; they need medical officers. They need a range of technical people that are not there at the current time to undertake the wide array of functions that are being proposed under this local government Bill.

So, Madam Speaker, what is going to happen? Where are these people going to come from? Is it that we are going to employ them on contract? And even when this law is passed, this Bill is passed, how long is it going to take us to populate the different divisions in 14 corporations to ensure that you have the human resource and, in particular, technical capability to undertake the kind of work that local government corporations must undertake? [*Desk thumping*]
Madam Speaker, that is a very serious point. [*Desk thumping*] A very, very,

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serious point, because you are also asking the CEOs to be a different kind of CEO.

Madam Speaker, in my personal view, it is not good enough to say you are a CEO, because you have gone and achieved an MBA. An MBA means nothing if you cannot turn it into delivery [*Desk thumping*] and a lot of people have MBAs but they are not delivering in the country. That is part of the demise of the public service. Everybody is educating in order to get promoted, but not educated in order to deliver a better quality of service, a more timely service, a more flexible service, Madam Speaker.

Mr. Charles: They are certified, not educated.

Dr. S. Rambachan: Madam Speaker, that is where the frustration is coming from, and you cannot continue to frustrate people. So, for example, if it is that the Government is saying that you are going to give further planning approval status to the corporations as had been proposed in the Facilitation of Land Development Bill when it was first brought to the Parliament by the Member for Caroni Central, who did a fantastic job in terms of that Bill. [*Desk thumping*] A fantastic job, because that was one of the first signals to a very active decentralization of authority and power to local government corporations, and really giving meaning to the word “empowerment”.

So, Madam Speaker, under this new arrangement, the corporations will be allowed to approve what you call “simple developments”. Simple developments versus complex developments: a simple development means that you are going to be allowed to approve lands up to 20 lots in a development that does not exceed—each one not exceeding 500 square metres which is approximately 5,000 square feet. Madam Speaker, the corporations do not now have the people to do that. They have building inspectors—sure enough they have building inspectors—but,

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Madam Speaker, do you know how long it takes to get a plan approved in this country? Let us look at it now.

There is a statutory time that Town and Country Planning takes, which is two months after your submit a plan, and they will wait until two months to give you that paper at the end of two months. Then that plan there sits at the Town and Country Planning Division, awaiting to be picked up by the regional corporation. The regional corporation normally comes in about two weeks to pick it up. They pick it up, it takes another week to distribute it to the CMOH department. The CMOH department takes up to two months and more in order to visit the lands and to see that the drainage is there and what have you. So, four and a half months have gone and you cannot even start a building yet. Then they send it back to the building inspectors department. They do what they do and then send it to the health meeting.

From the health meeting, it goes to the statutory meeting. From the statutory meeting, it then goes to the CEO to sign off. And, Madam Speaker, I say this without any fear of contradiction, that sometimes it sits on a CEO's table for at least two weeks before signatures are put on it. I am telling you because I am a developer and I know—two weeks, may be more, and it sits there, and then it goes back now to the building inspector for the completion certificate which would be about six months down the road, Madam Speaker.

Madam Speaker, in this country, where you are trying to build back the construction sector, where you are trying to get people to work, where the unemployment rate has gone now just about 5 per cent, where the construction sector has dipped as it is and you have an opportunity, unless you bring that period down to about two months between when you submit a plan and when you get the

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planning approval to go, Madam Speaker, it is not going to be worth it, and that is why I said legislation is not going to do it. You have a cultural shift that is required in this country, a paradigm of attitudes, new attitudes will have to take place if this kind of thing is to work, Madam Speaker. [*Desk thumping*]

But, Madam Speaker, as I say that, institutions are breaking down in the country all about, including local government. Madam Speaker, a constituent of mine came to my office this week, because somebody was building a building next to his land, thoroughly violating all the regulations. He went to the chairman of the corporation. The chairman of the corporation sends him to the building inspector. The building inspector goes and visits with a cameraman. The gentleman comes back to me this week—he had come about two months or three months ago, he came back this week—46 days have elapsed. I called the building inspector, I said, “Why have you not served the show cause notice?” And the building inspector, after 46 days, had not served a show cause notice. You cannot go on like that. And that is why I said, if you have, Mr. Minister, all these nice laws and regulations and what have you, and you do not have enforcement, all of this is going to come to nothing again. [*Desk thumping*] It is going to come to nothing.

So who is going to force the enforcement? And you are going to say now, “Well, the new CEOs are going to be working under the direction of the Mayor”, maybe that is true. But do you know what? In the laws as you have proposed them, all of the officers and staff of the corporation are not responsible to the Mayor, they are responsible to the CEO. Yeah, you might be isolating them and protecting them from political interference, but sometimes you have to go beyond. Sometimes you have to take the risk, and in this country the time has come to take some risks if you have to get anything done in this country. Mark it down what I

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said. Because if I had not taken risks as a Mayor of Chaguanas, I would not have turned around Chaguanas into what Chaguanas is today. [*Desk thumping*] If I had not taken risks as a Minister of Local Government it would not have happened. I took risks.

The Minister talked about process flow charting. He is right. These laws mean nothing. Process flow charting is required in all your Ministries. It is required in local government in particular. When I was Mayor of Chaguanas, it used to take eight months between when a budget was passed and when we got the first drawdown, first drawdown. Eight months! You know what I did? When I became Minister of Local Government, I took nine or 11 what you call steps and I brought it down to three steps, and the project management people—project division in the Ministry—they were angry at me, because I had them looking at projects for corporations in the month of April rather than in the month of September. They used to say wait until the budget pass.

So by the time the budget was passed when I was a Minister, four weeks to six weeks after, there was money in the hands of corporations to begin projects, because all their documentation was ready. It is so simple, Madam Speaker. But you have to have the political will, [*Desk thumping*] you have to have the strength [*Desk thumping*] and you have to have the courage and you must be prepared not to be liked, as a Minister. [*Desk thumping*] Do your job. And I did my job. I did my job. That did not win me elections. It did not. But I am sure that I have a legacy that I have left [*Desk thumping*] and a track record that can stand and say proudly, that the UNC and the People's Partnership did what they had to do on behalf of the people, Madam Speaker. [*Desk thumping*] So all of this legislation is fine, but would it lead to a better service?

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Madam Speaker, formulating national budgets with greater inputs from local communities, thus creating a needs driven and needs fulfilment model of governance. Local government must be assisted to fulfil a primary mandate which, in the words of the Minister, is people-centred development. And we made another proposal, which I intend to make again, because it was announced by my Opposition Leader and former Prime Minister, which is the election of three special representatives in each local authority, a male and female youth representative and a representative for women and children. You cannot develop a country unless you bring the youth into the governance process and local government is a very good place to bring them. [*Desk thumping*]

So what is wrong by electing a male youth and a female representative and someone to represent the interest of women and children in this society at a time when children are under pressure, when women are being battered, when domestic violence against women is of such paramount importance? Local government has the opportunity to do something about this at the local level, at the rural level, at the level at which it matters and especially, Madam Speaker, among the less privileged and the poor in this country, Madam Speaker. So these were proposals that were made in 2011 by the then Prime Minister in order to deal with all of this.

Madam Speaker, so we run the risk that, with the best-intentioned reform, I want to repeat, unless we are prepared to support the reforms by the allocation of adequate human, technical and financial resources on an equitable basis, concomitant with the development needs of the specific regions, our best intentions are going to fall by the wayside.

Madam Speaker, you know, perhaps you know this, Madam Speaker, how important, for example, a pavilion is to a community, a playground is to

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community. Madam Speaker, I am very happy to say here today, that through the special purpose companies like PSAEL and CISL and the Rural Development Company, when I was Minister of Local Government, we built over 35 pavilions in that two years. [*Desk thumping*] It is there for people to see.

Dr. Tewarie: They will ask you to show them.

Dr. S. Rambachan: And they put lights and everything on them. Madam Speaker, that is the centre of your community. If you want to protect youths against crime, you got to bring them into healthy activities and you got to support them.

Madam Speaker, today I heard in this House, the hon. Member for San Fernando East, in answering a question, speak about the thousands and thousands of US dollars spent on bringing in some foreign artistes. But how much is given to local government to give to communities in order they could support local tourism and local sports and community development, Madam Speaker? Because, you see, in the committees that you have set up into divisions, there is a sports and youth development committee and also in the division, there is a division with responsibility for tourism, for facilitating local tourism. The division of the corporation with responsibility for community development and social services shall be responsible for promoting local cultural community events and sporting activities. Madam Speaker, I attended in the constituency of Fyzabad—

Madam Speaker: Member for Tabaquite, your original 30 minutes are now spent. You are entitled to 15 more minutes to wrap up.

Dr. S. Rambachan:—the opening of a small 16-team cricket competition that did not get one cent from local government—16 teams competing, bringing together an average of 320 persons when you take all the support staff, 320 persons, Madam Speaker, in that little village of St. John's Trace, Avocat, where one person, Mr.

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Balroop Roopchand, sacrifices his own time with a committee in order to make that happen, Madam Speaker, and they have to beg the community by “chee-chee” to throw in a lil money and get it done.

Madam Speaker, the Police Youth Club on that evening, consisting of children under 10 mainly, about 30 children were there with the banners and everything else. Why? Because you had leadership in the community. Local government has to take on that role, but it has to be supported. You cannot talk about the division for community development and social service facilitating local tourism when you are doing nothing with the local tourism sites in the country. Look at the condition of them. It takes private people all the time to have to go and take up all the rubbish, because we as citizens have a bad attitude to littering, and talking about that. What is going to be done to enforce the Litter Act under the corporations?

Madam Speaker, how many cases have been prosecuted in the last four years in the courts for litter? When I was Mayor of Chaguanas, there was a Litter Warden called Debiecharan Persad from Felicity and Debiecharan Persad used to prosecute about 10 to 15 cases a month with the police in Chaguanas for littering. I hail that man. I hail him. And he was just a person who had a bare secondary school education, but he was committed to the job. So if you have litter laws and you are not enforcing the litter laws, what is going to happen, Madam Speaker? What is going to happen? Madam Speaker, I drive down Claxton Bay, at the entrance to the Forres Park Dump, every morning the corporation has backhoe and trucks there wasting millions of dollars for the year, to take up rubbish that the trucks are dumping there, because the people are threatening the drivers when they get there and stopping and blocking the trucks, and you tell me you do not have

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municipal police or you do not have police in the country to put an end to that? What kind of thing is going on in this country?

So when we talk about institutional collapse, it is happening in this country at a faster pace than we can imagine, and we have to do something about it. It must be done and it must be done fast, Madam Speaker. So I can go through all of these functions to show you how important they are, but are we going to enforce the law? Are we going to enforce the law?

7.00 p.m.

Madam Speaker, eventually this Act is going to be passed by a simple majority; it is going to be passed, but we have to make our statements here today and raise the issues. You are going to argue as perhaps you have argued, Mr. Minister, that the proposed executive councils will empower the mayors to get things done, but I ask you again, while this is true on the paper, the powers being given to the CEOs of the corporations can stultify the best intentions of the council. It can stultify the best intentions of the council. On page 31 of the Bill it says as follows, section 38(1):

“(2) In performing the functions above, the Chief Executive Officer shall act under the supervision and direction of the Mayor of the Council.”

However,“(3) All Chief Officers and officers and employees of a Corporation shall take direction and report directly to the Chief Executive Officer of that Corporation.”

What does that mean? It means a person like the venerable Mr. Rondon in Sangre Grande, if he does not have strength, courage and, perhaps, an overpowering personality, they can shut down that corporation under his eyes by refusing to do anything. It can happen to anybody.

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What are the powers of a mayor? And I do not see the powers of the mayor in the Act. What are the powers of the mayor? What are the powers of the mayor? It is not delineated in the Act and that is something we have to talk about. What recourse does the mayor have if the Chief Executive Officer comes under him? And on the other hand, who controls the Chief Executive Officer? It is the Chief Personnel Officer. You know, where is that happening? Where is that happening? So what you have to do is somewhere you have to set up proper performance measures. There is a difference between performance appraisals and performance management. Performance appraisal is always after the fact and in the public service nobody gets a bad performance appraisal, because it is done once a year when it should be done four times a year if you are really serious.

Performance management sets out the goals and objectives at the beginning of the year and then a good manager tracks that performance and assists with the resources and the support and the delegation of authority and power so that it gets done. That is what you need, not only in local government but you need it elsewhere also, Madam Speaker. And I raise the point because you cannot have a runaway CEO in the corporations. It is going to cause chaos. [*Desk thumping*] It is going to cause chaos. And it exists now in several corporations where the relationship between the CEOs and the council is a very, very poor one.

Madam Speaker, I pride myself for one thing, as a mayor I never asked for a CEO to be removed and as a Minister I never asked for a PS to be removed. I always worked with my PSs and I got the job done, and I thank God that they were good PSs and I place my gratitude on record to them. Madam Speaker, so this Act is probably going to be passed by a simple majority, but here is the problem. You are going to have to make all these changes, eh, in structure and everything else,

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but you know what, there is no transition plan. There is no transition plan. By now a really effective Ministry of Local Government would have advised the Minister, “Minister, let us do an audit of all the corporations and see where they are in terms of the human, technical and other resources that you will need to effect this plan.” [*Desk thumping*] Nothing like that has been done. Nothing like that has been done, Madam Speaker. [*Crosstalk*] It has not been done.

Hon. Member: He did not read it properly.

Dr. S. Rambachan: No. There is no corporation, and they can show me a plan and say, “Here, I have been asked to do a complete audit of all resources in the Corporation.” [*Desk thumping*]

Madam Speaker, where is the transitional plan? And what will therefore happen is that you are going to pass this legislation and reform by a simple majority but what you are going to have is frustrated people out there and frustrated employees [*Desk thumping*] and a demotivated, de-inspired corporation. You are going to go back to square one. So I ask the question: Is the Government really serious about this reform? Because, you see, when I go back to 2009 in a Ministry of Local Government, *Draft White Paper on Local Government Reform, 2009*, and I read this paper—Madam Speaker, if you read this paper in terms of what is in here and you read the new proposed amendments, they have only changed the structure of the sentences in several areas of this Bill and placed it in here; 2009 to 2019 is 10 years. I have at least shown you some of the changes I made in terms of process, and what have you, when we were in local government. I have shown you that, but nothing has happened in four years to suggest that real reform is in the process.

You do not have to wait for the legislation in order to create reform; you do

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not have to, you have to create good management. We might very well end up having a Bill passed in name but without a form, and that is going to be dangerous, Madam Speaker. You do not want public frustration. You do not want, Madam Speaker, a local government of excuses, excuse management, you want a local government that is responsive and timely. Madam Speaker, it begs a question from me—is this, in the passing of this legislation the Government must make clear to the workers in the corporation something now. Is the Government going to, somewhere along the line, offer VSEP to all the people in local government and then try to rehire on a contract basis, as is suggested in the legislation, the people who are going to fit into positions? Is there going to be a massive VSEP offer to local government people so that you want to get rid of people who you feel do not fit the Bill? Or are you going to attempt to retrain people and give them an opportunity to develop or are you just going to cast them into a wastepaper basket?

Madam Speaker, I ask that as a genuine question because, you see, it happened. It has happened, I believe, in the RHAs when that change took place, it happened. Dr. Gopeesingh might be able to speak about that, but if this is going to happen we will wait and see. Madam Speaker, speaking about reform reminds me that the councillors are going to be full time. Now, that is a good thing but I wonder how come we have not thought about asking also Members of Parliament to also be full time so that we can devote our real time to the work rather than have to be part-time MPs struggling for a living out there, Madam Speaker? Madam Speaker, how come in this legislation we have not proposed a fixed date for local government elections every four years now, rather than—[*Interruption*] and nothing is wrong, and I have—

Madam Speaker: Member for Tabaquite, [*Crosstalk*] Member for Tabaquite.

Okay, so, please, limit the crosstalk. Do not be distracted, direct your—

Dr. S. Rambachan: No, I am not being distracted, Madam Speaker, but I want to make something clear. In this House, I have said before and I will say again, I am a developer, I work hard for my living. [*Desk thumping*] The Member for Diego Martin North/East is also a developer on Picton Street in Port of Spain, so let us be very clear, and I have my integrity forms to show what I do and what I do not do. Right? [*Desk thumping*] Madam Speaker, so they are going to be full-time employees of corporations—full-time employees of corporations.

So a lot of them, to now be in the corporations, if you want to attract the kind of people that you want to attract, it is going to be a mix between grass root people because you cannot have local government without having grass root people eh, but you need also people with the training and the other kinds of skills. So to attract those people you are going to have to pay them well. There is nothing here about remuneration, except to say that the Minister of Finance will determine the remuneration of the councillors; yeah, the Minister of Finance. Why not the Salaries Review Commission? How are you going to determine the salaries, the proper salaries for—

Hon. Member: Which clause?

Dr. S. Rambachan: It is in clause 3 of the Bill on page 6, I believe, of this Bill. I will find it for you. But the Minister will determine—right:

“The Mayor, Aldermen and Councillors shall be eligible for such remuneration as may be determined by the Minister with responsibility for finance.”

This is a serious proposition. This is a serious proposition, and they are going to be paid out of the corporation fund. But I just want to say something about the

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corporation fund. The councillors are now going to be asked to collect property taxes. Let it be known, councils and councillors, that the only property taxes you are collecting is residential tax. You are not collecting anything from industrial estates. So, you see Couva/Tabaquite/Talparo, all the real taxes that are there in the industry, you are not collecting that. And when you collect the residential tax, if the Government—let us say your allocation is \$20 million and you collect \$10 million, you are deducting that \$10 million from the \$20 million. You are not getting that additional, it is being deducted. That is also in the Act. It is in the Act. [*Crosstalk*] It is in the Act.

Hon. Member: Tell him the clause.

Dr. S. Rambachan: No, no, no, under “Property Taxes”, go under that section.

Hon. Member: Clause 10.

Dr. S. Rambachan: Clause 10, go, you will see it there. It is going to be deducted. [*Crosstalk*] Look:

“Where estimates have been approved for use of a Corporation for a particular year and the Corporation is in receipt of sums collected from Property Taxes for use by the Corporation, the sums shall be off-set from releases due to the Corporation for that year.”

I read this Bill inside out. That is why I could open any page and tell you where the thing is, man.

Hon. Member: Brilliant. [*Desk thumping*]

Dr. S. Rambachan: You have given yourself, Mr. Minister, plenty power in this Bill to shut down corporations. Because you know why, Mr. Minister, it also says here that, at any point in time:

“Notwithstanding subsection (1), the Minister may, where he determines

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necessary in the public interest, take responsibility for the delivery of services in respect of the matters set out in the Thirteenth Schedule or such other officer as the Chief Executive Officer may determine.”

The Minister has taken strong powers under this Act. So when you are saying that you are giving autonomy and you are devolving power and authority, and so on, to local government, is it a sham? Is it a sham? [*Desk thumping*] Is it that you are promising the world but you are delivering a village? Madam Speaker, with these few words, I thank you for the contribution. [*Desk thumping*]

Madam Speaker: Member for Tunapuna. [*Desk thumping*]

Mr. Esmond Forde (*Tunapuna*): Thank you for inviting me into the debate, Madam Speaker. [*Crosstalk*] Member for Tabaquite, you talked a lot about yourself. That is good. That is good.

Dr. Rambachan: Nothing is wrong about that.

Mr. E. Forde: Nothing is wrong with that. But where I will start with, “citizen revolt”. Why such strong terms? You know what I mean? Why such strong terms? You know what I mean? We are in a debate for local government reform, you are talking about citizen revolt. Come on, man, patriotism, patriots, [*Desk thumping*] you all continue to use the term, but somehow or the other I sit here and I “doh” really always see it. [*Desk thumping*] That is why the Minister has identified the 10 pillars. You listened to the 10 pillars? You spoke about reading the Bill, the 10 pillars, you heard the Minister Senator, he identified the 10 pillars [*Desk thumping*] that are going to ensure that local government reform is going to take place in Trinidad and Tobago. You all had your term, you talked about you being the Minister, you being the Mayor, you being everybody. “How much” things you did?—but no reform happened between 2010 and 2015. [*Desk*

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thumping] Look “yuh” document here. What happened?

Hon. Member: Nothing.

Mr. Imbert: Zero.

Mr. E. Forde: But we are coming to this one just now, the 2015 manifesto.

You spoke about the borrowing that is going to take place now by the corporations. If you was the mayor would you not like to know that you can borrow money? Madam Speaker, I am sure you would like to know that you can borrow money. So, therefore, you put your systems in place and you get your approval from the Minister of Finance. [*Desk thumping*] A simple process, simple process. You asked if it can happen, we are going to make it happen. [*Desk thumping*] We on this side, the People’s National Movement in 2019 is going to make it happen. Yes, MP for Tabaquite, it will happen. [*Interruption*] Or, your town hall, yeah it is a fabulous town hall, but fine, built—

Madam Speaker: Member for Tunapuna, please, I know you are replying but do not make it a sort of personal reply. Okay? Please.

Mr. E. Forde: Sure, Madam Speaker. Yes, you talked about it and, yes, it was built under your stewardship, but it was approved by a Minister under the People’s National Movement, may he rest his soul. [*Desk thumping*] The funding and everything and built by a People’s National Movement Minister. We on this side are going to get it done, and this is why the Bill is here today.

The corporate division, which is a new division that we are introducing, will have the responsibility for hiring, for training, and also, if there is a bad egg in the system, we will also have the responsibility to get them out. It is in the Bill; it is clearly in the Bill. All that information is situated in the Bill. We cannot put the cart before the horse, Madam Speaker, today, so therefore we are bringing

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legislation, we are bringing laws, once approved or when approved, the mayors and the Executive Council and the municipal council will then lay the policies and then give the directives to the relevant CEOs and disseminate the information in order to get it done. So we say bring legislation today, we will deal with the policies, human resources management; whether we need new employees, we would deal with it accordingly, and that is where we are going to get the reform.

You talked about CEO versus mayors. Let us read section 37A(4), (w)(2) and (3), and you will see clearly where it is identified that the mayor will have the responsibility under the municipal council, give the instructions to the CEO and then we will pass the information. We can go to the Act, you know, the same page 31 you were talking about.

Madam Speaker: Hon. Member, “the hon. Member was talking about”—

Mr. E. Forde: The hon. Member, Madam Speaker.

Madam Speaker: Yes.

Mr. E. Forde: “A Municipal Corporation may hold quarterly meetings with its burgesses to inform of the performance of the Corporation during the quarter and to clear the concern of the burgesses.”

We will then go to (w)(2):

“In performing the functions above, the Chief Executive Officer shall act under the supervision and direction of the Mayor of the Council.”

It is clear in black and white, Madam Speaker.

“All Chief Officers and officers and employees of a Corporation shall take direction and report directly to the Chief Executive Officer of that Corporation.”

So we are not anticipating. Instructions will be passed on. We hope that the

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instructions will be followed with and we will move accordingly. I just felt that I should make mention of that, Madam Speaker, with regard to Tabaquite's concerns.

As mentioned by my good colleague, the Minister, Sen. Hosein, Minister of Rural Development and Local Government, he spoke about eight pieces of legislation. He spoke about 11 clauses, Madam Speaker. He spoke about the 10 local government pillars, you know, that will be introduced. Being a local government councillor myself, I entered the system, Madam Speaker, in 2010 in the electoral district of Auzonville/Tunapuna under the Tunapuna/Piarco Regional Corporation, and I am seeing some of my colleagues in the gallery there under the chairmanship of Paul Leacock at this time. [*Desk thumping*] And I am recognizing also Chairman Rondon; [*Desk thumping*] I am recognizing Chairman Roberts; [*Desk thumping*] I am recognizing the Mayor of Arima, [*Desk thumping*] and the other colleagues, local government councillors. Thanks for the support here this afternoon. [*Desk thumping*]

The Tunapuna/Piarco Regional Corporation, Madam Speaker, is one of the largest region. It has one of the largest region, over 215,000 burgesses and it is about roughly over 530 square kilometres in terms of land mass, so it is considered huge. It is bounded in the north by the Caribbean Sea. It is bounded in the east by Blanchisseuse. We have in the west by the Uriah Butler Highway or the Mount Hope Hospital, and then the northern extent of the Caroni plains. So it is a huge mass in order to cover within the region. And rightly said by my Member for Tabaquite, you cannot have one building inspector to cover that vast area, so, definitely, legislation is now put in place so automatically the Tunapuna/Piarco Regional Corporation, the council, the mayors, the Chief Executive Officer will

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now have to, most likely, hire more building inspectors in order to ensure that the job will get done, in order to ensure that the lots that we are talking about to be developed, the under 20 lots that we are talking about to be developed, will be fast paced in order to ensure that that takes place, Madam Speaker.

In several complex region and there are a lot of issues, concerns and characteristics that govern the local government system. This Bill, the Miscellaneous Provisions (Local Government Reform) Bill, 2019, I can speak for one as a Member of public life who was formed in the belly, very important—right?—in the belly, not the bowels, in the belly; formed in the belly of the municipal corporation. I must say, Madam Speaker, that the records are clear. I will only say one thing. As a local government councillor I would have performed between 2010 to 2013—yes, as a councillor—and for two years as the Vice Chairman of the Tunapuna/Piarco Regional Corporation, and the records are there. Check the records, check my profile to see what I would have done, the services I would have performed, and I say that with much humility and I will give God all the glory for those performances. [*Desk thumping*] As a result, I have now been elevated in 2015 to be the Member of Parliament for Tunapuna, [*Desk thumping*] but with this Bill you could probably go back as a councillor, Madam Speaker, because, again, the Bill provides provision to ensure autonomy for the local government councillors, for the aldermen to ensure that local government issues, concerns will be dealt with at that level. They have the authority.

The party's position is clear, several tasks and functions that were managed by central government can be more effectively undertaken by local government bodies, in particular social services and community development. In the Bill it clearly identifies the various categories under Social Development and Community

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Development on how we are going to deal with those terms, and in each one of those pillars it clearly identifies that and all other matters of concern. So, therefore, the mayors, the councils would have the prerogative in order to deal with matters that are not identified within this particular Bill.

Two, there should be a direct relationship between the regional bodies and the Ministry of Finance, similar to that obtained with the Tobago House of Assembly. We have been hearing that a lot of this particular legislation is tagged to the Tobago House of Assembly which we know has been performing tremendously within the last number of years, and we anticipate the same success for this particular legislation under the local government reform Bill.

Thirdly, the capacity presented, presently residing in the Ministry of Local Government should be redeployed to the municipal corporations and also the Ministry of Finance. This will ensure improved increased institutional capacity in the corporations, as well as improved systems of service delivery. Local Government is all about service delivery. The quicker we can get things done on a daily basis is the better our burgesses would be satisfied. Garbage collection: Mondays, Wednesdays, Fridays. Ensure that it takes place; that is all we are saying. With the reform, yes, as the Member for Tabaquite rightly said, we are not reforming the people, the human resource, but we anticipate with the legislation will come the reform of the human resource personnel, because the Government of the day is providing the legislation to ensure that we all stand on an even playing field, Madam Speaker.

We could identify four, the reclassification and redeployment of staff which would facilitate the municipal corporations improved human resource capacity allowing for these corporations development and implementation of regional-based

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polices and plans under a broader national policy framework in most of the areas of national life. Madam Speaker, suffice it to say that in October 2016, this Government approved and published a Draft Local Government Reform Policy. Permit me to quote from the document's Foreword attributed to the then Minister of Rural Development and Local Government, the hon. Minister, Sen. Franklin Khan, and I quote:

“Local Government is therefore, not just simply an agent of central government; it is in its own right an innovative leader of the economic growth of the country across all sectors of society. The reformation and modernization of the Local Government system has been on the political agenda for over”—many—“years...”

We heard of the Sinanan report from since 1954; the Minister mentioned it, the Member for Tabaquite also made mention of it, and we are saying now, from 54 years ago to now we have brought it onto the table. Others may have had the opportunity but we have now placed it on the table for legislation and for this Bill to pass in this honourable House, Madam Speaker.

It is now time for action, the Minister had said. Madam Speaker, the hon. Minister was signalling then that it was action time. Since then preparation for the reform and modernization governance system has been continued apace, and today we have before us the Miscellaneous Provisions (Local Government Reform) Bill, 2019. This proposed legal framework for its implementation and operationalization of the reform and modernized local government system in Trinidad. As I said earlier, Madam Speaker, I have been a local government practitioner, whether it is one of the best, whether it is that I performed well, but, as I said, the statistics is there at the Tunapuna/Piarco Regional Cooperation. [*Desk thumping*] Actually, I

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started under—in 2010 my Chairman then was Sen. Khadijah Ameen back then. [Desk thumping] You know what I mean? We had the “awesome foursome” from PNM, Colin, Brian, Sam and Esmond, [Desk thumping] and we were a tremendous force within the Tunapuna/Piarco Regional Corporation within that period. [Interruption] Kept them in line, very important, Mr. AG. We performed, we did what we had to do, and then in 2013 we were then elevated when the People’s National Movement came in under the chairmanship of Mr. Edwin Gooding, and, again, we performed.

Services were given out to each and every one. We did not look at party. We did not look at race. We did not look at culture. We did not look at nothing as the case may be. It was just performance to ensure local government, because that is what it is about. Local government is what basically runs this country, local government, and I think the legislatures have seen it and they have decided now with the devolution of the whole authority and the whole process that is now taking place shows clearly that they understand what we have to do in order to ensure that local government reform becomes a thing of the past; it is about now. It is about the future. It has to be done now, 2019. So I compliment you, Mr. Minister, and your technical team for bringing this legislation here today. [Desk thumping]

My reading of this Bill tells me that this Government is preparing the country for a paradigm shift in the way we would govern ourselves in the future. This innovative piece of legislation being debated here today covers numerous areas, the more important ones which are the following—and the Member for Tabaquite is not here, I would have really liked him, you know, to be here in order to understand that once the legislation comes you have to be prepared; you go through the Bill and get it done:

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1. Corporate restructuring of the municipal corporations for better inter and intra relationships.

It is clear.

2. Human resource development and institutional restructuring.

Yes, if there has to be human resource restructuring after the legislation is formed, so be it. The mayors, the council and the executive and the municipal council will now have the responsibility to determine—the Tunapuna/Piarco Regional Corporation for it to be effectively run, do we need for staff? Do we need more professionals? Do we need two engineers? Do we need five building inspectors? What do we need? Sit down, set the policy framework, and act accordingly. This provision provides for that. We talk about Local Area Regional Planning and Development—yes, “Mr. Developer”, yes, you boast about you being a developer, Member for Tabaquite, but it is clear, it is taking four months, are we going to sit here and continue for it to remain at four months? This is what we are trying to provide with the legislation. The horse has to come before the cart, Madam Speaker, so we are saying put the legislation in and then we mandate the Mayors and the CEOs of the relevant corporation in order to ensure that, “Listen, that four months, we do not want four months, we want it within two months, we want it within three months, we want it within six weeks”. That is all we are saying. That is all we are saying; this is why the legislation is here today.

Waste resource management; we know that has been a burden, we are collecting garbage “how much” years now? You know what I mean?—since in the Sinanan commission, 1954, and like, somehow or the other, we still have not gotten it right. Are we saying now that all the sanitation contracts have to go back to the regional corporations, take it out of the hands of central government? This is

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what we are trying to formulate here now in order to ensure. Should the regional corporation now purchase their own trucks and do their own thing? Should they enter into contracts with resident contractors within the particular area? Why should a contractor from Penal or a contractor from Diego Martin be collecting or picking up garbage within the Tunapuna/Piarco Regional Corporation? All these are the things that this legislation is providing here this evening, Madam Speaker.

7.30 p.m.

We talked about the municipal community policing. How much we have, six hundred and something now? Madam Speaker, 669, and I think that deserves a thump desk, man—669. [*Desk thumping*] The law “ent” pass yet, but we have 669 in place. So when the Minister says that within the next couple months, in September, we are going to get some more, who knows, we might get another 669, and these are the things that we are saying—municipal police.

As I said earlier, Tunapuna/Piarco region is one of the largest. So imagine you are sitting in the corporation in Tunapuna and you get a call from Blanchisseuse. Is it now that the Mayor or the CEO has to say that, “Listen, we need to set up a sub-office in Sangre Grande or in Arima”, or something of the sort, in order to ensure that when we get that call we have a shorter distance in order to get to Blanchisseuse. Or should we post—you know what I mean?—make some sort of arrangement with somewhere in Blanchisseuse to post one or two officers there as the case may be? Those are things that this legislation is providing for. So each corporation now has received their quota or their cadre of municipal police, and we are saying that going forward with the legislation, we are going to bring the rest of them in place.

We talk about information and communication technology, we know the

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importance of that. So, again, if presently the corporations, whether Couva, whether Grande, whether Diego Martin, Port of Spain, you do not have IT personnel in place, we need to put them in place in order to ensure, because we would be left behind.

Disaster preparedness and management—well, again that needs no mention. Disaster management in Trinidad. It is about being prepared. It is about ensuring that we have the individuals, we have the resources, we have the services, we have the equipment in order to ensure disaster management. We do not want what happened in October 2018 to happen again, 2018. Again, yes it is an act of God, but we need to ensure that at least some sort of preparedness. As I speak, the hon. Minister—oh, the Minister is not in this House, he is in the other place, the Minister, Sen. Rohan Sinanan. They started de-silting the Caura River in Tacarigua yesterday.

All I can say again, again, Members like for Caroni Central and for Caroni East, please ensure that you all get your rivers on your side cleared, because the water will be coming down through the Tunapuna/Piarco region at fast pace. Right? You all need to ensure, because I am just saying, we are doing ours on our side, please ensure that your rivers are clean on your end. That is all I can say. [*Crosstalk*] Anyhow, I speaking to the Speaker.

Eight—the Development and Establishment of Standards and Monitoring and Evaluation Mechanisms. We need to ensure that those things are in place. Madam Speaker, currently the municipal corporations report to the Statutory Authorities Service Commission, however, the majority of their staff are being employed and assigned by the Ministry of Rural Development and Local Government, and report to the Public Service Commission. That is clearly

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highlighted when we go to the Bill on page 16. Once we go to the Bill on page 16 it clearly identifies the particular corporate restructuring at 35A(1):

“Each corporation shall establish administrative divisions with the following responsibilities:”—and it clearly identifies:

- “(a) corporate services;
- (b) finance and planning allocation...
- (c) internal audit;”—very important.

I sit on a JSC and we had the corporations before us and, Madam Speaker, wow, the audit function needs to be taken care of in those regional corporations. We heard some information, you know what I mean, and the audit function, the accountability function is very important. We talk about there is the change of name from “Treasurer” to “Director of Finance” and things like that. We need to ensure that those individuals are ably qualified in order to hold those roles to ensure that, again, corruption, fraud, nepotism and simple things as basic contracts. Let us be real. I was a councillor for five years and we hear stories, we see stories of so many instances. So the audit function is very important. So that is a particular division by itself.

We have:

“(d) sport and youth development”;

The Member for Tabaquite—it is clearly identified here, it will be an administrative division:

“...sport and youth development;

(e) recreation grounds and public spaces;”—very important again.

All the grounds that are throughout Trinidad and Tobago we need to ensure that they are a good standard:

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“public health, sanitation and environmental division;”

Again, that is a division by itself to ensure that the drains are cleaned, to ensure that our sanitation and garbage are picked up on a timely basis throughout.

We talk about (g):

“spatial planning and building inspectorate;”

That is a division by itself. So we are ensuring that the CEO “ain’t” taking two weeks to sign off any documents. Whether it is true, whether it is untrue as the case may be, no CEO has “no” right in order to sign off one particular document, two weeks. I doubt that CEO could be so busy in order to ensure that takes place.

We talk about:

“(h) monitoring and evaluation;

(i) community development and social services;”—very important.

One of the bedrocks of local government we need to ensure:

“(l) disaster management;”—very important.

Again, as I mentioned earlier, (m) is so critical:

“such other divisions as the Council of the Corporation, with the approval of the Minister, determines necessary.”

So therefore it is far as it is wide. So it encompasses every single thing there of local government, every single aspect. And I am talking from experience.

A simple issue where you receive a complaint of an individual not cutting their lot, whether they are living there or not living there, and it is in a state. The Tunapuna/Piarco Regional Corporation Health Department has no authority to go into that because they say they do not collect no taxes and that sort of thing. They have to go through the Minister of Health, under the yellow fever Act, and all sort of ‘tra la la’ in order to ensure that you can go on a property just to get it cut. So

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we are hoping now that all the bureaucracy and the red tape now will be taken care of with the provision of the legislation, because again, mosquitoes, stagnant water. We know the importance of the health of our country. Our health is our wealth as we would say. So again it covers all those various divisions.

We can now talk about, Madam Speaker, the existence of this condition in the past has led to numerous problems leading to industrial relations gridlock, litigation and quite often, unproductive conflict between staff and management. This Bill will correct this situation, allowing for the recognition of the Service Commission governing employees working in the corporations, and would ease issues surrounding the deployment of the Ministry of Rural Development and Local Government, as well as any employment issues that presently plague the existing status quo.

The Bill encourages the creation of greater and better opportunities for workers employed in local government, and should manifestly improve the work environment, leading ultimately to improved productivity. Again, Members on the other side, Member for Tabaquite has already mentioned it. Is it a plan in order to fire workers and bring them back in on contract?—and things like that as the case may be. We are providing the legislation in order to ensure that the new body will be able to work with as we go along.

Local government reform, as we say, the people have to reform themselves in order to ensure that all the legislation that we put in this Bill would be adhered to, because we can put whatever it is in this Bill, unless the employees determine that yes, we are accepting the reform, then the Bill will become reality.

Madam Speaker, the corporate structuring exercise facilitated by this Bill allows for the development and operationalization of a modern corporate sector

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that can better meet the needs of all stakeholders more efficiently and effectively. There are clear lines of authority, clear lines of responsibility, clear lines of accountability as identified in the particular Bill, as well as transparency in reporting relationships, processes and procedures.

This is proven, if we go to subsection (c) on page 9 of the Bill, Madam Speaker, where it clearly identifies and shows section 33C. We can highlight from (c):

“collectively exercising responsibility and accountability for the effective day to day management of the Corporation;”

That is the executive council role that we are talking about here:

“(d) approving plans and programmes of the various divisions;”

Then we can also identify:

“(a) determining broad strategies for implementation consistent with the decision of the Council;”

So the CEO has to carry out the instructions of the council and if, as it is being bandied about with regard to the autonomy of this particular CEO, as the case may be, well again we hope that the provisions will be provided in order to ensure that that collaboration takes place in order to ensure efficiency among both individuals, Madam Speaker.

Under the executive council we have some of—as I just identified, we have identified the particular characteristics. They are responsible for also allocating financial and other resources to the various divisions, and:

“(c) collectively exercising responsibility...for the effective day to day management of the Corporation;”

Madam Speaker, section 35A(1) which specifies that each corporation shall have

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administrative divisions with specific responsibilities, including aspects of local government never heard of before, like section 35A(1)(d), “sports and youth development”.

Section 35A(1)(b) through to 35A(1)(j) then gives each division of the corporation explicit and detailed responsibility which would now have the corporation dealing with things such as facilitating local tourism. Again, never heard of before, and this is the reform that we are talking about on this side.

This restructuring speaks to enhanced tenure, terms and conditions for practitioners/councillors which, coupled with the improved employees opportunities and conditions of work, should result in the delivery of increased and better quality services, and ultimately benefits to the burgesses. In other words, it is all about value for money. All the burgesses want is to ensure that “ah make meh complaint, ah want meh services done”. “Ah report meh streetlight today”, most burgesses want their street light repaired tomorrow. Yes it may not be feasible, but we need to give them the assurance that it will be done in the most efficient manner, because like everything else, no individual wants to be coming home in the dark, as the case may be.

So “de” pothole, same thing, “de” WASA leak, they want it done now. So at the end of the day we need to ensure that systems will be put in place.

Madam Speaker: Hon. Member for Tunapuna, your original 30 minutes are now spent. Acting Leader of the House.

PROCEDURAL MOTION

The Minister of Health (Hon. Terrence Deyalsingh): In accordance with Standing Order 15(5), I beg to move that the House continues to sit until the conclusion of the matters before it. Thank you very much.

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Question put and agreed to.

MISCELLANEOUS PROVISIONS
(LOCAL GOVERNMENT REFORM) BILL, 2019

Madam Speaker: Member for Tunapuna, you have 15 minutes extended time.

Mr. E. Forde: Thank you, Madam Speaker, for the opportunity again.

We identified also that this is the result of the amendment to section 34 of the Municipal Corporations Act and the insertion of a new subsection (2) which gives the corporation the responsibility for employing persons as it considers necessary. Madam Speaker, it must be noted the corporations can employ persons it considers necessary for the performance of its function. In my days in Tunapuna/Piarco Regional Corporation we had short-term contracts. “Yuh bringing in 200 people, 100 people. De CEO getting 50, de union getting 100, de councillors getting 50 or 25 as the case may be.” Sometimes you get one name, “two name”. “Yuh know wha ah mean.” What could you do with that with regard to employment? And you have a list in the office of over 400 individuals who are seeking employment, because everybody is of the opinion that “ah want a county work, ah want a regional corporation work”, as the case may be.

“So at the end of de day one name, two name, yuh know what I mean, yuh in more headache as a councillor, because how yuh determining who going to get these two spots”, and these are the things now that we are talking about. That with this new legislation that some sort of provision is going to be provided in order to ensure that again things like these do not happen. And temporary employment, two months, three months. I remember at one time we had it for three weeks. And then sometimes under a particular instance like a disaster management they would hire seasonal contractors, as the case may be. These are some of the things that we

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are trying to plug with this legislation. I am not saying that it is going to happen overnight, but it is a start. We are here to get the Bill approved today.

Madam Speaker, this amendment also provides for the qualifying criteria for discipline and also dismissal of its employees. As I alluded to earlier, the call for value for money, among other things, can only be achieved by the constant monitoring and evaluation of all tasks undertaken by the corporation in the delivery of goods and services. We saw in the Act which part there would be quarterly meetings with the burgesses in order to give an account of the stewardship of the councillors, of the aldermen, of the various two councils, the executive and the municipal council. So that is in the legislation now.

Moreover, the existing technology is now being employed in the corporations at all levels lends itself to data collection, collation and analysis. Therefore, if we of this House subscribe and support the creation of modern and reformed local government systems, it would be foolhardy of us not to ensure that the proposed legislation does guarantee the ability to constantly monitor and evaluate standards of all operational areas under the Act.

We talk of the spatial planning and building inspection; again, it is highlighted on page 21 of the legislation. Here we can make reference to the Sangre Grande Regional Corporation under Chairman Rondon where, between 2005 and 2010 they developed a regional development plan for that particular corporation, which is still in the system and, again, can be used as a yardstick in going forward. Mr. Minister, it may probably just need polishing up and see how best we can utilize it among the various regional corporations. So, again, all this would be considered there. We spoke about the idea of the building inspector in terms of what I can talk about, Tunapuna/Piarco needing more than one building

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inspector. “I sure” that is one of the things I know that the Chairman of the regional corporation has been hurting his head about as we continue to go along.

That plan was of such quality that it served as the impetus for development of complete plans for all 14 municipal corporations. Those regional development plans which were documented and published are available and still valid, though they would need some updating for today.

Municipal community policing. I come now to that aspect of modernization reform which concerns the security of the corporations’ assets, very important as we know. We spoke about the 669. We spoke about the idea of leaving from Tunapuna to go to Blanchisseuse, or leaving from Tunapuna to go up in the Maracas area or, again, within the Caroni plains, north of the Caroni plains in Warrenville and places like those that fall under the Tunapuna/Piarco Regional Corporation, could be a difficult exercise at various times. We need to ensure that the assets of the regional corporation are secured, whether it is Auzonville Park, whether it is the park in Warrenville, whether it is up in ETecK and those places, those are added avenues where the municipal police can assist the Trinidad and Tobago Police Service in ensuring that our assets are secured under that particular aspect.

Earlier in my contribution, Madam Speaker, I made reference to this Government preparing for this day. When this Bill, the Miscellaneous Provisions (Local Government Reform) Bill, 2019, the framework for modernization and reform of our local government system would have been presented. Madam Speaker, the Government knowing that this day would have come, made provisions and put in place the mechanism for the recruitment and training of security personnel to take their place in the modern reform system, to ensure

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provisions of security to the corporations' employees, their assets and the community in general. This being accomplished by ensuring the corporation bylaws, rules and regulations are observed in the general community where necessary.

Again, finance and funding, very important, right, and that is highlighted on page 18. Madam Speaker, Central Government over the years has been accused in many instances of being appalled of the local government system. As a former practitioner/councillor, I can vouch for that. The situation may be likened to one of tongue and teeth. It is important to ensure that the local government bodies, municipalities, are given their releases on a timely basis, because again a local government system operates today for today, today for tomorrow, or probably even now for now, as the case may be. That is the reality. Because when as a councillor you are burdened with telephone calls from Tom, Dick, Harry, Mary and June on a daily basis, somehow or the other you need to ensure now how that turns over into service. How it turns over into performance; how it turns over in a legacy of providing services for the people that you represent. It is all about representation.

Madam Speaker, this Bill will ensure the corporations are empowered to reduce their direct dependency on the Ministry of Finance for all their funding, and simultaneously exercising greater control over their cash flows. In preparation for the modernization and reform of this aspect of local government, this Government has ensured the necessary amendment of the Property Tax Act. And we know from the time you hear property tax, a red flag comes up. All we are saying, I would like to inform the public that property tax in some form or fashion has always been part of this country's local government system—always been—always been, property tax.

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Madam Speaker, before the entrenchment of this aspect of the Municipal Corporations Act of 1990, the cities and boroughs ordinances possessed provisions for the raising of property tax. Within the Tunapuna/Piarco Regional Corporation we did not have that facility, so we could not have gone in on anybody's property up in the Tunapuna area in the particular region for whatever reason. We had no rights as the case may be. We are saying now, that given this opportunity, under the new Act, working along with Insect Vector, working along with the Ministry of Health, we have the authority in order to ensure.

I am sure the Minister of Finance would elucidate the mechanisms for the funding of the corporations, including the contribution of property tax. That is for the Minister of Finance's responsibility. I will just say that we welcome—as a local government practitioner, I welcome the idea that a corporation could now collect the taxes, put it in their fund and they can now utilize it while they are waiting on the releases from the Minister of Finance in order to patch potholes, see about paving, see about box drains, see about ensuring that the garbage collection and the contracts, as the case may be.

I want to just identify quickly with regard to the various—clause 3 is the cusp, it is really the heart of this particular Bill. It runs from page 1 to page 52, and it speaks about the idea of amending the Municipal Corporations Act, Chap. 25:04, which is to say that now the terms of councillors and aldermen are being varied from three years to four years. That is at subsection (3) of this particular Bill.

We talk about the idea of councillors' qualifying property will be situated in the electoral area other than the electoral district for which he/she seeks to be a candidate or a councillor. In the Tunapuna/Piarco Regional Corporation, I

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represented Auzonville/Tunapuna, which is to say I would have had to be living in the Auzonville/Tunapuna. So now we are saying you can represent Auzonville/Tunapuna, but you can live in Blanchisseuse, or you could live in Tacarigua, or you could live in Curepe or St. Augustine, as the case may be. Again, it provides for individuals, you know, making sure that you get the best individual to suit the job. So that is one particular aspect of the Act that is very important.

Corporations other than cities and boroughs at least one alderman must be elected from persons who are members of a village or community council within the municipality. “Member for Tabaquite, yuh read dat?” We are saying that within the particular corporation—you spoke about the function you went to in Fyzabad—what we are saying now is that—no, no, Mr. Chief Whip I will not do that. I am Member for Tunapuna right now. So we are saying that one of your aldermen, and the People’s National Movement is going to do it, once your leader and the United National Congress decides to do it, one alderman must come from the village council or the community council. Whether they want to take a youth, whether they want to take a male, whether they want to take a female, but we are saying that we are providing the legislation for you to ensure that that individual is there, and it is in the legislation. That is excellent legislation. [*Desk thumping*]

We can talk about the idea of new section 33I which will empower the municipal corporations to exercise powers given to local authorities under the Public Health Ordinance. This section would require officers of the corporation, in exercising the powers of local authority, to only enter private property with the consent of the owner/occupier. Again, that is in the Act, so we now go into particular properties in order to ensure, as the case may be. We can talk about the

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section which would give the responsibility for employment, we covered that already.

In conclusion, as said earlier, I would just like to go to the local government section of the PNM 2015 Manifesto. It clearly says on page 54 where the eight pillars that were identified under the manifesto for local government corporations. Quickly as I go through—now support me here my colleagues—the manifesto said, one:

“Amend the relevant revenue and taxation laws to allow Local Government body to retain certain taxes collected within the boundaries.”

Done, complete. [*Desk thumping*]

Two: “Amend the Municipal Corporations Act to give Local Government Corporations a level of autonomy and executive authority...”

Completed, done.

“Ensure that as a matter of policy that first preference for the award of contracts for work done by Local Government bodies is given to contractors...”—within the particular municipality.

Done.

Four: “Give greater responsibilities and authority to the Municipal Police...”

—669, done.

Five: “Provide the Local Government bodies with additional responsibilities as it relates to planning and building approvals...”

Done.

Six: “Completely restructure and decentralize the system for the implementation of local infrastructure projects, to allow Municipal

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Corporations to engage directly...”

Done.

Seven: “As first respondents in the event of a natural disaster, allow direct collaboration between Local Government bodies and Central Government...”

Done.

“Foster and create a formal consultative process and forum where NGOs, CBOs and other civil society...”

Done.

Finally: “Utilize the detailed regional develop plans prepared for the 14 Municipal Corporations under the previous PNM Government...”—administration.

Done, done, done.

Madam Speaker, finally, local government reform in 2015 when we came before the population, we promise to finish the local government reform process which was aborted by you know who, no need to say, and set out the preparation pathway. We invited the population to join us. Today in signalling my support for this Bill, I again appeal to the population to let us do this together again. [*Desk thumping*] And as I stated on the manifesto the eight things.

Again, as we continue along, as the MP for Tunapuna and on behalf of all the Tunapuna/Piarco Regional Corporation burgesses, of which I am also a burgess, I am saying that we are on board with this particular Bill. [*Interruption*] “Oh no, no, we on board with de Bill. We on board with de Bill today; on board with Forde with de Bill.”

Madam Speaker, I thank you.

Mrs. Kamla Persad-Bissessar SC (*Siparia*): Thank you very much. Hon.

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Member for Tunapuna, in starting off your contribution today you talked about the Member for Tabaquite talking about himself, but then you proceeded also to do the same thing. I do not blame you, because you were a good councillor, in the same way that the Member for Tabaquite did very well in his roles in local government as part time for a time the Minister of Local Government, and so on. Can I talk about myself as well? [*Desk thumping*] Yes? Because I began my political life as an alderman in the then St. Patrick County Council in Siparia. So I am very happy to join in this debate. [*Desk thumping*]

I want to agree with the hon. Minister of Rural Development and Local Government that the reforms in this arena spanned decades. I would like to pay some tribute, in looking at where we are today, to all those who played a part in the reform for local government and taking it forward.

Remember we started with the Cabildo system, which was really much more extensive, which gave greater powers to that particular kind of local government system. Then that morphed into—when the English came over and captured Trinidad—what you call “English style municipalities”, then morphed into county councils. Really the most major reform came in 1990 under then Minister Carson Charles and then Prime Minister Robinson, which gave us the Bill that we are today attempting to amend, which is the Municipal Corporations Act, 1990.

8.00 p.m.

And over all those decades there have been so many studies, reports, the Sinanan Report, the Hugh Wooding Commission Report, several other reports that were done, but there is one I think deserves mention, if it was not already done so, is the efforts of former Minister of Local Government Hazel Manning. [*Desk thumping*] She had done a tremendous amount of work which did not see fruition

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because that is how life happens sometimes, a lot of work had been done by her then as hon. Minister by putting out the 2006 policy paper, all the consultations, massive consultations had been done, and it came right up to the 2009 Bill, Madam Speaker. And as the good Lord would have it, the Government changed soon thereafter, so the Bill never came to fruition, but I do want to say many of the proposals contained in this present Bill, in fact, came forward during that period of extensive consultations.

And then work was done by the former Minister of Local Government, work done by the present Minister of Rural Development and Local Government which brings us to where we are today. And I do want to say that we fully support progressive reforms, whatever kind of reforms they may be, but especially reforms that deal with improving the quality of life and delivery of services, and this is where local government reform is really at the core of people-centred development, so we are happy to see where we have reached today in terms of the work.

We believe that local government corporations must be empowered, and we agree that we move forward with this local government reform agenda but, you know, in doing it and in wanting to say in all these promises made, read by my good friend the hon. Member for Tunapuna, it is hard to say anything bad, I like the guy, he is a very personable fella and I know he knows the system very well from hearing him drill down as to the deficiencies.

So whilst a lot of work has been, and I saw some of the officers here, and I want to commend them, they are your officers, Minister, but they have done a lot of work [*Desk thumping*] because I have seen what they have done and it is a very complex Bill. I mean, it says—it contains only 11 clauses which is a kind of a,

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what should I say, mask, because like some other Bill we have, there is also a miscellaneous; I see the Government is enjoying doing miscellaneous provisions Bills.

So whilst it is just 11 clauses, indeed it is a very complex Bill touching and concerning amendments to, what is it, nine pieces of legislation. And when you look at each clause you will get at clause 3, for example, and clause 3 has an (a), (b), (c), (d), (e), (f), 1, 2, 3, 5, 10, 11, 12 and it is like pages upon pages. So very complex drafting, I commend those officers at the Ministry of Rural Development and Local Government. [*Crosstalk*] Somebody is—I am hearing a little—somebody wants some attention on the other side. [*Laughter*] Somebody wants some attention on the other side. [*Crosstalk*] So all the work done to reach us here.

Hon. Member: “Doh worry”.

Mrs. K. Persad-Bissessar SC: [*Crosstalk*] I will let the hon. Minister himself thank you. He will know exactly what you did or did not do, but I am sure that the officers of CPC under your watch would have contributed, so take the little credit that you can. But the number of officers that I see here today, they seem to be mainly rural and local government.

So, whilst I am saying, we welcome the reform, given the complexity of the legislation and the fact that to implement this will really take quite some time; this is why earlier today I called for the establishment of a joint select committee, and so we welcome the Minister’s announcement [*Desk thumping*] at the start of the debate for the joint select committee that we can work on it. And whilst it even though goes to the joint select committee, I may not be on that committee, and so I would like to share some thoughts that I would hope that the JSC would take into account as we go forward.

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So the first thing has to do with the clause 3 of the Bill. I have voiced my concerns about the clause 3(c) and that clause 3(c) does basically is to change the term of office of the councillors and aldermen from three years to four years.

Now, in itself there is nothing wrong with that. I know the Government had indicated at some point in time that they wanted to look at the THA model, so maybe that is a similarity, the THA model, they last for four years. I have not heard a rationale from the Members for it, as to why four years, but in principle we really do not have an objection. My objection would be that, if this were to come into effect prior to the expiration of the term of office of the present councillors, then you would in effect be extending the term of office of the councillors, and I do take serious objection to that happening in this back door manner.

If it has to be done, come frontally and do it, but I would like, I know Government Members have spoken, but I know one Minister said, that is not her purview, cannot speak, that was the Member for Arouca/Maloney, others did not answer their phones, I would not name them, when the media tried to get a response, so I would like, you know, a firm answer on that, if not here, within the JSC.

If it is that we are going to amend the MCA, the Municipal Corporations Act, to extend the term of office, then that has to be done after the expiry of these councillors.

Those councillors will expire on or about the 28th of November given that the existing law is three years from the anniversary date of the last election. Which means that the local government election is due within three months of that expiry date. Should we pass this as is, we would be, in effect, giving them a whole further year. So, I would like Government's definitive word on that, and to prevent—

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because you see, we do not trust them.

I remember we had, you know, when Petrotrin, they said, they are not going to shut it down, then it was shut down. When they said, X workers will go, and then said, some will go, then they said, all, all, all, all. And I think one way we can escape that is for us to put an amendment at the JSC level, I would have proposed it today, were we going through the finality of the Bill, and that amendment would be to amend what is known as the proclamation clause, which is clause 2 of the Bill, to make it clear, the proclamation clause of Bill—this Act will come into effect on a date to be proclaimed. And I will like us to insert in there, the drafters will help us, except that should not be prior to the expiry date of the present councillors, so in that way we are very clear in law that it will not extend [*Desk thumping*] beyond the three-year term, so I think that is something I think is very important.

In any event were you to do it that way, I mean, it is going to be chaotic, there is no way the very complex activity and administrative things that have to be done, can be done in time for that to take place; so that is my first point.

And I make the point, again, I think it is very important for us to ensure that we do not extend the life inadvertently of these councillors. I make the point that delays have been—there is a poor track record in holding local government elections. We have seen over the years, just pre-independence 1959, we had elections, local. After that the other local government election was in 1968. Then in 1971, in 1970, none, you had black power riots, it went to '71. After '71 the next one was in '77. After '77, '80 and '83 they were held on time. And then after '83, not again until 1987. Then the worse delay was between 2003 and 2010 when these elections were postponed, almost three times we came to the Parliament with

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a simple majority Bill to postpone. So, Madam, we are talking about the importance of local government, the importance of participatory democracy, the community level, and building the communities one by one by one by one.

Then there is something more that we must do because the upshot of all of this is that local government elections have been regarded sometimes as an irritant and, of course, central government does not really like them all the time because it is like getting a report card in the middle of your term which may not be favourable. So we have seen the instances of all the times that they have been postponed. They do not have a life of their own, they are constantly shoved around to suit the convenience of central government, election timetables, the political will and so on.

Every other central government, Madam Speaker, that has been controlled by parties other than the PNM has always held local government elections on time, every other government [*Desk thumping*] except the PNM, save and expect for one year in 1990 because of the coup that was taking place and the major reforms for 1990 Municipal Corporations Act, that Act that was taking place, and that election was held thereafter.

So, I think with the greatest of respect, people loosely talk about local government must be constitutionally protected, but people say, we will hold elections as constitutionally due. Madam, that is very loose language. Local government is nowhere to be found within the Constitution of Trinidad and Tobago.

Now, my humble suggestion, again, when the committee meets is we should give that constitutional protection if we are serious [*Desk thumping*] about local government election. And we can do that very simply, we have an example of that

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having already been done in this Parliament in or about 1980, we amended the Constitution of Trinidad and Tobago to include what is known as a Chapter 11A. And that Chapter 11A was to place the Tobago House of Assembly within the confines of the Constitution. My respectful suggestion now is that we put an 11B with the same kind of wording, chapter 11B in the Constitution with the same kind of wording to elevate the status of local government to constitutional status. So when we say [*Desk thumping*] it is constitutionally due, we would be right in what we are saying.

But there is another misconception here, Madam, that Chapter 11A—because THA is also local government, eh. At first it was a county council and then it became a body of its own, but it is part of the local government network.

And again, there is a misconception that when the Parliament through the 1980 Act amended the Constitution to put in Chapter 11A to place THA in the Constitution, it was not given any entrenchment. There was nothing that prevented that from even being removed. So it was like a status, we are in the Constitution; I am saying we could do it with the 11B, a new chapter for local, but I would like the committee to also consider giving it some level of constitutional entrenchment so you cannot come every year when an election is due, local, and come here and bring a simple majority Bill and say no, we are not having it. It has happened time and time again [*Desk thumping*] in Trinidad and Tobago. [*Interruption*] We did not do it, that is why you are there and we here, Sir. [*Crosstalk*] That is why you are there and we are here, and we will support it. We will support if you give it, local government, the constitutional protection. [*Desk thumping*] So that is one area that I wanted to speak about.

I heard the hon. Member for Tunapuna speaking about something

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happening. They are in Tunapuna and then something is happening in Blanchisseuse and it is wherever and wherever. Ma'am, you know what the problem is? In 1990, that great history-breaking piece of law, Municipal Corporations Act, when it came, it took care of a problem that had been existing from the days of the county council, and that problem was to increase the number of local government bodies, to increase it so that you would have less geographic spread and you would have less of a population. However, the then PNM Government in 1992 when they formed the Government when after the 1990 Bill, amended the 1990 law to reduce those corporations down, and that is how it has remained over all these years.

I want to respectfully suggest that this be revisited. So when you tell me that you are in Tunapuna and have to deal with something in Blanchisseuse, but the problem is a little greater than that. If I may just look at some of the stats that will help, if I may just read those, memory would not take all the numbers together.

For the 1990, so are we now 27 years later, 27 years later. Yes, we are making administrative changes and all, but I think the Minister will understand and Member for Tunapuna also talked about it, that wide geographic spread, but you know what is also very bad? Mention it again, the number of electors in, for example, Tunapuna as compared, and it is something that can be easily dealt if we go back and look the 1990 model. And the Minister of Rural Development and Local Government before your good self, Sir, Minister Kazim, in fact, in the consultations and in the policy paper spoke of this. At page 57 of the draft—it is known as the draft policy paper Transitioning of Local Government, October 2016, at page 57 paragraph 7 or chapter 7, it does not say—just big 7.

“The issues of boundaries demarcation cannot be ignored when

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consideration is being given to the reform of the Local Government system in Trinidad. Such a review ought to be conducted with a view to facilitating effective services delivery, coordination among government agencies as well as integrated national and regional development planning. Apart from the need to create synergies in terms of effective management resources, service delivery and administrative coordination and integrated development planning the problem is compounded by—the fact that—“the various central agencies...utilizing their own administrative districts some of which have been based on the old”—county—“and ward boundaries.”

This is something that really has to be dealt with once and for all. Minister, you have a tremendous opportunity to do it here.

“It is therefore recommended...”

—your policy says:

“...in order to facilitate a smooth coordinated approach to the management and delivery of services to the public, the use of wards, counties and other administrative districts by different Government agencies be stopped and all Government departments and agencies utilize the common boundary demarcation of the municipalities throughout Trinidad.”

So we have a kind of an administrative system using county sheets and wards sheets, and when now you have a comprehensive plot and plan of the municipalities under this law, and we now have a chance to really make some ground-breaking change. I did not do it. Okay? That is why you are there and we are here, but we are coming back, never worry, [*Desk thumping*] and we will continue the job for you, we will come back.

So, in the circumstances the policy paper recommended the 46

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municipalities in Trinidad be maintained, albeit some adjustments to boundaries, and in the following municipalities and they gave in three of them just to shift a seat here and a seat there, but unfortunately none of this was taken into account in the Bill before us, but it is there in your policy paper, and it is a good policy position that I would highly recommend we take up further in the JSC.

And the reason for this as I said, this was good reasoning and good policy, is when we look at what has happened. When we look at what has happened, so the last time the law changed we reduced the municipalities. In 1992, there were 139 electoral districts in Trinidad. In 2016, there were 137, and now in the proposed 2019 by the EBC, 113; but listen to this. In the 1992 local government election there were 774,233 voters total. Into 2016, there was 1.060 million. In the 2019 list for this election going forward it is 1.077186. So the voting population from 1992 to now, 27 years ago has grown by more 300,000, but you know what? We have not changed the boundaries, we have not changed the demarcation, we have not changed the seats, and that cannot be right.

Yet even though the population has grown by 300,000 voters from '92 to now, the number of seats for councillors will only be—what?—139. And 1992, how much did I tell you? In 1992 it was around 137; 1991, 39. So 300,000 more, but you have the same number of seats. That cannot be right. This cannot be right; 300,000 people more. [*Desk thumping*]

[MR. DEPUTY SPEAKER *in the Chair*]

So, we have been overwhelmed by population growth, and we need to deal with that issue now, now that you are going through a very comprehensive and very well put together plan that you want to implement and leave a great legacy, Minister, I need for you to seriously consider this.

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So there is neither equality [*Crosstalk*] equity—please? Can I, please, Sir. There is neither equity nor equality in the workload expected of councillors, there is no equality of vote and representation and, of course, no equality of resources.

So if we look at it on average, let us take it in one corporation—Yeah. In one corporation, for example, and this is why you talk no equity, first of all, in your vote, no equity in representation levels. On the average, each councillor in Point Fortin, for example, each one of the councillors, they represent 2,147 voters, but when you come to the corporation that your good self comes from, Tunapuna/Piarco, a councillor has to represent on average 11,105 voters; that cannot be right. So the equity of the vote, my vote, is not as equal as elsewhere.

Mr. Deputy Speaker: Members on the Government side, front bench, please, Standing Order 53 stands.

Mrs. K. Persad-Bissessar SC: I thank you, Mr. Deputy Speaker. So in other words, in the Tunapuna/Piarco Corporation, it means that a councillor represents four times the number of voters and therefore workload than a councillor in Point Fortin, and this is across the board. So can I just quickly say it: In Point Fortin the average representation electors per councillor in '92, 2,147. The average in 2019 now, 2,843, but there has been an increase in the electorate of 4,175.

Let us take Port of Spain. In 1992, because that is when the last boundary changes and so on were made. Point Fortin was 2,147 on average, I did that. Sorry. Port of Spain 1992, average electors 3,453; Port of Spain, eh. When you reach 2019 Port of Spain, that average representation is 3,151 voters. You know what has happened? The electorate has dropped by 3,618, again, no change, nothing has been done to take account. Arima, average is 2,914. In '92, fast-forward to where we are now, it is 4,211, there are 9,077 more voters. Mayaro/Rio

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Claro, average in '92, 2,171; councillors representation 4,918, in 2019, an increase of 8,165, and yet between 1992 and 2019 the seats have been decreased by minus four, take away four seats out of that particular corporation. So you have the increase in the population, but the seats decreased; how can that be right?

San Fernando, the councillor representation, 1992, 4,816. Fast-forward to 2019, 5,006, elector increase 7,106; Sangre Grande similar. Penal/Debe, look at Sangre Grande, in 1992, it was 5,269 average per councillor, by the time we get up to 2019, 7,288. You know what is the elector increase?—21,420 in Sangre Grande. In Penal/Debe, elector increase it has been 22,988. So in Sangre Grande where 21,420, there has only been an increase of a seat by one. In Penal/Debe, 22,998, two seats increase. Siparia, a voter increase of 16,057; Princes Town voter increase 1992 to now, 21,286; Chaguanas, 30,646 increase; Diego Martin, 22,519; San Juan/Laventille, 27,000; and Couva/Tabaquite/Talparo, an increase of 52,000. Tunapuna/Piarco, an increase of 64,012.

It took me a long time to put this together, Sir, but I do believe it is worthy of consideration when it comes to the question of equality of the vote, the equality of representation—[*Interruption*—you want me to give way or you have a point of order?

Mr. Hinds: I would like you to give way.

Mrs. K. Persad-Bissessar SC: I think I will do that after I am finished speaking, thank you very much.

Mr. Hinds: You are very unkind.

Mrs. K. Persad-Bissessar SC: Yes, I am—

Mr. Deputy Speaker:—Member.

Mrs. K. Persad-Bissessar SC:—and you are very kind. Thank you. You have

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been very kind to me all these years.

Mr. Hinds: You are very unkind.

Hon. Member: Behave yourself and sit down.

Mr. Deputy Speaker: Okay. Members.

Mrs. K. Persad-Bissessar SC: He is not going to stop, Sir, I have your protection and guidance. So, I am asking that we really take a look at these things and to see [*Crosstalk*] how can it be the vote then in Tunapuna or Laventille is worth less than a vote in Point Fortin or in Port of Spain. [*Crosstalk*] No. That is what it is, because it increased, and the councillor's workload, the amount of representation factor, again, when a councillor has to represent 2,000 people, the amount of personal time that it could be done, your good self, not to bring you into the debate, but that Tunapuna Corporation, you would have been stretched with thousands of voters as compared to somebody in Arima or in Point Fortin or even Port of Spain, Diego Martin similarly, San Juan/Laventille. So it is not just a rural issue, it is along the Corridor, it is in central mainly and down in Siparia and Penal/Debe. Something, Sir, has to be done with respect to that, and when that happens we then get the inequality in the budgetary allocations as well.

So when we see the allocations now, even though Port of Spain City Corporation has an electorate of 37,999 persons, the estimates fiscal money for them in 2019 is 223,972, so their population is 37, the total, for Port of Spain. And then you come with San Juan/Laventille Corporation a total electorate 135,840, \$169 million. You come to Tunapuna, again, 174,647, compared that with 37,000 in Port of Spain; and it continues. Couva/Tabaquite/Talparo, 147,000 getting \$111 million. You come down to Mayaro, well there are only 29,000 so their allocation is smaller, and this is across the board.

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And it really begs the question and it may well happen, yet come to pass. Why it is no Burgess go up and said, “This is inequality of treatment under our Constitution”? We are entitled to something called equality of treatment from public authority. [*Desk thumping*] Why is it that the allocations for one, and we are not jealous or vex with anybody getting money, we want that we should get adequate resources, but there must be equity across the board [*Desk thumping*] and there are—it means then for the 2019 allocations per person, Port of Spain per person is 5,894, but for Diego Martin per person is 1,144. For the PDRC it is \$846 per person, the inequality and the inequity in the distribution of resources.

Diego Martin has more than twice the electorate of Port of Spain, but Diego Martin gets less than half the money, five times the amount per person in Port of Spain than Diego Martin.

Mr. Imbert: Fifty thousand.

Mrs. K. Persad-Bissessar SC: If a person in Port of Spain gets \$1, the people in Diego Martin get 20 cents; that is what it means. And I am asking, hon. Minister, that these inequities be addressed because the law has developed so tremendously in the public law, that the supremacy of the Constitution trumps everything else [*Desk thumping*] whether in Parliament, whether it be any institution, that the Constitution guarantees that equality of treatment from public authorities, and therefore these are matters that could well find its way into litigation.

So the existing system promotes inequality, and I am asking that we address that in our way going forward; this will help us in terms of the changes of the boundaries and in terms—you know why there is a problem? In our system because of the way local government developed in a very checkered way, and the whole colonial regime, their aim was to press down and keep down the local

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government bodies, taking away the powers, as I said, from the Cabildos that had wide powers to do things, they kept suppressing and keeping them down. There is no equivalent to what happens to a parliamentary democracy. For a parliamentary election, the Constitution tells us that you have a certain formula to work, and the EBC has the power to increase the number of parliamentary seats; however, in this case, local government, EBC does not have the power to increase the number of corporations and therefore to deal with how many people go per corporation. It may well be that it requires an amendment, again, to this MCA in the various schedules which set out the boundaries.

So whilst the EBC can tell us, listen I can increase a seat here or a seat there, they cannot tell me that Tunapuna Corporation must have the same amount as Port of Spain or the same amount as Diego Martin vice versa all around, so that has to be amended, and that can be done in this very said [*Desk thumping*] Municipal Corporations Act that we are amending.

There is a common principle in democracies and representative democracies of which we are one democratic Constitution democracy like ours, and that is what is known as the international best practice of equality of representation, and that is clearly not happening here. This is where equal voting power seats must be evenly distributed between the constituencies.

Mr. Deputy Speaker: Hon. Member.

Mrs. K. Persad-Bissessar SC: Yes, Sir.

Mr. Deputy Speaker: your original speaking time has been spent. You have an additional 15 minutes. Do you care to avail yourself?

Mrs. K. Persad-Bissessar SC: With your leave, Sir.

Mr. Deputy Speaker: Proceed.

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Mrs. K. Persad-Bissessar SC: Thank you very much, hon. Deputy Speaker. [*Desk thumping*] So we have these problems and I thank my colleagues—some of my colleagues say, I talk too much law. I try my best to talk more politics. [*Desk thumping*] Yes. They say I get too— [*Crosstalk*]

Hon. Member: Do not listen to them.

Mrs. K. Persad-Bissessar SC:—dealing with law. [*Crosstalk*] Well, I do not think you will know what is law from not law, Sir, [*Laughter*] so do not even bother—through you, Mr. Deputy Speaker. Equal voting powers, seats must be evenly distributed, and this is the international best practice of equality of representation. The European Commission for Democracy through Law, there are guidelines, there is a code. It entails a clear and balanced distribution of seats among constituencies. And to guarantee equal voting power, the distribution must be reviewed at least every 10 years.

In our case, we review every five years but, again, the EBC does have the power to ensure this for local government. I will rest on that point and ask that it be considered. Local government boundaries reform, I mentioned already page 57 of the policy document which allows us to examine that point.

8.30 p.m.

And I want to turn now to a strange thing that happens because of the way these boundaries are set out. So we have 14 corporations, municipal corporations, the cities, the boroughs and then the regional corporations, and a very weird thing happens every time we have a local government election. You would see that the PNM would win more corporations, but what happens, they get less votes, and the reason is because of the configuration of these boundaries. [*Desk thumping*] So when you have a corporation, which I guess is 124,000 people, compared to one

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with 30,000 people, so you win eight of those. Yeah. But at the end the day the popular vote is not reflected, so when you are boasting you win eight, it is not reflected, and it is not because of the win or the loss, it is because, again, inequity of representation, inequality of the votes. [*Desk thumping*]

So, that is a matter that we would want to see looking at. And I have a little concern, when you look at the stats, since 1987, in the last eight local government elections, an average of 55.7 per cent of voters voted against the PNM, that is over the half mark, only 44.3 voted, and that is what normally turns up. So you have what seems to be a minority in terms of people in the local government sphere operating in the country. That is something that we really would want to ask the Minister to take a look at. And I want to quote Minister Khan, the former Minister at the Point Fortin consultation when he said, page 35:

The mamaguy thing is not on; we, as a matter of fact this is the most widespread consultation this country has ever had. There are fourteen consultations...it is still our intention after we finish the fourteen consultations in Diego Martin next week we will be drafting a policy paper. When we finish the policy paper and the legislation we would hold two other consultations, one in the north one in the south.

Of course in typical fashion, they finished the consultations, never brought the policy paper or the draft before bringing it back to the Parliament. I do not know why that happened, but it would have saved you some trouble, Sir, because I am seeing the union and others will speak on this industrial relations exercise, but the union has said the formula you are putting there for the hiring and firing and so on of people, it is going to be a recipe for chaos. [*Desk thumping*]

I turn now to the issue of something we saw happening in our country in the

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last local, that we need to have in this new Bill what I am calling a tie breaker. Now, in the past there were elections, there were five ties in the past in the council: Siparia in 1996, Siparia in 1999, Mayaro 2003, Chaguanas 2013 and Sangre Grande 2016, so even number. Yes, Sir?

Mr. Deputy Speaker: Minister of Finance, AG, and Leader of the House, there is running commentary, right, and it is reaching my ear. Please, desist.

Mrs. K. Persad-Bissessar SC: I thank you very much. So prior to 2013, ties were broken by pulling straws. Something seems to have happened and we saw in the local government 2016 the process turned out to be unfair—in Sangre Grande where there was a 4-4, and the potential to be exploited there where the Government claimed the corporation by asking the outgoing Chairman to preside, and there was nothing in law to allow that, so he had two votes—an original and a casting vote. I am suggesting, Sir, that there is—

Mr. Imbert: Let the lawyer within you.

Mrs. K. Persad-Bissessar SC: Can you ask the Minister of Finance to keep himself to himself, please, Deputy Speaker?

Mr. Deputy Speaker: I am protecting you. Leader of the Opposition, I am protecting you. Please, Minister of Finance.

Mrs. K. Persad-Bissessar SC: Thank you very much.

Mr. Deputy Speaker: You will have the opportunity to join the debate as soon as you are ready, Sir.

Mr. Imbert: I will.

Mrs. K. Persad-Bissessar SC: So I am saying there is a precedent right in our own Caribbean Commonwealth jurisdiction, there is a formula in Jamaica to break the tie. So when we get like 4-4 in Grande or anywhere else, Siparia, Mayaro,

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wherever it may be, the tie could be using—what they do is you use the popular vote so you get a tie breaker, and that can be done. I have drafted an amendment, but we are not dealing with amendments tonight. I will be happy to pass it on to the members of the council, but I think that is a major problem. It cannot be left to pulling straws because it is luck and chance, and therefore I think the Jamaica provision is the best one where it is that [*Desk thumping*] the presiding officer will be from the party that wins the majority of votes.

So again it is on the votes of the people and not on luck and chance or not an unfair means of putting an outgoing councillor. With respect to executive councils, the whole of the new 2033 which is quite lengthy, it seems as though we are creating out these big positions, and we are creating in every corporation—I know the Member for Tabaquite said it—we are creating like a mini Cabinet in every corporation, and you are divorcing the ordinary members from these persons who will become executive council members, and the danger of that is what happens right here; we see it here. You have the backbenchers who do not contribute, who do not get even a proper share of the resources, and that same kind of conflict situation could arise where you have this mini Cabinet in every corporation making all the decisions without the input of the rest of the backbenchers. That is one of the problems with the Cabinet system, and that debate has been going on for quite a while, and it seems we want to put that now into the local government level. I respectfully say, this is not the way to go. [*Desk thumping*] You are going to create, you are creating—

Mr. Charles: A disconnect.

Mrs. K. Persad-Bissessar SC:—a disconnect with your councillors, and a disconnect therefore through the people by giving people super powers, and we

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have already seen we have some super Ministers where the rest of the pack are left behind. [*Interruption*]

Okay, last point before I end, the property tax issue. Others have on spoken it. In principle it is a very good idea, but I have a question. Why is it confined only to residential property? I am sure there is good reason, but it has not been proffered there, because there is going to be a problem in the collection. A lot of people in this country, Sir, have dual use of their property. Plenty people. In fact, especially now where so many jobs are being lost, people are all converting downstairs their homes, or outside their house, selling shoes, selling bake and shark, selling provision, selling anything. So there is a dual use of the property. On the one hand, residential and on the other, that is commercial, so are we going to then say, all right, the local government body will collect the residential tax.

But, “hello, you see that parlour you have there, you have to go up the road somewhere else to pay the commercial tax”. I think it will create some confusion, and I think we should rethink it. We should see what is the rationale for residential only, and considering also that if you have—some places are very rich with industry so therefore you would have more industrial taxes being collected, but I think we need to rethink that.

And then I have a problem to the amendments to sections 76 and 77 of the Act. I think there is some significant discomfort as to the Board of Inland Revenue now being empowered to give confidential taxpayer information to the corporation, who we entrusted to secure and collect the property tax. So, I think there is some discomfort. We have the secrecy provisions in the Central Bank—in the Board of Inland Revenue Act, and now we are saying, no, no, give all my tax thing to the corporation in which I live, they have to collect tax. Discomfort with that, and

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then I have to ask the question, so if they are to collect the tax and they do not collect the tax, what happens? I would be very happy to hear what, do they get lock up? Is their house forfeited? What happens? And who will be the enforcing agency? So, yes they have to collect it, but who will be the enforcer? Because there are several things in the Act, probably tax Act, which gives the whole process if you do not pay what happens, they could distrain on your house. Distrain means come and rule your house. They could put up your things for sale, they could take your house. A whole stream of things. What will happen there?

And finally I come to the role of the Minister. This is another aspect of the Bill. I do not think in the country there is any mystery that the current administration is effectively run by four or five powerful Ministers whilst the remainder of Cabinet serves, you know, just to thump desk. This power consolidation is now being applied to several Bills and we are seeing it in this Bill. You remember in the FOI Bill where the AG was being inserted as the Minister in charge of all these, what you call them, public bodies to vet whether to agree to a refusal or to say no, give it out. But he was in effect becoming on top of the entire system as the final arbiter, and here now we see where the role of the Minister again, the Minister is inserted into this Bill and there are several functions, so the Minister is being given.

The Minister will now set the salary scale for mayors, councillors and aldermen. Why not the CPO? Why not the SRC? Why is a politician going to set the salaries and so on of other politicians? [*Desk thumping*] It cannot be right. It cannot be right, and the Minister with responsibility for finance also plays a role now in determining the manner in which money is spent in the corporation. The Minister can determine project priorities. That leaves the door open, Sir, for

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possible political discrimination and/or victimization. [*Desk thumping*] The amended section 120 will now allow the Minister of Finance to approve allocation of money to other purposes that those approved by them. So, on the issue of remuneration, we say no, a politician should not be the person setting the salaries of other politicians because [*Desk thumping*] we have independent bodies, you have the CPO, you have the SRC, others should be doing it, and we do not agree with that.

Then there is the question of hiring of staff now. Section 34(2) now, as amended, would allow the corporation to employ its own staff, but guess what? They can now determine the qualifications, but they can also decide who to hire and who to fire. Again, potential political abuse victimization as the case may be. So if you are in a totally Opposition-controlled corporation, what is going to happen, are they going to fire you because you are from the other party? If you are in a total PNM corporation—

Mr. Deputy Speaker: Hon. Member, you have two minutes.

Mrs. K. Persad-Bissessar SC: Yes, Sir, thank you. What is going to happen? That is rife for abuse. It is rife for abuse. And you know it is that we would like to think that all men are good and they have good hearts and so on, but you did not create in law avenues and opportunities which have the potential for discrimination and victimization and political abuse. [*Desk thumping*]

So, finally, Mr. Deputy Speaker, my colleagues would deal with some other issues, and I want to thank you very much. I am not sure that we want to make these local government people full time. I think some people have already experienced what happens, you go in full time as councillors and so on, what happens when you leave, because that is not a job for life, you know. Every few

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years you get voted out again, and when you leave here to re-enter back into the world of work, you are in real trouble.

Mr. Karim: Political victimization.

Mrs. K. Persad-Bissessar SC: I know many people right now, since 2015, who have all lost their jobs and cannot find another place, so that is something as well we take a look at. I want to thank you very much. I want to say we support the local government reform. We want to help to take it further forward, and these were some of the concerns that I had, which I am happy to have a chance. Thank you. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Attorney General. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Deputy Speaker.

Mr. Imbert: Now “we go hear the truth”.

Hon. F. Al-Rawi: Mr. Deputy Speaker, I, in acknowledgment of the fact that the hon. Minister clearly stated in the piloting of this legislation, and I wish to publicly commend him on passing his first “I beg to move in this House” so capably this afternoon. [*Desk thumping*] I congratulate my colleague.

I would like to say that the Government’s intention so stated by the hon. Minister was that this would go to a joint select committee. This was never an invitation which was to be accepted solely at the behest of the Member for Siparia. The Minister clearly stated in his piloting of this legislation that we were going to head there. And I would say why that was said up front. That was said up front because of the complexity of the issue, the complexity of the Bill, [*Desk thumping*] the complexity of the consultation, and the number of persons that participated in this.

Mr. Deputy Speaker, I do not propose to be too long in contribution this

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evening, unless of course Naparima provokes me to deal with him [*Laughter*] as he has a habit of doing. One would think he would learn better as time goes along, but anyway.

Mr. Deputy Speaker: Stick to the Bill, please.

Hon. F. Al-Rawi: Mr. Deputy Speaker, a word here or there to lighten the mood is within the confines of debate. I must keep them on their toes. Mr. Deputy Speaker, as we get to this particular point I would like to state, in treating with the persons that contributed to this I would like to state that the first Minister with responsibility for this legislation, the hon. Sen. Franklin Khan, was on the public platform and on the campaign together with the Member for Port of Spain North/St. Ann's West, in the public consultations through every single [*Desk thumping*] corporation and municipality, and the line that was used, and I want you to focus on this, Mr. Deputy Speaker, the Minister said his job as the Minister with responsibility for Local Government and Rural Development was to put himself out of a job, and I want to explain why that was said. That was said because it clearly encapsulated the transfer of authority and power away from central government properly into the hands in a devolved fashion into local government.

Permit me for a moment to broaden a few of the accolades given. I would like to single out tonight, the Deputy Chief Parliamentary Counsel, assistance provided by Ms. Ida Eversley, [*Desk thumping*] who is not only a long-standing member of the CPC's department, but who literally went to every one of these consultations, together with staff, and participated in the development of this Bill. And I would like to say, that the hon. Clarence Rambharat, Sen. Rambharat, in sitting at the LRC, together with the Attorney General's chambers, it was an effort of significant worth to put this job together. And at the AG's office I wish to say

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thank you on behalf of us all [*Desk thumping*] to the very hard-working technocrats and persons that sat for hour after hour.

But, Mr. Deputy Speaker, permit me to do this. It is true that the Member for Siparia said there are few Members of Cabinet that really distinguish themselves in having to carry a bit of load. In any administration, a bit of extra load, but tonight I would like to single out not only the hon. Prime Minister, for having the vision in Opposition to drive the concept of local government reform, because that vision properly started by Mrs. Manning, Hazel Manning as Minister of Rural Development and Local Government, with the heavy work that went on. That vision fell flat on its face, and work stopped completely in the period 2010 to 2015. We only had the UNC attempt at local government reform in 2010, they had a draft White Paper on Local Government Reform in 2013. The only thing that they took out of that local reform consultation and the millions of dollars spent with the Member for St. Augustine going up and down Trinidad and Tobago, the one thing that happened was the amendments limited to the election system. In other words then, the alderman Bill.

And it was the vision of the hon. Prime Minister that really took us into the advocacy of empowering the people closest to the people on the ground, and that is the local government reform. But I was saying, apart from the hon. Prime Minister, the Minister of Finance wrote every single one of the local government reform sections in the manifestos of the People's National Movement, and I want to pay him thanks into his effort on behalf of the people of this country. [*Desk thumping*]

Mr. Deputy Speaker, let us get to some of the contributions of the hon. Member for Siparia. The hon. Member for Siparia in giving the accolades made

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some observations as to provisions that the Member thought would be prudent to add into the legislation. The hon. Member correctly reflected upon the policy paper and noted that there were things in the policy paper that were included in Bill. The hon. Member went on specifically to discuss the fact that the Opposition would be prepared to give support to, for instance, constitutional entrenchment for the provisions of reform, proposing a new 11B to replicate some of the constitutional entrenchment for the THA as happened in the insertion of an 11A. The hon. Member then went on to say, well, entrenchment in terms of not the quality of entrenchment but the addition to constitutional amendment reform.

But, I would like to say that the hon. Member in correctly observing that there were certain policy issues absent in this legislation does deserve a response as to why it is not there, and I will put it very simply. In our Law Revision Committee we had to scrub the policy against the prescription, and, Mr. Deputy Speaker, we were constrained, because of our acceptance of the UNC's habitual position, to remove all matters that required a three-fifths majority support or two-thirds majority support, and I make the apology for saying that.

I wish to explain to the honourable and decent people of Trinidad and Tobago that the same way that the Member for Siparia say that the UNC does not trust the PNM, we do not trust the UNC [*Desk thumping*] and we certainly do not trust the UNC to have even a scintilla of input into three-fifths majority issues. And you know why? Because nothing will get passed. And I will ground it in my response to the Member for Siparia, Mr. Deputy Speaker. I will tell you why. The Leader of the Opposition, the Member for Siparia, says to Trinidad and Tobago that there has been population growth, that there is inequity in distribution of resources from a financial output. The Member reflected upon population numbers

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against persons, and looked at the price per person that was being spent, saying that Diego Martin effectively had half of the amount of money of Port of Spain, et cetera.

But, Mr. Deputy Speaker, the Member's analysis is, if I may respectfully say, it is lacking in maturity, and I will tell you why it is lacking in maturity. Maybe perhaps the speech was written by Naparima, I do not know, Port of Spain North/St. Ann's West if that is the case, but what I can say, Mr. Deputy Speaker, is, for the Member to state quite boldly that equality of treatment is a constitutional parameter and that the matter of an inequality of distribution of resources from region to region, Port of Spain versus Diego Martin, might find itself in court, is equally lacking in maturity. Because the one thing that is absolutely clear in law is that the one law that can properly discriminate is taxation. Let us start with that. Every single year since prior to independence, when we were a Crown Colony, taxation has been levelled. Taxation has been applied, and taxation is not an equal taxation.

Mr. Young: They know about the tiered tax?

Hon. F. Al-Rawi: There is a tiered tax or progressive tax system. There is a levy of different taxes, corporation tax is different from individual tax, corporation tax is—[*Crosstalk*] Mr. Deputy Speaker, would you control the outburst of Naparima?

Hon. Member: He is uncontrollable.

Mr. Deputy Speaker: Again, Members, Standing Order 53 stands in the Chamber. I am not going to identify any particular individual at this time, but please. Please desist. [*Interruption*] Silence! Proceed.

Hon. F. Al-Rawi: For that reason, in the taxation regime that we have, people that are not subjected to taxation at all, or where we have people that pay for instance

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what we call the “million dollar tax”. And for a senior counsel, the Leader of the Opposition, Siparia, the Member, as the hon. Member stands, past Attorney General, past Minister of Legal Affairs, past Minister of Education, starting in local government reform, running a Cabinet of the Republic of Trinidad and Tobago, to say that the inequality of treatment could end up in court is an absolute abuse of logic and law, and it is astounding that the hon. Member can make that kind of submission.

But let us get further to the lack of maturity in contemplation. The lack of maturity is certainly demonstrated in the hon. Member’s statement that it is unjust in resource allocation to have Port of Spain have more money than San Fernando, or Port of Spain have more money than Diego Martin. But the hon. Member fails to recognize that there is a migrant population to the capital every single day, on average 200 to 300,000 people leave the rural communities and come into the urban centres, and therefore there is a greater demand for resources in urban centres, and in any capital around the world, urban centres obviously have a greater proportion of distribution of resources.

And, Mr. Deputy Speaker—[*Interruption*] Mr. Deputy Speaker, would you invite my two learned colleagues opposite me to at least have some measure of control?

Mr. Young: Every minute they were jumping up for Kamla.

Hon. F. Al-Rawi: Mr. Deputy Speaker, as we come to the very serious point, because people listen, regrettably, including on the international forum, people listen to what the Opposition has to say. So to hear a leader of an opposition tell the country, a past Prime Minister tell the country, this matter will end up in court. The issue of disproportion of allocation of resources is something which is

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equivalent to a flight of insanity.

Mr. Lee: Mr. Deputy Speaker, 55(1)(b). I mean, the Attorney General is consistently on a point of this going to court issue.

Mr. Hinds: Why you so stubborn?

Mr. Deputy Speaker: Please, Members. Overruled.

Hon. F. Al-Rawi: I do not know how one could be tedious in repetition when no one else has made the point, which is what tedious repetition is about. Perhaps you too need to take a walk, Pointe-a-Pierre.

Hon. Member: “Oooh.” [*Crosstalk*]

Mr. Deputy Speaker: Member, wait, hold on, hold on, hold on. Hold on Members. Again, AG I have ruled, no need for you to bring my comment into the debate. Proceed.

Hon. F. Al-Rawi: Yes, I apologize. I was not bringing your comment in. The mind comes alive with physical exercise, and therefore in inviting my friend to be more alert to mental activities, sometimes these things help.

Mr. Lee: Deputy Speaker, come on?

Hon. F. Al-Rawi: I do not know if “come on” is a Standing Order.

Mr. Lee: 46(1).

Ms. Ramdial: 48(4).

Mr. Deputy Speaker: No. [*Mr. Lee keeps standing*] No, you have your seat. Have your seat. Chief whip, expound. You called three Standing Orders, what exactly you are referring to?

Mr. Lee: What the Attorney General is bringing into his debate. [*Crosstalk*]

Mr. Deputy Speaker: Overruled.

Mr. Charles: That is when you never went to school, that is what does—

Hon. F. Al-Rawi: Mr. Deputy Speaker, it is funny how one tends to fulfil the exact thing that they are running away from by interjections that are ill thought out. Let us get to the point of the insanity of the contribution coming from the Member for Siparia.

The urban migration of employment, the acceptance in the urban centres of migrating populations from rural communities is the key factor as to why urban centres receive a greater share of the pie, and you would think that the hon. Member would have the ability to understand that. The hon. Member goes a little bit further, the hon. Member goes on to talk about the population, and to saying that we have an increasing population. Mr. Deputy Speaker, I do not know where Siparia is living. I do not know if the hon. Member reads a single report that comes out.

Mrs. Robinson-Regis: No.

Hon. F. Al-Rawi: What I can tell you is that we have negative population growth in this country.

Mrs. Robinson-Regis: She does not know that.

Dr. Francis: For a generation.

Hon. F. Al-Rawi: For an entire generation in Trinidad and Tobago we have negative population growth, and the hon. Member is confusing an ageing population with population growth. God help this country as to the capacity of advocacy based upon something that resembles facts. [*Crosstalk*]

Mr. Deputy Speaker: Silence!

Hon. F. Al-Rawi: And, Mr. Deputy Speaker, it is important as we talk about allocation of resources, and the UNC's feigned attempt via the lips of the Leader of the Opposition, to say that they will support legislative reform for municipal

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corporations and for ancillary legislation tied to it. How are we to believe that when the Bill articulates around some very important provisions?

Our legislation, as the Member for Tunapuna so ably put in his contribution earlier, articulates around some very important financial matters, which the Member for Siparia touched upon. This law and the success factor of local government reform is entirely hinged upon the ability for the local government entities to have revenue, and revenue is obtained in this country in 99 per cent fashion from taxation. And taxation as this legislation allows us to contemplate, when we look to the amendments to the structures, if you want to take that committees that managed finances, we looked to the Standing Committees, we looked to the management aspects, if we look to the constitutional structures, if we look to the inclusion of the Exchequer and Audit Act in sections 116 or 117, if we look to the additional expenses incurred in section 112, if we look to the retention of money in the amendments proposed to section 109 of the Municipal Corporations Act. All of it is hinged to property taxes in large part. And if we are to accept even for one minute that Siparia is capable of leading a team to cause three-fifths majority support, then explain the failure to support property tax.

Mrs. Robinson-Regis: Exactly.

Hon. F. Al-Rawi: Explain that! Buy a car, buy the best car, put on the best wheels but “doh put no gas in it”, and drive that car all over Trinidad and Tobago, that car being municipal corporation reform. “Doh” give it any gas, do not give it any sustenance, do not feed it.

9.00 p.m.

And when we actually treat with Siparia’s submission and we looked at their failure to support property tax, evidenced, Mr. Deputy Speaker, by what? Siparia

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led a charge for legal challenge on the property tax regime, as it was being implemented by the Minister of Finance. What happened? Siparia had to see the UNC legal team lose in the High Court by way of the Court of Appeal's ruling, two times. After all of that filibuster and delay and drama and bacchanal, Siparia comes here today to say we will support local government reform, but Siparia's actions in leading the UNC demonstrates that they are prepared to sabotage the very fuel to make local government reform necessary.

But, Mr. Deputy Speaker, it goes even deeper than that. Siparia asked the question, why only residential taxes? Understanding that property taxes must work, skipping past the failure to support property tax, "Axe the Tax", "doh" bring in tax, people in this country have not paid land and building taxes certainly or property taxes for 10 years. We are running this country without people paying their fair share and there are many people who will pay their fair share. Many Members of the UNC own properties in the United States of America and pay their property taxes on time, every time, completely. Do not mess with Uncle Sam; comes to Trinidad and Tobago, the campaign is "Axe the Tax". Siparia asked the question, asking for an answer, why only residential taxes?

Again, first of all, if the hon. Member had read the Bill, the hon. Member would note that the articulating laws, the property taxes, et cetera, and this particular piece of law are hinged to the fact that the Minister of Finance, can by way of amendment to the—by way of Order and amendments to the subsidiary legislative route include a broader range of taxes. You can start with residential taxes, you can include industrial properties, you can include commercial, you can include agricultural, you can take a pro-ratio formula from the Ministry of Finance from the Consolidated Fund. It is in the Bill. And the hon. Member comes here

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and pretends that the law has been read or the Bill has been read. The hon. Member went so far as to say, I took a great deal of research on this Bill. But obviously, that section which treated with the question from Siparia about why only residential taxes, maybe that section was the only thing that was highlighted. Because the rest of it is there. But let me explain why only residential taxes now.

In the equality position, if we were to take Couva/Talparo, if we take Point Lisas alone, if we were to take industrial taxes from properties, properties from industrial properties, taxes for industrial properties, commercial properties, residential properties at the Point Lisas Industrial Estate, what would that equal? That that regional corporation has the vast majority of taxation for itself only? And then we are supposed to somehow amend the law to treat with that corporation different from others? It will be nonsensical to take that approach, because we have phenomenon like Point Lisas, like Point Fortin, like Pointe-a-Pierre, where we are going to have aberrations, exceptions to the rule. And therefore the only equitable formula in law to cause that distribution is to collect the taxes at the central government level, put them into the Consolidated Fund and have them transferred across to the local government body so that the taxes can be applied on a proportionate or justifiably disproportionate basis. And that takes me to the Member's again ghost of the Minister.

Mr. Deputy Speaker, for the entire time that the Member for Siparia has sat under a reign of government, whether as Prime Minister, in the period 2010 to 2015 or as Attorney General, or Minister of Legal Affairs in a time prior to that, that particular Member could not be bothered, could not lose an ounce of sleep to amend the law. No amendment for the powers of Ministers. In this case here, the power of a Minister to hire or fire is governed by the articulating entities like the

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Chief Personnel Officer, the Service Commissions, but all contracts are signed by Ministers. As Attorney General I sign contracts for the Judiciary's retention of staff; I sign contracts and give approvals for the Equal Opportunity Commission, et cetera. And therefore, the hon. Member comes here, raises a specter of some ministerial intervention but when you judge someone by their work product as Prime Minister and as Attorney General and as Minister of Legal Affairs, the Member for Siparia could not be bothered to ever address the issues whilst in power. And then comes to tell us, "Well, no, no, no, we will come back soon, we will be in power again". God help Trinidad and Tobago if that is the case you know. Because the country must avoid that kind of scandal.

I can tell you as we are on the issue of scandal and avoiding punishment, the hon. Member for Siparia sat on an issue which is in this Bill. We are providing in the executive municipal corporations structure and in the municipal structure itself, the two versions of what the hon. Member for Siparia call, "mini Cabinets". We are providing for maintenance of recreational grounds. We are providing for financing of those things. That is in fact not uncommon from a base structure point of view. We are supplementing it by allowing financing by way of borrowings, by way of the Minister of Finance's improvement of how you manage the Mayor's Fund, how you may distribute things, sure we have done some novel things, but the Member for Siparia sat down on the LifeSport scandal which saw a half of a billion dollar abuse of the taxpayers in the maintenance of recreational grounds.

The hon. Member for Siparia received a report from the Central Audit Unit of the Ministry of Finance and flipped the page over. Absolutely nothing happened other than the Member for Siparia, on a Motion to condemn the

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LifeSport, aspect the Member for Siparia's main contribution on that debate was, long live LifeSport. And we are to be told by Siparia "Hold on Trinidad and Tobago we are coming back just now". But we "doh" want you back, with the greatest of respect. [*Desk thumping*] We "doh" want to see the specter of LifeSport. I would not call names but what I will tell you is watch for imminent prosecutions that are coming on these matters. That is all I would say about it, Mr. Deputy Speaker, and mark my words that they are coming.

Mr. Deputy Speaker, the hon. Member for Siparia goes on to talk about the concept of the mini Cabinet. All of a sudden saying that we are going to be replicating the collective and management responsibilities of central government cabinet into the municipal corporation structure. And then the hon. Member says, "Ah not comfortable with full time pay". All of a sudden Siparia is not comfortable with full time pay, much like the protestations of people opposed to the PNM where they have put out labels as to who is earning what in terms of gratuity, et cetera, same people that will not reflect upon the fact that those contributions are contributory contributions. Unlike the public service, if you are a legislator or if you are in the municipal corporation and you are going to receive a pension, certainly as a legislator, you have to contribute to your own pension. A percentage of your pay goes to that pension unlike anyone else in the public service.

But Siparia comes here today to talk about her lack of support for what she calls, the hon. Member calls a "mini Cabinet" and do not put people full time. Well I would like to say, categorically, the time for full time councillors was long past and full time councillors are deserved because the part time councillors we have are full time councillors as a matter of fact. [*Desk thumping*] And let me stick

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a pin to say why I can say that. I too started and participated in local government. I served as an Alderman at the Port-of-Spain City Corporation. I understand local government politics intimately well, and the time for this country to grow up and take a leaf out of democracies that we love, like Singapore, and other aspects, is long past. We have to have some respect for the people that serve us by at least ensuring that they are paid appropriately so that we can avoid the scandal of scamps who will take bribes while sitting in local government. So greedy are they, Mr. Deputy Speaker, that they are prepared to thief even \$1,500 from somebody.

Hon. Member: “Ooh goood.”

Hon. F. Al-Rawi: Big bribe, small bribe, any bride, “gimme, gimme, gimme”.

Hon. Member: Mayaro bribe.

Hon. F. Al-Rawi: Some people are calling it “Mayaro bribe”. And now we are hearing the Leader of the Opposition volunteer policy for Trinidad and Tobago that says, “Doh pay the councillors full time salaries”. You know why I understand that? If a Leader of an Opposition who is in charge of a corporation where a chairman can be put on a criminal charge for “tiefing” money and taking corruption is good with that chairman still sitting there, it says, keep the money that you are getting part time—

Mr. Lee: Mr. Deputy Speaker—

Hon. F. Al-Rawi: And put it as well with the other money. [*Crosstalk*]

Mr. Lee: He is alleging certain things, the Attorney General [*Crosstalk*] against the individual that is not inside this House. [*Crosstalk*]

Hon. Member: What Standing Order is that? [*Crosstalk*]

Mr. Deputy Speaker: Member, please, please, please. [*Crosstalk*] Overruled.

Hon. F. Al-Rawi: Thank you. Let me repeat what I said less it was lost, quite

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comfortably as I do so now. If a political leader has the direct dominion and control over an appointed chairman of a regional corporation—it is a political appointment—says to the Parliament “Do not give full time salaries in this legislative construct”, this Bill that we have, we say “Give full time salaries to full time councilors”. That is what we say. The Leader of the Opposition says, “Do not give them full time salaries”. Well, we understand why on the basis of the facts.

Fact number one, you appointed a chairman of a regional corporation.

Mrs. Robinson-Regis: Fact.

Hon. F. Al-Rawi: Fact. Fact number two, that chairman receives a part time salary.

Mrs. Robinson-Regis: Fact.

Hon. F. Al-Rawi: Fact. Fact number three, that chairman is charged pursuant to the direction of the Director of Public Prosecutions for receiving a bribe. That is a fact. Fact number four, that chairman is still sitting as the chairman of the corporation.

Mr. Lee: Mr. Deputy Speaker, fact number five, it is 49.

Hon. F. Al-Rawi: That is not a Standing Order.

Mr. Lee: Standing Order 49(1).

Hon. F. Al-Rawi: Mr. Deputy Speaker, I will press on with no Standing Orders in it.

Mr. Lee: 49(1). 49(1). [*Crosstalk*]

Mr. Deputy Speaker: Please, please. [*Crosstalk*] Overruled, Member. But AG again, tie it in quickly and move on.

Hon. F. Al-Rawi: Sure, absolutely.

Mr. Deputy Speaker: Seeing that that again the matter is still in court that you can tie it in and move on.

Hon. F. Al-Rawi: Sure. As the Attorney General of the Republic of Trinidad and Tobago, I think I understand the sub judice rule well and I am well within the confines. I assure you, thank you for your ruling, Mr. Deputy Speaker, I will exercise the caution necessary.

Mr. Deputy Speaker: Mr. AG, but still I understand you clearly, but I would like you to tie it in quickly and move on rather than to prolong in case if you miss it.

Hon. F. Al-Rawi: I will tie it in for the benefit of the record, thank you, Mr. Deputy Speaker. I am responding to the Leader of the Opposition.

Mr. Deputy Speaker: One second.

Hon. F. Al-Rawi: Yes, Sir.

Mr. Deputy Speaker: Your initial speaking time has elapsed. You have an additional 15. Care to avail yourself?

Hon. F. Al-Rawi: Yes, please, thank you.

Mr. Deputy Speaker: Proceed.

Hon. F. Al-Rawi: [*Desk thumping*] I will tie it for the record. I am responding to the Leader of the Opposition. I am responding to the Bill which proposes that we have a quadrennial appointment of full time councillors paid by full time salaries. So I am anchored in the Bill and in the response. What I am sure and also anchored in is in causing great discomfort to the UNC who do not like the population to know what they are doing or to be reminded of the facts that there are thieves among us in the population. And the population may be represented in all sorts of ways. But what I can tell you, in ensuring that we avoid corruption in our society we believe that we must regulate people robustly, subject them to the

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law robustly but pay them properly too. [*Desk thumping*] Pay people properly so they do not have to resort to “tiefing”, if I can put it quite simply for Pointe-a-Pierre to understand.

So, Mr. Deputy Speaker, the rationale for the amendments to the quadrennial appointment and also to full time salaries, et cetera, and to the Minister of Finance’s involvement, these are anchored on the basis of sound policy and logic.
 [*Crosstalk*]

Mr. Deputy Speaker—

Mr. Deputy Speaker: Member one second. Member for Laventille West, I am not tolerating the crosstalk over to the floor, not. Proceed.

Hon. F. Al-Rawi: Mr. Deputy Speaker, the hon. Member for Siparia said to us, quite correctly that there are boundary issues and that we have some incongruities in terms of county maps, ward maps, who is to apply in what zone, et cetera. The hon. Member is correct. Sounds as if the hon. Member did a lot of research. Let us get to the fallacy of that again. Mr. Deputy Speaker, why do you think the Government is pursuing two things in particular. One, the perfection of property taxes by the population of a role, a valuations role, where all properties are known, where boundaries are set. That is on the matrix of the land package, the Registration of Title to Lands Act which is on the back of a work product in the Attorney General’s Office, which is the PBRs system, the Property Business Real Estate Solution, which will come into beta version in October of this year and full form in February of next. On track, digital, GIS surveys, tied in, property information, digital structures, electronic filing. We are doing all of that so that mapping and boundaries can be tied in, but there is something else.

Another reason why we pour suspicion, scorn and lack of belief in anything

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that Siparia says—because Siparia is the same person who says that there will never be support for a Revenue Authority in Trinidad and Tobago and the Revenue Authority is the engine to ensure that fair taxes are collected, in a just and transparent fashion to make sure that local government gets the right tax. And what are we doing in this Bill? We are providing something novel. We are saying in the law that the local government body will have the obligation to maintain things including schools. So we do not need an EFCL with massive amount of corruption in gear, Ministries with corruption and inefficiency. We are saying to the people closest to the ground, you who know the population best, you who represent the population and live amongst the population who understand the dynamics of which school is falling apart or not, you take the responsibility but take the money. The Member for Siparia comes with what I call, glitter and gold, lipstick and rouge, powder puff logic in terms of an intellectual argument and tells us, yeah, yeah, yeah, we support, but no gas for the car, buy the car but “doh” put no gas in it. And by the way take cuss for not driving the car and for not taking the passengers and making sure they get home as well. It just does not make sense. [Crosstalk]

And, Mr. Deputy Speaker, when we see that the UNC is capable of actually supporting important amendments to the law that have constitutional structure, it is at that point we will have the faith to do what a PNM Opposition did, which is to support three-fifths majority law. “Doh” trust the UNC, you know. Do not trust the UNC, Mr. Deputy Speaker, because they go talk to “yuh” nice, smile in “yuh” face, come with powder puff logic that makes no sense, [Crosstalk] defy all sorts of precedent and reason.

Mr. Young: Hand in "yuh" pocket and take your order.

Hon. F. Al-Rawi: I "cyah" say that one. [*Laughter*] But, Mr. Deputy Speaker—

Mr. Deputy Speaker: Please Members, please.

Hon. F. Al-Rawi: In that form of mamaguy, you could easily lose your way, you know. So I will tell you what the Government is prepared to do, Mr. Deputy Speaker. I myself together with the hard-working staff of the Ministry of Local Government and Rural Development, the Attorney General's Office, hard work of the Member for Port-of-Spain North/St. Ann's West, the hon. Sen. Franklin Khan, the hon. Haji Sen. Hosein, the Minister of Finance, the hon. Prime Minister, the Minister of Planning and Development, because we tie in the planning and facilitation development legislation as well, the public procurement legislation, the Revenue Authority, all of these articulating pieces, the Minister of Health for his input on the Public Health Ordinances, et cetera. We spent months of perfection of drafting, we spent hour upon hour of surgery upon the law, we sat at the Attorney General's Office and we did hard work on this law, but we were very sensible. We made sure that there were no poison UNC pills in this Bill—I am going to be brutal tonight—no poison UNC pills in this Bill because we do not trust them and by hook or crook in the process of a joint select committee, we will get the stakeholders in, we will receive their logic, I want to say to the animal activist, as I come quickly to a close—

Mr. Imbert: Animal activist.

Hon. F. Al-Rawi: Yes, there are significant interests on behalf of a number of persons that have concerns for animal welfare. Whilst we cause amendments to the dog Act, the Dangerous Dogs Act which is not yet proclaimed because there are some critical flaws in that legislation, we have some standalone legislation that we will bring to Parliament very shortly to treat with animal welfare. I want to assure

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the Members who are paying attention to that issue that that issue is being managed in tandem with this. But I would like to say the Government's strategy in having the stakeholder input in local government reform joint select committee is that we intend to bring it out of committee and get it passed into law.

I will answer Siparia's question. This nonsensical argument that we are going to somehow extend the life of people who are serving by one year and the hon. Member asked for an amendment to the proclamation clause. As the Prime Minister says often, poppy cock. Absolute nonsense. Because, Mr. Deputy Speaker, we have to be reminded that the hon. Prime Minister said, an election will be called when it is due [*Desk thumping*] and that is the hon. Prime Minister's prerogative. None of us here other than the hon. Prime Minister sits as Prime Minister, and Mr. Deputy Speaker, that is to be grounded by the fact that I put out an open challenge now to all five UNC people in this Chamber, a whole five.

Mr. Imbert: So many. [*Laughter*]

Hon. F. Al-Rawi: I put out this challenge demonstrating their interest. We are about to go on the mandatory recess for Parliament sittings in the House and in the Senate, but not for Joint Select Committees. And what I want to see as a matter of record is "who go complain that they tired".

Mr. Young: Wade Mark.

Mr. Deyalsingh: Wade Mark.

Hon. F. Al-Rawi: And not coming to deal with committee work because, Mr. Deputy Speaker, there is a lot of work to be finished and the Members who receive full time pay, the Members who receive pensions and monthly salaries of \$64,000 plus, with millions of dollars in gratuity benefits as Siparia does, those Members who are highest paid as Siparia is better find themselves working in the people's

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Parliament in the Joint Select Committee, because that will tell us who putting sense into the right gear and hard work behind their words. Do not be fooled by sincere faces and sober tones. This will be judged by work product and we will measure and judge the UNC by their level of participation. Fortunately for us nothing in this law requires a three-fifths majority support and we will press on with the work, with the consultation factor of the people of Trinidad and Tobago introducing to this Bill.

As the leader of the PNM Bench, the hon. Prime Minister constantly reminds us, when we are in this Chamber and speaking to you as the Presiding Officer, Mr. Deputy Speaker, we are talking to the people of Trinidad and Tobago. So I know that they are listening tonight. It gives me great pride as an Attorney General to have had paternity of the drafting of this law. I thank my colleagues Sen. Rambharat, members of the Law Revision Committee, et cetera. My task is to draft, that is my task. The policy and hard work as a team work effort I have named every man and honorable woman to the core characteristics of contribution. I can only say this, this law is long overdue. One of the mistakes made was to take it in too large a fashion; three-fifths can stumble you. By far better to bob and move.

Mr. Deputy Speaker, I thank you for the opportunity to contribute.

Mr. Rudranath Indarsingh (*Couva South*): Mr. Deputy Speaker, Mr. Deputy Speaker.

Mr. Deputy Speaker: I recognize the Member for Couva South.

Mr. Lee: That is right. [*Crosstalk*]

Mr. Deputy Speaker: Please, Chief Whip. Chief Whip, I have ruled, I have ruled.

Mr. R. Indarsingh: Thank you, Mr. Deputy Speaker, as I join this debate at this

junction. [*Crosstalk*]

Mr. Deputy Speaker: Members, please.

Mr. R. Indarsingh: I want to tell Trinidad and Tobago and tell the Attorney General of Trinidad and Tobago that the Opposition understands its responsibility under the Constitution and under the Standing Orders of the Parliament of this country. And we will not be bullied if you cannot get your legislative agenda right. If you cannot get your legislative agenda right and because the session is coming to an end, you are bringing a series of legislation to the Parliament trying to rush the work of the Parliament and we understand that Bills or legislation when it comes to this House needs the scrutiny of the Parliament and that is where the role of the Opposition comes into being and also to listen to the views of the stakeholders outside of the Parliament of Trinidad and Tobago.

So to come and talk this nonsense about the Opposition and you want to see if the Opposition will fulfill its role and responsibility, our role is not to the Government, our role is to the people of Trinidad and Tobago [*Desk thumping*] and the stakeholders of this country, civil society and the wider trade union movement and I could go on and on in terms of the number of stakeholders who are very fearful and intimidated by the high handed action of this Government over the last four years, Mr. Deputy Speaker.

But more importantly, Mr. Deputy Speaker, we on this side want to take the opportunity to pay our sense of tribute and recognize the work and the value of Ms. Ida Eversley of the CPC's office in terms of the years of service that she has given [*Desk thumping*] to that office and to the drafting of the legislation and so on in Trinidad and Tobago. And the Member for San Fernando West, Mr. Deputy Speaker, attempted to focus on the Member for Siparia and her contribution in

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terms of when she focused on the issue of the inequity in the allocation of resources and attempted to go in the direction of attempting to tell this House that she lacked maturity and so on in her contribution and competence. I want to tell the Attorney General that he cannot fit in the shoes [*Desk thumping*] of the Member for Siparia from a legal point of view because the record will show that anytime the Member for Siparia has gone to the courts of Trinidad and Tobago she has been successful on behalf of the people of this country, Mr. Deputy Speaker.
 [*Crosstalk*]

9.30 p.m.

Mr. Deputy Speaker, the Member for Diego Martin North/East and the Minister in the Office of the Prime Minister, and so on, seem to be so obsessed with the Member for Siparia and her legal achievements that they cannot come to grips with it up till this point in time. But, Mr. Deputy Speaker, more importantly—[*Crosstalk*]

Mr. Deputy Speaker: Again, Member for Port of Spain North/St. Ann's West, please, you will have the opportunity to join the debate.

Mr. Young: Thank you, Sir.

Mr. R. Indarsingh:—and during his presentation, to focus on the issue of scandals and so on. I want to tell the Attorney General, and all of them on that side, that the biggest scandal to rock Trinidad and Tobago is the Government of Prime Minister, Dr. Keith Rowley [*Desk thumping*] in the last four years. But, more importantly, the local government reform Bill proposal attempts to zero in on the issue of amendments that will see the coining or the bringing into the phrase, the Chief Executive Officer to replace references such as the City Clerk or the Town Clerk and, of course the councillors' term to be varied from three years to four years, and

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so on, and also aldermen to serve four years. And there are a number of other amendments where, for example, the corporations will have a municipal council similar to what was alluded to in terms of—similar to a Cabinet and an executive council; similar to the city council, and so on.

Mrs. Robinson-Regis: Mr. Deputy Speaker, Standing Order 55(1)(b), please.

Mr. Lee: What is that? [*Crosstalk*]

Mrs. Robinson-Regis: But he repeated.

Mr. Deputy Speaker: Overruled.

Mr. R. Indarsingh: Thank you, Mr. Deputy Speaker. Apparently the Leader of Government Business—

Mr. Deputy Speaker: I have ruled, Member. Proceed.

Mr. R. Indarsingh: I will move on, Mr. Deputy Speaker. But more importantly, as I said, these are some of the broad parameters that the Bill attempts to address in terms of the amendments, and so on. But we, on this side, would want the Minister and his team to take into consideration that local government, or the daily-rated employees within the local government fraternity, employs approximately over 25,000 persons, and from the point of view of the 14 regional corporations, 12 are represented by the National Union of Government and Federated Workers Union, and the Port of Spain City Corporation is represented by the Amalgamated Workers Union and the San Fernando City Corporation by the Contractors and General Workers Union.

And as I said earlier on, the Bill, in terms of its proposal, focused on a number of issues, and tonight I want to take the opportunity to focus on some of the proposed amendments which, for me, have some industrial relations implications. And I think that the Minister of Local Government should seek to

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clarify or embrace the views of the stakeholders as we go forward, because it has been enunciated that this particular piece of legislation will, indeed, go before a joint select committee. And I want to go immediately to the proposed amendment that is numbered 33H and under this particular amendment—or proposed amendment:

“A Corporation shall establish its organisational structure in accordance with the Divisions established under section 35A and may with the approval of the Minister with responsibility for finance review its organisational structure.”

Mr. Deputy Speaker, I would want clarification in terms of this particular amendment and its intent because I have been advised that there is a collective agreement which exists between the National Union of Government and Federated Workers and also the CPO, and also the other unions that exist at the Port of Spain City Corporation and the San Fernando City Corporation. And reading from the collective agreement—the most recent collective agreements which currently exist between the National Union of Government and Federated Workers and the CPO—and I want to read from that particular agreement under what is termed “Permanent Employee or Worker”:

A permanent establishment shall be determined by the number of posts and/or occupations required for the maintenance and/or operation of the Government services. For this purpose the number of such posts and/or occupations shall be listed by the employer and shall be reviewed biannually with a view to providing an efficient service to the public.

So I do not know if the commitment that is in the collective agreement will be bypassed, and this is why I seek the clarification in the context now of whether the

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Minister of Finance will be prepared to honour this and also engage in discussions from a biannual point of view in terms of reviewing the organizational structure. And, Mr. Deputy Speaker, I will also go further on into the proposed Bill and amendments as it relates to, under 33, I will go to—not 33, sorry, 34—in section 34(iii):

“by inserting after section 34(1) as renumbered, the following new subsection.”

(2) reads:

“Subject to section 34A a Corporation may—

- (a) employ such persons as it considers necessary for the due performance of its functions;
- (b) set the qualifications for the post in the Corporation; and
- (c) discipline or dismiss its employees.”

Mr. Deputy Speaker, again clarification is needed in the context of whether these posts are monthly-paid or daily-rated employees. And if, indeed, they are monthly-paid posts, then will the Government honour that commitment or engage the Public Services Association from a collective bargaining point of view, and in relation to terms and conditions of employment, and so on? And (3):

“The terms and conditions of service of persons employed by the Corporation shall be set by the Chief Personnel Officer.”

Mr. Deputy Speaker, again, the issue must be asked, because I have in my possession a certificate issued to the majority union, and this was issued on the 25th of January 1973, and it reads:

Pursuant to the provisions of section 86(3) of the Industrial Relations Act, 1972, the Registration, Recognition and Certification Board hereby certifies

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the National Union of Government and Federated Workers as the recognized majority union in respect of the workers employed by the Chief Personnel Officer.

And it goes on to read:

All hourly, daily-rated and weekly-rated employees of the Government of Trinidad and Tobago in respect of whom the Chief Personnel Officer is deemed to be the employer.

And, Mr. Deputy Speaker, as I said, this is sending a message very clearly that—and I am asking the question and seeking clarification from the Minister of Local Government, whether the issue now is that each corporation will engage in its own collective bargaining process, and whether each corporation from a monthly-paid point of view or from a daily-rated point of view, will, as I said, have to engage in the collective bargaining process on an individual basis. And is the Government setting the seeds to undermine the collective bargaining process and the recognition status that is enjoyed by the National Union of Government and Federated Workers Union as it relates to the recognized majority union status that it has over 12 corporations?

Mr. Deputy Speaker, I am also forced to ask the question again, from the point of view—because my colleague, the Member for Tabaquite, touched on this particular issue—what type of employment will exist under this concept of local government reform? Will it be permanent? Will it be contract? Will it be casual or temporary? Or, is the Government going to send home all the workers at the level of the local government both at monthly-paid and daily-rated bargaining units, and then seek to hire on its own terms and conditions? And that is why I am asking what type of labour, from the point of view of category of workers, will continue to

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exist, whether at the Port of Spain City Corporation, the Chaguanas or the Couva/Tabaquite/Talparo? And that is why I am asking whether it will be permanent, contract, and how they will be compensated, and so on.

Mr. Deputy Speaker, that leads me to the very important issue, too, as it relates to pension rights and schemes. 34A(1), proposed amendment:

“A Corporation shall provide for the establishment and maintenance of a pension scheme or arrange for membership in its scheme for its employee.

(2) Without prejudice to subsection (1) a Corporation may, under a pension scheme...”

And it goes on to elaborate about established contributory rates, superannuation schemes and to establish and contribute to superannuation and it goes on to say:

“(b) grant gratuities, pensions”—and so on—“allowances to the surviving spouse, families or dependents”—and so on.

Mr. Deputy Speaker, again, this commitment is being made in this Bill under this proposed amendment, and so on, as it relates to Act 21 of 1990. But, Mr. Deputy Speaker, this is a Government which says one thing and goes in a different direction in terms of execution. And the Attorney General addressed the issue of trust and so on. I want to tell the Attorney General here today that we cannot trust this Government based on their track record, whether it is this PNM or other incarnations of the PNM as it relates to how they have treated with the issue of pension arrangements for daily-rated employees in Trinidad and Tobago. And you may ask why. I do not know—

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 48(1), please.

Mr. Deputy Speaker: Overruled.

Mr. R. Indarsingh: Thank you, Mr. Deputy Speaker. And you, Mr. Deputy

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Mr. Indarsingh (cont'd)

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Speaker, being a practitioner—I am not drawing you directly into the debate—but you may be aware of the history of the lack of pension arrangements, and so on. Because, the issue of trust comes into play because, if my memory serves me right, in 1994/1995, somewhere around that time, under the Government of Prime Minister Patrick Manning—and if you could just bear with me a bit here, I want to read into the record a letter dated the 6th of December 2006 under the heading: “Ministry of Trade: Pension Plan for Daily-Rated Employees”.

Mr. Imbert: A point of order, Mr. Deputy Speaker. There is no clause in this 82 pages that refers to a pension plan for daily-rated workers in the corporation—not one. [*Crosstalk*]

Mr. Deputy Speaker: Member for Couva South, I will give you some time just to expound on your point before I decide to confirm my ruling. Proceed.

Mr. R. Indarsingh: Mr. Deputy Speaker, just to go back, I am commenting on a proposed amendment and under the broad terminology of pension rights and schemes, and in the proposed amendment, as again, I would read into the record:

“A Corporation shall provide for the establishment and maintenance of a pension scheme or arrange for a membership in a scheme for its employee.”

And I am asking the issue, whether it is—because when the Minister piloted this particular piece of legislation he did not focus on what type of pension plans, whether it was for monthly-paid or daily-rated. And I am saying, based on the track record of this Government, I am alerting the daily-rated employees, I am alerting the monthly-paid employees, I am alerting the stakeholders with the recognized majority union status, to be very wary of the Government’s track record, and that is why you cannot trust them, Mr. Deputy Speaker, [*Desk thumping*] because a commitment was made for a pension plan since 2006. And I

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 Mr. Indarsingh (cont'd)

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am reading from a document dated the 6th of December, 2006, from the then Minister of Trade and Industry and Minister in the Ministry of Finance, the late Minister Ken Valley, and under the broad heading: “Pension Plan for Daily-Rated Employees”. And this letter serves to record our agreement reached today, the 6th of December, 2006, at Riverside Plaza—

Mrs. Robinson-Regis: Mr. Deputy Speaker, Standing Order 48(1), please.

Mr. Deputy Speaker: Overruled.

Mr. R. Indarsingh: Thank you, Mr. Deputy Speaker. And again, the letter serves to record our agreement reached on the 6th of December, 2006, at Riverside Plaza on the matter of a pension plan for daily-rated employees:

It is agreed that the following parameters would be used by the actuary in developing the pension plan for daily-rated employees represented by the National Union of Government and Federated Workers—

And it goes on to point out the minimum pension and the pension that will be payable, and so on, at 60 years.

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 48(1) and 55(1)(b).

Mr. Deputy Speaker: Member, on that particular point, Member, have you exhausted it?

Mr. R. Indarsingh: I am just about to tie it up and move on.

Mr. Deputy Speaker: Okay. Well, yeah. Just tie it in quickly please and you can move to your next point.

Mr. R. Indarsingh: Yes, Mr. Deputy Speaker. So, as I said, in 2006 and we are in 2019, and the National Union of Government and Federated Workers and the other stakeholders are still looking forward for the realization for a pension plan and the agreement that was realized in 2006. And that is why I am saying, you cannot trust

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 Mr. Indarsingh (cont'd)

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the PNM in terms of what they have enunciated in this particular piece of legislation [*Desk thumping*] and under this broad commitment of “We Care” and “Let’s do this together”, and so on. At the end of the day, too, this is a Government that continues to cry they do not have money. How will these pension plans be funded? And also—

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 48(1) and 55(1)(b) again. Thank you.

Mr. Deputy Speaker: Again, Member, at this time I have to uphold the Standing Order, so move to your next point, please.

Mr. R. Indarsingh: Yes, Mr. Deputy Speaker. And also from the issue of the Minister when he piloted the Bill, outlined 10 principles and 10 pillars, and so on, and one of the proposed amendments to Act 21 of 1990 was to create what was called “Responsibilities of Divisions of a Corporation” and under the proposed amendment to the 35A(1):

“Each Corporation shall establish administrative divisions with the following responsibilities...”

And it goes on to (j) to say:

“municipal police;”

And I am using the example because I am trying to be as real as I could be, because I interface and interact with the Couva/Tabaquite/Talparo Regional Corporation as a Member of Parliament, and for the last four years we have heard from this Government about the establishment of a municipal police force and about 1,000—not 1,000, sorry, but 100 municipal police officers would be recruited for the benefit of the Couva/Tabaquite/Talparo Regional Corporation. Up till today, Mr. Deputy Speaker, after four years, I cannot say if 10 have been

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allocated to the Couva/Tabaquite/Talparo Regional Corporation.

But more importantly also, where is the commitment to create the enabling environment for this 100 police officers if they are to come to the Couva/Tabaquite/Talparo Regional Corporation? As I say, I have indicated, I interface, I interact, I go to the Couva/Tabaquite/Talparo Regional Corporation and I cannot say—and I could give way to the Minister if he could point me in a direction at this point in time to say that there is a building that has been constructed with the necessary facilities to house female and male officers that meets the OSH requirements, and so on, that are enshrined in this particular piece of legislation, and also the commitment. And that why I am saying that you have to be wary of their pronouncements, and when, indeed, it will become a reality, that is the big question.

And they continue to tell us, and tell the population of Trinidad and Tobago, that these municipal police officers will be used in the fight against crime and to reduce crime, and how it is impacting upon the wider citizenry of this country. Well, I want to tell the Minister of Local Government that, indeed, the constituents of Couva South are still looking for these municipal police officers, just as they are looking for the joint police army patrols, because in the last week Couva South has been rocked with about 16 robberies in the areas of Calcutta, Dow Village and McBean, and so on, home invasions, whilst we continue to hear of promises of the part of the Government to fight crime.

Mr. Deputy Speaker, as I go on to analyse the proposed amendments, I also want to take the opportunity to focus on 35H which focuses on the establishment or the division of the corporation with responsibility for community development and social services which shall be responsible for promoting local and cultural

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community events and sporting activities, and so on. And if you go on to (d):

“assisting the implementation of Central Government social policies and programmes;”

Mr. Deputy Speaker, I would ask: Where is the capacity-building and the financing to come from as it relates to these proposed amendments? I ask this against the backdrop, or against the background, we know of how the floods have impacted upon Trinidad and Tobago in the last two years, and so on, and I am still bombarded by people, constituents who come to my constituency office and also who come to the offices of the councillors that fall into the constituency of Couva South, begging for information in relation to who has received a flooding grant up till today. And that why I would ask the question: How will this assist in the implementation of central government in terms of social policies and programmes—how it will be rolled out in terms of the reality? Because at the end of the day, the Disaster Management Unit of the Couva/Tabaquite/Talparo Regional Corporation, they are the first responders, whether it is from the point of view of fire or flooding and so on.

And, Mr. Deputy Speaker, in the jurisdiction of the Couva/Tabaquite/Talparo Regional Corporation in terms of the geographic land size, approximately 178,000 persons are living within the geography, and I do not know what will be the staffing levels that will be needed and how the Minister will tell us how many persons will be recruited—

Mr. Deputy Speaker: Hon. Member, your initial speaking time has elapsed. You have an additional 15 minutes. You care to avail yourself?

Mr. R. Indarsingh: Yes, Mr. Deputy Speaker, certainly.

Mr. Deputy Speaker: Proceed.

Mr. R. Indarsingh: And thank you very much. So from the point of view of that, we would want to know. Because, for example, I just pointed you in the direction of the land mass and also the amount of persons who are living within the Couva/Tabaquite/Talparo Regional Corporation, and, for example, the Disaster Management Unit has four field officers existing at the moment, and certainly from a first responder point of view, whether it is fire, flooding, and so on, that is not an adequate percentage or an adequate component of staff that is needed to do yeoman service and to bring about a sense of efficiency that we should be striving to.

And as I said, I do not know if the Minister will provide us with the necessary information. And also from the point of view of managing and maintaining the transportation fleet and the equipment of the corporation, Mr. Minister, again your intent is laudable, but I have to deal with the reality and point you in a direction, because if you are not au courant, as my colleague, the Member for Tabaquite had indicated, that if you would have been proactive and would have conducted an assessment, an audit, of the current state of play in the 14 regional corporations, you would have had a true appreciation.

10.00 p.m.

And I am guided, Mr. Deputy Speaker, by the officials at the corporation who have advised me that the present mechanical workshop, which was established in 1992 to deal with 17 vehicles, now has the responsibility of managing over 75 vehicles. And, Mr. Deputy Speaker, in terms of the staff component, it has a daily-paid employee who has been fulfilling the role because of seniority existing, fulfilling the role of being an overseer and being in charge of three mechanics as opposed to—the service commission never filled. Since 1992,

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we are in 2019, the service commission has never filled the vacant position of the Workshop Foreman at the Couva/Tabaquite/Talparo Regional Corporation.

So if we want to address the efficiency and ensure, for example, that all the vehicles, all the 75 vehicles are fully functional and doing the responsibilities that it is supposed to do—because I am being told, for example, that the Hiab, which is supposed to be used in the lifting and moving of equipment and so on, to go out, for example, to service the 104 recreation grounds within the geography of the Couva/Tabaquite/Talparo Regional Corporation, it is down for repairs and there has been no funding under recurrent expenditure for the maintenance of the corporation's fleet.

And again, this bring us to the very important issue of the role of the Minister of Finance and of course, from the point of view at the central government level, and I use this example, the real example. The PNM under Dr. Keith Rowley is in charge of the central government. The Couva/Tabaquite/Talparo Regional Corporation is controlled by the United National Congress. And from a political point of view, can we expect fair play? Can we expect transparency in terms of allocation of finances from the Minister of Finance?

In the current situation, it has not been forthcoming and I want to refer you, Mr. Deputy Speaker, because if they attempt to jump up and you know, they always want to engage in this narrative that the Opposition is not speaking the truth. I want to point you in a direction and read from an article:

“Govt treating us like bastards

UNC councillors complain of a lack of funding

Local government councillors, mayors and chairman are accusing the

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government of neglecting them by refusing to release...funds for basic projects like fixing potholes, installing box drains and clearing waterways in preparation for the rainy season.”

And this was the battle cry of a news conference that was presided over by Opposition Sen. Khadijah Ameen in terms of how the Government was treating UNC-controlled local corporations, Mr. Deputy Speaker.

And that is why I am saying, Mr. Minister, that you need to confront the reality, you need to understand the reality too if you want to realize the laudable goals that you have set out under your 10 pillars when you piloted this particular Bill. Because the reality is, the one motor grader that has the responsibility for 104 recreation grounds is not functioning. Out of the four brush cutters, only one is functional, Mr. Minister, and that is the challenge. You could come here and tell us about all your laudable intents from the point of view of local government reform—if you are not prepared to walk the talk, if you are not prepared to understand what currently exists in the respective corporations, then you are setting out for failure as it relates to what you are attempting to do.

Mr. Deputy Speaker, quickly, I want to focus on the Twelfth Schedule and I really—and the Minister could probably guide me in the direction, clarify, elaborate for the benefit of all. I do not know how the “Dispute and Grievances Procedures” and also the “Disciplinary Code” ended up as the Twelfth Schedule in this particular piece of legislation. Mr. Minister, and again, when I have read the Schedule itself, Step 1, for example:

“The aggrieved employee with or without his Shop Steward shall take up the matter with the Supervisor...within two working days.”

Again, Mr. Deputy Speaker, if you have a recognized majority union, basic

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 Mr. Indarsingh (cont'd)

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common sense will tell you that an aggrieved worker has to be accompanied by his or her union representative. And then you go on to speak about Step 2 and indicate in this particular Schedule, in the Twelfth Schedule:

“If there is no settlement that is Step 1, the employee and/or Union shall take up the matter with the Human Resource Manager...”

And then very quickly, Mr. Deputy Speaker, how many—

Mr. Deputy Speaker: Hon. Member, what page you are quoting from there in the Bill?

Mr. R. Indarsingh: I am speaking directly from the proposed Twelfth Schedule under “Dispute and Grievances Procedures” and also the “Disciplinary Code”. And, Mr. Deputy Speaker, how much time I have again?

Mr. Deputy Speaker: You have just about five minutes. [*Crosstalk*]

Mr. R. Indarsingh: Toco/Sangre Grande, I know you have little or no experience in terms of IR matters and disputes and disciplinary code and so on so. I will forgive you. I will forgive you.

Mr. Deputy Speaker: Member, please, address the Chair.

Mr. R. Indarsingh: But, Mr. Deputy Speaker, as I said, from the point of view in terms of the “Dispute and Grievances Procedures”, after you have met with the Human Resource Manager, if we want to be efficient and there is no agreement, why are we creating an additional layer of bureaucracy to send the matter which is not resolved from your Human Resource Manager to your Chief Executive Officer? That is an additional layer of bureaucracy. Will chief executive officers have the time really to address industrial relations issues and so on?

And it goes on to say:

“If the matter is not heard or the decision is not given within the time

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 Mr. Indarsingh (cont'd)

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allocated either party will have the right to refer the matter to...”—the Minister of Labour.

Mr. Deputy Speaker, again, I do not know which category of employees, whether it is monthly paid or daily-rated because at the end of the day, if it is the daily-paid employees, then the recognized majority unions have a certificate with the Chief Personnel Officer as the employer. Is this setting the seed again to eliminate the Chief Personnel Officer in the whole grievance procedure, in the whole collective bargaining process and so on?

And if you go into the “Disciplinary Code” under 2.8:

“In the case of a permanent worker such a suspension shall be on half-pay.”

What about casual? What about temporary workers and so on?

And again, as I said, if you really are serious about collective bargaining and upholding the principles of meeting and treating and so on, I am saying, Mr. Minister, a grievance procedure and a disciplinary code has no place in a schedule in this particular piece of legislation. It has its place in collective agreements which are registered at the Industrial Court of Trinidad and Tobago.

So from where I stand, Mr. Deputy Speaker, we on this side, led my Member for Siparia, have indicated that we are committed towards supporting progressive reforms. [*Desk thumping*] In fact, we gave dignity to councillors from a local government point of view. The most significant thing that has happened since Act 21 of 2019 is when we established offices for all local government councillors. We gave them secretaries and so on to carry out their work of meeting and treating with their burgesses and so on, a sense of dignity from the point of view of the local government fraternity.

Mr. Deputy Speaker: Two minutes.

Mr. R. Indarsingh: The stakeholders have said to the Government, Mr. Deputy Speaker, that the proposed legislation has a recipe for chaos and it can cause confusion, and that is why we are saying to you, Mr. Minister, that you have a fundamental responsibility through the Joint Select Committee, not to engage in what we would call hearsay or by-the-way consultation.

We must ensure that all stakeholders who are needed to really give the necessary fillip and direction must be brought on board and the Opposition will continue to do its work from a legislative point of view in the Joint Select Committee whether it is simple majority or three-fifths majority. The PNM cannot tell the Opposition how to do its work because we understand our responsibility, whether it is in local government, health, infrastructure the economy and so on. We are the alternative Government of Trinidad and Tobago and we will fulfil that role in this Parliament and outside of this Parliament.

I thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Minister of Local Government and Rural Development.

Ms. Ramdial: Mr. Deputy Speaker, I am on my feet.

Mr. Deputy Speaker: Member, I have ruled. [*Crosstalk*] Member, regardless of what you have said, I have ruled. [*Desk thumping*]

The Minister of Local Government and Rural Development (Sen. The Hon. Kazim Hosein): Mr. Deputy Speaker, I want to thank all the Members who have contributed here this afternoon and indeed, today is a historic day in the life of local government.

Mr. Deputy Speaker, in accordance with SO 68(1), I beg to move that the Miscellaneous Provisions (Local Government Reform) Bill, 2019 be referred to a

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 Sen. The Hon. K. Hosein (cont'd)

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Joint Select Committee hereby established today, 26 June, 2019, and this committee be empowered to consider and report on the general merits and principles of the Bill and report by September 30, 2019. [*Crosstalk*]

Mr. Deputy Speaker, as I said before, I have nothing to respond to because this is going to a joint select committee and I beg to move. [*Desk thumping and crosstalk*]

Mr. Deputy Speaker: Okay, Members, my turn?

Hon. Members: Yes.

Question put and agreed to.

Bill accordingly read a second time.

Sen. The Hon. K. Hosein: Mr. Deputy Speaker, in accordance with Standing Order 68(1), I beg to move that the Miscellaneous Provisions (Local Government Reform) Bill, 2019 be referred to a Joint Select Committee hereby established on the 26th of June, 2019, and this committee be empowered to consider and report on the general merits and principles of the Bill and report by September 30, 2019.

[MADAM SPEAKER *in the Chair*]Madam Speaker, I beg to change the date from September 30th to September 27th. Thank you.

Question put and agreed to.

Sen. The Hon. K. Hosein: Thank you, Madam Speaker. Subject to the concurrence of the Senate on this matter, I beg to move that this House appoint the follow Members to serve on the Joint Select Committee on the Miscellaneous Provisions (Local Government Reform) Bill, 2019:

Mrs. Camille Robinson-Regis, MP

Ms. Marlene Mc Donald, MP

Mr. Anthony Garcia, MP

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 Sen. The Hon. K. Hosein (cont'd)

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Mr. Esmond Forde, MP

Dr. Surujrattan Rambachan, MP

Mr. Rudranath Indarsingh, MP.

I thank you.

Question put and agreed to.

MISCELLANEOUS PROVISIONS (PENSIONS) BILL, 2019

The Minister of Finance (Hon. Colm Imbert): Thank you very much, Madam Speaker. I beg to move:

That a Bill to amend the Retiring Allowances (Legislative Service) Act, Chap. 2:03; the Prime Minister's Pensions Act, Chap. 2:51; and the Judges Salaries and Pensions Act, Chap. 6:02, be now read a second time.

Madam Speaker, this is a very, very straightforward piece of legislation. It is effectively one clause that is fleshed out in three and the purpose of this Bill is to deal with a potential ambiguity in the amendments made to the Retiring Allowances Act, the Prime Minister's Pensions Act and the Judges Salaries and Pensions Act.

During the debate on that miscellaneous provisions Bill, both myself and the Attorney General made it crystal clear that the legislation was not intended to be retrospective, and in keeping with the general rule about legislation, unless it is stated clearly that a piece of legislation is intended to be the retrospective, the general rule is that it is prospective. But issues have been raised with respect to the wording that a potential ambiguity may exist and someone could try to mount to challenge and ask for back pay. It was never the intention of this Government nor this Legislature to create a situation where any retired legislator, judge, Prime Minister or President could seek back pay as a result of these amendments. We

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(Pensions) Bill, 2019 (cont'd)
Hon. C. Imbert (cont'd)

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made it very clear that these new provisions would be going forward.

Now, the general rule again, Madam Speaker, in *Pepper v Hart* is that in the event of ambiguity in legislation, the court can choose to look at the *Hansard* and determine what was the intent of the Legislature. There are three conditions that must be satisfied. Firstly, there must be ambiguity. Secondly, the Legislature must have made a statement with respect to its intentions and thirdly, the statement must have been made by a Minister. This applies in our case. The statements were made by myself as Minister of Finance, by the Attorney General. Our statements were very clear that this legislation was not intended to be retrospective but we decided and you will see how elegantly the amendment is drafted.

“(2) For the avoidance of doubt, subsection (1)...”

—which is the section dealing with the resetting of the pension every five years—

“...shall not be construed as authorising the payment of a revised retiring allowance with respect to a fifth anniversary which occurred before the coming into force of that subsection.”

And that is repeated in the Prime Minister’s Pensions Act amendment and the Judges Salaries and Pensions Act amendment.

As I said, we were advised that *Pepper v Hart* should have sufficed but we want to be doubly sure that we do not create any legitimate or illegitimate expectation to back pay.

I beg to move, Madam Speaker. [*Desk thumping*]

Question proposed.

Dr. Bhoendradatt Tewarie (*Caroni Central*): I thank you, Madam Speaker. I hear the Minister of Finance and I will not be very long on this. It is a simple amendment and the Minister says that the amendment is elegant, repeated three

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Dr. Tewarie (cont'd)

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times. Once for the legislative service, once for the Prime Minister and once for the Judges Salaries and Pensions Act. But the process of managing the passage of this Bill has not been so elegant. The Bill came here, we raised a number of issues, the Leader of the Opposition—[*Crosstalk*]

Madam Speaker: Member for Caroni Central, the only Bill before is this and we would have already debated something else within this session, if I recollect well, that might have been a week or two ago so I am not going to allow us to go back into that debate at all. So what we are dealing is with what is before us, please.

Dr. B. Tewarie: Well, the point I was making is that the process has not been elegant because of the fact that the Bill was amended in the Senate, it came back here—

Mr. Imbert: Madam Speaker, 48(1). We are not speaking about a Bill, we are speaking about an Act. It was assented to and all we are doing is amending an existing Act, not a Bill. We are not debating any previous Bill.

Dr. B. Tewarie: But we are dealing with amendments.

Mr. Imbert: But you are supposed to know; you are not supposed to say that.

Madam Speaker: Yes, but I think Caroni Central, what the Minister of Finance sought to do was to try and put, in another way, what I have already ruled in terms of what we are dealing with is this amendment here. We are not going to open the old debate, which was a debate within this session on a Bill that has been determined and dealt with. So all we can deal with is what is before us and I so rule.

Dr. B. Tewarie: Well, then all I will say, Madam Speaker, is that this amendment represents the final round of the incompetence in the management of this Bill.
[*Desk thumping*]

Madam Speaker: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Thank you very much, Madam Speaker. I expected that sort of response. The fact is that, on an enquiry from our potential beneficiary, we sought legal advice from Senior Counsel. Senior Counsel advised that there could be an ambiguity and, therefore, we are making this amendment to make it doubly sure that even if there is an ambiguity, we are curing it with this Bill. I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

10.30 p.m.

House in committee.

Madam Chairman: Members, we have agreement that this Bill could be taken, all the clauses together. Okay? Thank you very much.

Clauses 1 to 4.

Question proposed: That clauses 1 to 4 stand part of the Bill.

Madam Chairman: Minister of Finance.

Mr. Imbert: It is self-explanatory as are all the other clauses. No amendments.

Madam Chairman: Okay.

Question put and agreed to.

Clauses 1 to 4 ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

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Mr. Mitchell: Division.

Mrs. Robinson-Regis: Division.

The House divided: Ayes 18

AYES

Robinson Regis, Hon. C.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F. Mitchell, Hon. R.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Gadsby-Dolly, Hon. Dr. N.

Mc Donald, Hon. M.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

The following Members abstained: D. Lee, R. Charles, Dr. S. Rambachan, Dr. F. Karim, Dr. B Tewarie, R. Indarsingh, Dr. L. Bodoie, R. Paray and Ms. R. Ramdial.

Question agreed to.

Bill accordingly read the third time and passed. [Desk thumping]

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very much, Madam Speaker. Madam Speaker, I beg to move that the House do now adjourn to Friday the 28th day of June, 2019. Madam Speaker, that day is Private Members Day, and I know the Opposition has already indicated that they will be doing Motion No. 9, and they will be doing Motion No. 1, which is the annulment Motion because, in accordance with Standing Order 80, this must be done at the earliest opportunity, and that Friday will be the earliest opportunity. Madam Speaker, we will take that Motion first.

Mr. Lee: Thank you, Madam Speaker. Madam Speaker, the Motion at No.1, while it is filed under as a Private Members' Motion, it is not really a—it could only have gotten on the Order Paper because, as a Private Members' Motion. [Laughter]

Madam Speaker: Order! Order!

Mr. Lee: Madam Speaker, the Motion of the annulment [*Crosstalk*] is not really a private matter, and it must be treated as such.

Madam Speaker: Have a seat please. Continue.

Mr. Lee: Thank you, Madam Speaker. Madam Speaker, the annulment is a legislative tool that has been provided to ensure proper checks and balances, and it is the view of the Opposition that this Motion of annulment on the Immigration (Amdt.) Regulations, 2019, must be debated on a day separate from Private Members' Day, in an effort to prevent any contraventions of the Standing Orders.

Madam Speaker, Private Members' Day ends at six o'clock. I had given notice to the Leader of Government Business earlier this week that we were prepared to debate Motion No. 9, filed by Caroni East. So I am hoping that if,

Adjournment (cont'd)

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based on the earliest opportunity, the annulment could be done after 6.00 p.m. after Private Members' Day on Friday, and I seek your guidance.

Hon. C. Robinson-Regis: Madam Speaker, thank you very much. Madam Speaker, according to Standing Order 80(3), it says:

“Where notice of a motion to annul a statutory instrument is given, that motion shall be debated as soon as practicable and in any event before the expiration of the period prescribed in paragraph (2) of this Standing Order.”

Madam Speaker—[*Interruption*] may I be allowed? Madam Speaker, this is in fact a Motion under Private Members Business. And Madam Speaker, the Standing Orders are very clear. It must be debated at the earliest possible opportunity. It is a Motion of annulment and, Madam Speaker, we are not denying the Opposition the ability to debate Private Members Motion No. 9. But we are saying that Private Members Motion No. 1, will be the first Motion that is debated on Private Members' Day. There are two Private Members Motions, No. 1 and No. 9. And we are saying that Private Members Motion will be the first one—No. 1 will be the first one debated on that day. There are two Motions there.

Madam Speaker: Well, it is no point we going back and forth, right? Okay. So, the way I see it is, it is really not a matter for me to fix; what is the business. And I would really have thought that this would have been sorted out by the Whip and the Leader before now. So, it is really for you all to decide what the business is going to be and in what order, not for me.

Hon. C. Robinson-Regis: Madam Speaker, I would like to indicate that I did indicate to my friend that we will do this Motion first. Behind the Chair, I did indicate that we would be doing this Motion first. I did not seek concurrence, but I did indicate that we would be doing this one first, and then move to the second Motion.

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Mr. Lee: Madam Speaker, it is Private Members' Day. I had indicated I will do Motion No. 9 and Motion No. 1 after 6.00 p.m.

Madam Speaker: Okay, so I would leave this for you all to decide on Friday. What I know is what the Standing Orders say with respect to Private Members' Day, that it ends at 6.00 p.m. Work can go on after, but it must be Government Business. I leave that as guidance for you all. We will decide that on Friday when we come here.

Hon. Members, there is one matter that qualifies to be raised on the Motion for the Adjournment of the House. I now call upon the Member for Pointe-a-Pierre.

Fetes at Brian Lara Cricket Academy

(Unwarranted Discomfort)

Mr. David Lee (*Pointe-a-Pierre*): Madam Speaker, I know this Motion has been on the Order Paper at least for the four last sittings. Really and truly it is a Motion. Let me read the Motion. It is the appalling distress, severe disturbances and unwarranted discomfort caused to residents of Tarouba, Harmony Hall, Marabella, Gopaul Lands, Vistabella and other surrounding communities, for example, like St. Joseph and other areas around that community, Madam Speaker, due to the fetes at the Brian Lara Cricket Academy, especially those held in the early hours in the morning.

Madam Speaker, for the last 12 months, the areas around, as I just described, have been suffering. The residents and the community have been suffering from loud music of fetes, the music emanating from the Brian Lara Academy.

Madam Speaker the residents have been complaining over the last 12 months, especially the kind of fetes that are allowed for the facility to be rented. I am assuming it is rented. And I think UDeCOTT has the direct responsibility for

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the rental of the academy for fetes, Madam Speaker.

Madam Speaker, because of the location of the Brian Lara Academy and how the sound emanates and the wind blows the sound, people, especially for example, the Member for San Fernando West, in the Vistabella area, people have come to me, friends, and described that, especially in the early hours in the morning like two/three o'clock in the morning, they cannot sleep because the sounds emanating from these fetes wake them up, and they are losing and they are being distressed with the kind of sounds coming out of the Brian Lara Academy.

My good friend here, my Member from Naparima, also suffers from that same noise disturbances caused by the fetes, especially St. Joseph Village and my colleague from Tabaquite and his community and his constituency. San Fernando East is another area that has been suffering.

I know I spoke to the Member for Port of Spain North/St. Ann's West, off the record, to see what could be done. And really and truly it is about getting the EMA involved to ensure that when these fetes are thrown and the facilities are rented, that there is some noise control that is being done to these activities, Madam Speaker. Because the communities are crying out for some sort of relief from these fetes.

Even up to last week when we had the long holiday, they had a fete called Freedom. It started, I think, and it went on till five o'clock in the morning, six o'clock in the morning. I did not go. I did not get any VIP tickets, Arouca/Maloney.

So, really and truly, while we might joke about it, it is a very serious matter and I am really asking the Member for Port of Spain North/St. Ann's West, because I know he traversed the area a couple weeks ago. And, where you see the location,

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you really cannot understand why the disturbance could happen. But because there are no barriers or buildings that the sound travels, Madam Speaker, especially the Vistabella area where the houses are on hills.

So, I am asking the Minister and the Member for Port of Spain North/St. Ann's West, and even Arouca/Maloney, I feel the EMA is under your jurisdiction, to really bring some sort of relief for the residents. It is not for David Lee. It is about the residents. It affects all our communities: San Fernando West, San Fernando East, Tabaquite, Naparima, Pointe-a-Pierre. And I know many residents have come to the office of San Fernando West and San Fernando East looking for some sort of relief. I see the Member for San Fernando East shaking his head. So I am hoping that the Minister who responds, Port of Spain North/St. Ann's West, can assist me in giving an answer and the residents of these communities. I thank you, Madam Speaker.

The Minister of National Security, Minister of Communications, Acting Minister of Foreign and Caricom Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, we have heard what the Member for Pointe-a-Pierre has said. We heard his pleas and his cries. He is quite correct, that this really falls under the purview of the Environmental Management Authority and they have the capability to monitor the noise levels. And we would be asking them to do so. The report that was provided to me suggests that out of all the events held there, there were no incidents. I will leave it as that.

We have heard what they say about the noise. We would not want persons to be discomforted in any way. However, the body that looks after the Brian Lara stadium has reminded us that it is a sporting facility. It is not a facility that was

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made for fetes. It is not a feting facility, and it has been used as a world-class cricket facility. As I say, we have heard what the Member for Pointe-a-Pierre has said. We will consult with the Members for San Fernando East and San Fernando West and Pointe-a-Pierre and we will ask, through the Member for Arouca/Maloney, that the EMA pay some attention to this on the occasions when fetes, as he has called them, are carried out at the facilities.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 10.49 p.m.